



GOVERNMENT OF MALAYSIA



MALAYSIA

ANNUAL COUNTRY REPORT ON TRAFFICKING IN PERSONS (TIP)

1 APRIL 2021 TO 31 MARCH 2022



Council For Anti-Trafficking In Persons and Anti-Smuggling of Migrants,
Ministry of Home Affairs Malaysia



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- **Legislative Committee** – Attorney General's Chambers (AGC)
- **Enforcement Committee** – Royal Malaysia Police (RMP), D3 Bukit Aman
- **Victim Care and Protection Committee** – Ministry of Women, Family and Community Development (MWFCD), namely Department of Women's Development (JPW), Department of Social Welfare (JKM)
- **Media and Publicity Committee** – Ministry of Communications and Multimedia (K-KOMM)
- **Special Committee to Oversee Forced Labour Issues** – Ministry of Human Resources (MOHR), namely the Department of Labour (JTK) (Peninsular Malaysia, Sarawak, Sabah)

3) MAPO Council Members:

- Ministry of Defence (MINDEF)
- Ministry of International Trade and Industry (MITI)
- Ministry of Foreign Affairs (MOFA)
- Ministry of Plantation Industries and Commodities (MPIC)
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ABBREVIATIONS

ACTIP	ASEAN Convention Against Trafficking in Persons, Especially Women and Children
AGC	Attorney General's Chambers
ASEAN	Association of South East Asian Nations
ATIP	Anti-Trafficking in Persons
ATIPSOM Act	Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (Act 670)
Bali Process	Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime
CEDAW	United Nations Convention on the Elimination of Discrimination against Women
CRC	United Nations Convention on the Rights of the Child
CSO	Civil Society Organisations
DPP	Deputy Public Prosecutor
FLNTIP	Forced Labour, Non-Trafficking in Persons
FOME	Freedom of Movement and Employment
HLC	High Level Committee MAPO
ILO	International Labour Organization
IPO	Interim Protection Order
JIM	Immigration Department of Malaysia (Jabatan Imigresen Malaysia)
JKDM	Royal Malaysian Customs Department
JTK	Department of Labour (Jabatan Tenaga Kerja)
JTKSM	Department of Labour, Peninsular Malaysia
JTK Sabah	Department of Labour, Sabah
JTK Sarawak	Department of Labour, Sarawak
K-KOMM	Ministry of Communications and Multimedia (Kementerian Komunikasi dan Multimedia Malaysia)
MAPO	Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Majlis Antipemerdagangan Orang dan Antipenyeludupan Migran)
MAPO Taskforce	MAPO Inter-Agency Task Force
MITI	Ministry of International Trade and Industry
MMEA	Malaysian Maritime Enforcement Agency
MOE	Ministry of Education
MOH	Ministry of Health
MOHA	Ministry of Home Affairs
MOHR	Ministry of Human Resources
MoU	Memorandum of Understanding
MOYS	Ministry of Youth and Sports
MPIC	Ministry of Plantation, Industries and Commodities
MWFCD	Ministry of Women, Family and Community Development
NAPFL	National Action Plan on Forced Labour
NAPTIP 3.0	National Action Plan on Anti-Trafficking in Persons (2021-2025)
NGHTI	National Guidelines on Human Trafficking Indicators
NGO	Non-Government Organisations
NRM	National Referral Mechanism
NSO MAPO	National Strategic Office to the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants
PO	Protection Order
RMP	Royal Malaysia Police
SDG	Sustainable Development Goals
SOP	Standard Operating Procedures
US	United States of America
US TIP Report	US Department of State, Trafficking in Persons Report
TIP	Trafficking in Persons
TVET	Technical and Vocational Educational Training
TVPA	United States' Trafficking Victims Protection Act
VAS	Victim Assistance Specialist

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BACKGROUND

In the United States' Department of State, Trafficking in Persons Report 2021 (US TIP Report 2021), Malaysia was downgraded from Tier 2 Watchlist to Tier 3 as it was reported that the Government of Malaysia did not fully meet the minimum standards for the elimination of trafficking and had not made significant efforts to do so. The US TIP Report 2021 highlighted some steps which the Government of Malaysia had taken to address TIP as well as provided 15 prioritised recommendations for the Government to address.

The Government acknowledges the importance of intensifying the country's efforts in tackling the many issues related to TIP and forced labour exploitation. The Government is cognisant that many parties, both government and non-government, have put in concerted efforts to implement activities and initiatives in line with the National Action Plan for Anti-Trafficking in Persons 2021-2025 (NAPTIP 3.0) to combat TIP more effectively. The softcopy of the NAPTIP 3.0 can be downloaded via http://mapo.bernama.com/pdf/NAPTIP_2021-2025.pdf

As Malaysia moves towards developed-country status, the country's commitments continue to mirror the multi-dimensional spirit of the Sustainable Development Goals (SDG) 2030 in ending TIP by improving gender equality (Goal 5), promoting full and productive employment and decent work (Goal 8), and providing access to justice for all (Goal 16). The SDG 2030 renews the national commitments to protect victims of trafficking through targets 5.2, 8.7 and 16.2 by using age and gender-sensitive lens when addressing TIP wherein women, girls, and boys may be particularly vulnerable. The Government aligned the strategies and programmes in line with the SDGs as well as the **Twelfth Malaysia Plan (12MP)**.

The 12MP with the goal of a Malaysian Family, Prosperous, Inclusive, and Sustainable also provides a major focus on strengthening national security and public order. The Government will continuously increase crime prevention, rehabilitation, and emergency preparedness efforts as well as safeguard the welfare of members and undertake initiatives to curb TIP in Malaysia. The strategies of the 12MP aim to affirm fair and equitable treatment of victims in line with national commitment in the domestic legal framework such as National Security Policy, Security and Public Order Policy, Ministry of Home Affairs (MOHA) Strategic Plan 2021-2025, and NAPTIP 3.0. These strategies are also in tandem with regional and international obligations, namely the United Nations Convention Against Transnational Organized Crime (UNTOC) and The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (TIP Protocol).

For this current reporting period, the Government is intentional in publicising and showcasing these collective and collaborative efforts through the publication of this Annual Country Report which will provide a comprehensive picture of the significant efforts undertaken to combat TIP over the 12-month reporting period. **The Annual Country Report** marks the Government's openness and transparency in **reporting the country's anti-TIP efforts** and provides a "report card" for the Government and others to evaluate the country's performance

and efforts in combatting TIP. **This report is also a manifestation of the Government's sincerity in recognising and appreciating its partners** and those who have come on board with the Government in its fight against TIP and forced labour exploitation.

EXECUTIVE SUMMARY

The Annual Country Report is presented in accordance with the National Action Plan on Anti-Trafficking in Persons 2021-2025's (NAPTIP 3.0) four strategic pillars, namely (1) Prevention, (2) Prosecution & Enforcement, (3) Protection, (4) Partnership, followed by the 5th section on Monitoring & Evaluation (M&E). The significant activities, initiatives, and achievements related to their respective strategic pillars are highlighted, with references to the TVPA Minimum Standards, Prioritised Recommendations in the US TIP Report 2021, and the NAPTIP 3.0 as indicated. From the Annual Country Report, it can be evidently seen that the **Government has intensified its efforts to meet the minimum standards for the elimination of TIP and has effectively responded to the prioritised recommendations as well as successfully implemented the activities and initiatives as outlined in the NAPTIP 3.0** accordingly during the current reporting period. The following are some milestones achieved and notable efforts undertaken during the current reporting period:

PREVENTION

One of the most significant and historic moments in Malaysia's fight against TIP and forced labour exploitation is the **successful ratification of the International Labour Organization's (ILO) Forced Labour Convention, Protocol 29** on 21 March 2022. This elevates Malaysia's commitment to eliminating trafficking in persons and forced labour exploitations. It is also the culmination of **several positive actions taken by the Government to protect the interests of workers** including the proposed amendments to the Employment Act to address forced labour, the implementation of the National Action Plan on Forced Labour (NAPFL), the Recalibration Programme to regularise or repatriate undocumented/irregular migrants, the establishment of a grievance reporting system called Working for Workers (WFW), and imposing the Employment Injury Scheme for Foreign Workers. The Government has also **intensified its awareness and prevention programmes to inform and educate the public** through a national campaign and increased dissemination of information via print, television, radio, and social media as well as **targeted efforts at employers and employees** in various sectors, including in the rural areas. Another major effort to inform the public as well as migrant workers on issues relating to TIP, including reporting suspicious TIP activities, is the **MAPO Chatbot** which was launched in conjunction with the World Day Against Trafficking in Persons 2021.

PROSECUTION AND ENFORCEMENT

The Government further affirmed its commitment to **increase its efforts to prosecute and convict more trafficking cases** with the enforcement of the amendments to the ATIPSOM Act starting 22 February 2022. During the current reporting period, **the Government intensified its efforts to combat forced labour and TIP** which include **identifying TIP victims among vulnerable groups, nationwide operations to clamp down on trafficking syndicates and forced labour practices and conducting inspections** in sectors prone to trafficking and forced labour such as plantations and manufacturing. A special operation was launched across a few states **to crack down on public officials**

who colluded with traffickers involved in babyselling syndicates. **An integrated Special Task Force was expediently formed to respond to allegations of child labour in Sabah.** With the increased efforts by law enforcement to convict and prosecute more trafficking cases, **the number of convictions for the current reporting period increased significantly by 400%** from 21 convictions in the reporting period 2021 to 113 convictions in the current reporting period 2022. **On top of that, a total of RM105,300.00 was paid as compensation to the victims.**

PROTECTION

With the recent amendment to the ATIPSOM Act, the **Ministry of Women, Family and Community Development (MWFCD) has been further empowered and reinforced** in its role as the Lead of the Victim Care and Protection Committee to fulfil the Government's commitment to providing victim care and protection according to best practices that are victim-centred and trauma-informed. One of the significant efforts under the Protection pillar was the development of MWFCD's training **manuals on TIP victim care and protection** for Protection Officers, shelter personnel, and other parties related to protection services by **MWFCD in collaboration with its NGO partners**, Global Shepherds Berhad (GSB) and International Justice Mission (IJM) Malaysia. The rollout of the capacity building programmes based on the training manuals had commenced with a Training of Trainer (ToT) session on 9-10 March 2022 for shelter managers and senior personnel from all the 10 TIP shelters in the country. Another noteworthy achievement is the **expansion of the Victim Assistance Specialist (VAS) Programme** from the pioneer two VASs in 2019 to a total of six VASs by the end of the reporting period. By April 2022, two more officers from D11 of the Royal Malaysia Police will be confirmed as VAS, bringing the total number of VASs to eight. Care and protection services at the shelter homes have been enhanced such as increasing victims' access to communication with their family members by offering weekly calls including the use of video call. The Government has taken concrete action by **increasing the number of victims with the freedom to move and employment (FOME). 102 victims were granted the freedom to move (FOM) as compared to 76 in the previous reporting period. 11 out of the 102 victims successfully secured employment as compared to one in the previous reporting period.** MWFCD engaged with IJM to **establish an interpreters' mechanism to offer interpreter services** to enforcement agencies, VAS, Protection Officers, shelter personnel as well other NGO. **The Government also continued to support two NGO shelters financially by allocating RM785,000.00, an increase of about RM30,000.00 from the previous reporting period.**

PARTNERSHIP

The Government remains committed to strengthen partnership with relevant stakeholders at the local, regional, and international levels to combat TIP. On 17 March 2022, **three NGOs namely Tenaganita, GSB, and National Council for Women Organization (NCWO) were recognised as 'Sahabat KDN' for their continuous efforts in partnering with the Government on TIP issues.** In addition, the Government actively participated in **bilateral engagements/collaborations** with countries such as the United States of America (US), Republic of Indonesia, Republic of Bangladesh, People's Republic of China, Republic of India, Republic of Myanmar, Thailand, and Socialist Republic of Viet Nam. As one of the founding members of ASEAN and party to the ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), the Government of Malaysia continues to leverage on the regional partnerships to further its fight against TIP, including **developing bilateral agreements/MoUs with sources countries.** At the moment, the Government has inked MoUs with Bangladesh and Indonesia.

MONITORING AND EVALUATION (M&E)

A notable output of the M&E process during the current reporting period is the development and publication of this Annual Country Report on TIP that showcases Malaysia's collective efforts in tackling the issues of TIP and forced labour exploitation. It is in line with NAPTIP 3.0's commitment which the Government will continue to fulfil.

This Annual Country Report 2022 is a testament to the utmost commitment and efforts of the Government of Malaysia to combat TIP and forced labour exploitation together with its dedicated partners, which include NGOs, CSOs, and international organisations. The Government continues to be focused and guided by the strategic direction set forth in the NAPTIP 3.0 and endeavours to keep improving on its anti-TIP efforts going forward.

THE MINIMUM STANDARDS UNDER THE U.S. TRAFFICKING VICTIMS PROTECTION ACT (TVPA)

The US TIP Report divides nations into tiers based on their compliance with standards outlined in the Trafficking Victims Protection Act (TVPA) of 2000, which considers 12 criteria in evaluating whether serious and sustained efforts to eliminate severe forms of TIP have been made by governments. This section highlights the efforts made by the Government of Malaysia in complying with the TVPA's minimum standards, with references shown to the relevant sections in the Annual Country Report.

No.	Summary of Criteria for the TVPA Minimum Standards	Remarks / Reference in Country Report	
		Pillar	Section
1	Vigorously investigate, prosecute, convict, and sentence acts of severe forms of TIP.	2. Prosecution & Enforcement	2.3, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.12, 2.17, 2.18
2	Protects victims of severe forms of TIP, encourages their assistance in investigation and prosecution, training officials in identification and treatment of TIP victims.	2. Prosecution & Enforcement 3. Protection	2.15, 2.16 3.3, 3.4, 3.6, 3.7, 3.9, 3.11, 3.12, 3.13
3	Adopts measures to prevent severe forms of TIP, measures to prevent the use of forced labour or child labour, effective bilateral, multilateral or regional cooperation, effective policies or laws regulating foreign labour recruiters.	1. Prevention 2. Prosecution & Enforcement 4. Partnership	1.1, 1.2, 1.3, 1.7, 1.9 2.1, 2.2, 2.3, 2.4, 2.5 4.1, 4.2, 4.3, 4.4, 4.6, 4.9
4	Cooperates with other governments in investigations and prosecution of severe forms of TIP, entered into bilateral, multilateral, or regional law enforcement cooperation and coordination.	4. Partnership	4.1, 4.2, 4.3, 4.4, 4.5
5	Extradites persons charged with acts of severe forms of TIP.	Malaysia is an ASEAN Member State and therefore, the Government abides by the agreement and understanding of ASEAN in terms of extradition treaties. Besides, Malaysia has an extradition treaty with: <ul style="list-style-type: none"> i. Thailand ii. Indonesia iii. USA iv. Hong Kong v. Australia vi. India vii. Republic of Korea viii. Ukraine ix. Pakistan 	
6	Monitors immigration and emigration patterns for evidence of severe forms of TIP.	1. Prevention 2. Prosecution & Enforcement	1.1, 1.3 2.3

No.	Summary of Criteria for the TVPA Minimum Standards	Remarks / Reference in Country Report	
		Pillar	Section
7	Vigorously investigate, prosecute, convict, and sentence public officials who participate in or facilitate severe forms of TIP.	2. Prosecution & Enforcement	2.7
9	Entered into effective, transparent partnerships, cooperative arrangements, or agreements with domestic CSOs, private sector, international organisations, or the United States in fighting against TIP.	1. Prevention 2. Prosecution & Enforcement 3. Protection 4. Partnership	1.7, 1.8 2.12 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.9, 3.11, 3.12 4.1, 4.2, 4.3, 4.4, 4.5, 4.7
10	Systematically monitors its efforts and makes available publicly periodic assessment of such efforts	1. Prevention 5. Monitoring & Evaluation	1.7 5.1
11	Achieves appreciable progress in eliminating severe forms of TIP.	2. Prosecution & Enforcement	2.5, 2.6, 2.7, 2.8, 2.18
12	Made serious and sustained efforts to reduce the demand for commercial sex acts and participation in international sex tourism by its nationals.	2. Prosecution & Enforcement	2.8

THE PRIORITISED RECOMMENDATIONS FOR MALAYSIA IN THE U.S. TIP REPORT 2021

The US TIP Report 2021 provided a total of 15 prioritised recommendations for the Government of Malaysia to improve on its efforts to combat TIP. In this current reporting period, the Government has made significant efforts to address the issues of TIP and forced labour exploitation above and beyond the 15 prioritised recommendations. This section highlights the efforts made by the Government that response to the 15 recommendations, with references shown to the relevant sections in the Annual Country Report.

No.	Recommendations	Response in Country Report	
		Pillar	Section
1	Increase efforts to identify trafficking victims among vulnerable populations, including household workers and palm oil plantation workers.	2. Prosecution & Enforcement	2.3, 2.5, 2.6, 2.10
2	Increase efforts to prosecute and convict more trafficking cases as distinct from migrant smuggling including those involving complicit officials and forced labour crimes.	2. Prosecution & Enforcement	2.1, 2.2, 2.7, 2.18
3	Make public the results of investigations involving corrupt officials to increase transparency and deterrence and hold officials criminally accountable when they violate the law.	1. Prevention 2. Prosecution & Enforcement	1.7 2.7
4	Increase law enforcement capacity to investigate and prosecute trafficking cases, including by improving interagency coordination.	2. Prosecution & Enforcement 4. Partnership	2.3, 2.6, 2.8, 2.13, 2.15, 2.16, 2.18 4.7, 4.8
5	Improve case management and communication with trafficking victims, including through an expanded Victim Assistance Specialist program.	3. Protection	3.3, 3.12
6	Expand labor protections for domestic workers and investigate allegations of domestic worker abuse.	1. Prevention 2. Prosecution & Enforcement 4. Partnership	1.1, 1.2, 1.5 2.6, 2.12 4.9
7	Take steps to eliminate recruitment or placement fees charged to workers by recruiters and ensure recruitment fees are paid by employers.	1. Prevention	1.1, 1.2, 1.3, 1.9
8	Expand efforts to inform migrant workers of their rights and Malaysian labour laws, including their rights to maintain access to their passports at any time, as well as opportunities for legal remedies to exploitation.	1. Prevention 3. Protection 4. Partnership	1.1, 1.2, 1.5, 1.7, 1.8 3.12 4.6
9	Create a system for access to timely and accurate interpretation in victims' primary languages available to law enforcement, the court system, and shelters.	3. Protection	3.6

No.	Recommendations	Response in Country Report	
		Pillar	Section
10	Continue to expand cooperation with NGOs, including through financial or in-kind support to NGOs to provide some victim rehabilitation services.	1. Prevention 3. Protection 4. Partnership	1.1, 1.6, 1.7, 1.8 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9(a), 3.9(b), 3.9(e), 3.9(g), 3.11 4.7, 4.10
11	Effectively enforce the law prohibiting employers from retaining passports without employees' consent, including by increasing resources for labour inspectors, and include language explicitly stating passports will remain in the employee's possession in model contracts and future bilateral memoranda of understanding with labour source countries.	2. Prosecution & Enforcement 4. Partnership	2.4, 2.9 4.9
12	Increase the number of trafficking victims who obtain approval for freedom of movement from shelters, expand freedom of movement to include unchaperoned movement, and increase victims' access to communication with people outside shelter facilities, including through telephone calls.	3. Protection	3.9(c), 3.9(f)
13	Train relevant officials, including labour inspectors and immigration officials, on SOPs for victim identification that include information on trafficking indicators.	2. Prosecution & Enforcement 3. Protection	2.13, 2.15, 2.16 3.9(g)
14	Reduce prosecution delays, including by providing improved guidance to prosecutors on pursuing trafficking charges, and increase judicial familiarity with the full range of trafficking crimes, particularly forced labour.	2. Prosecution & Enforcement	2.13
15	Increase efforts to identify trafficking victims among Chinese workers on Chinese-government affiliated infrastructure projects.	2. Prosecution & Enforcement	2.10

SECTION 1

PREVENTION



“ It is essential to realise that **trafficking victims and the survivors are fundamentally the **key actors** in the fight against trafficking in persons ”**

YB Dato’ Seri Hamzah bin Zainudin
Minister of Home Affairs
30 July 2021

In NAPTIP 3.0, Prevention relates to both the efforts of preventing people from becoming victims of TIP as well as deterring people from committing the offence of TIP. This includes measures such as awareness campaigns amongst the general public and targeted communities or vulnerable groups, and other activities to reduce the potential of people becoming involved in or supporting TIP and exploitation. In the current reporting period, the Government has made remarkable efforts to prevent TIP and eradicate forced labour exploitation, most notably, the ratification of the International Labour Organization's Convention No. 29 (Forced Labour) or Protocol 29 and the development of the National Action Plan on Forced Labour (NAPFL).

1.1 Ratification of Protocol 29 – Protocol of 2014 to the Forced Labour Convention, 1930

The Government has taken a **historic and concrete step forward in its commitment to tackle and eradicate forced labour** in the country. On 21 March 2022, Malaysia has formally ratified the ILO Convention No. 29 (Forced Labour), also known as Protocol 29. Malaysia is the fifth country in the Asia Pacific and the second country in ASEAN to ratify Protocol 29. **With the ratification, the Government has significantly strengthened its stance to prevent forced labour, protect workers, uphold their rights, and ensure their access to justice.**

In addition, Malaysia has ratified Convention No. 98 (Collective Bargaining), Convention No.100 (Equal Remuneration) and Convention No.138 (Minimum Age), Convention No.131 (Minimum Wage), and Convention No.182 (Worst Forms of Child Labour). These conventions provide useful guidance in determining Malaysia's obligations with respect to the protection of the rights of foreign workers.

Malaysia has also become a **Pathfinder Country with the Alliance 8.7** which is a global partnership to work on enhancing efforts to eradicate forced labour, modern slavery, and child labour around the world. In line with this, the Government has made significant efforts in collaborating with various stakeholders, including source countries for migrant workers, as well as forming strategic partnerships with the United States of America and United Kingdom to address forced labour. (Refer to Section 4: Partnership for more details).

Forced labour has long been a pressing issue that plagues developing nations, including Malaysia. In Malaysia, forced labour is often associated with migrant workers due to their vulnerability and the country's high reliance on migrant workers in labour-intensive sectors and industries. Hence, the Government has continuously planned and implemented various initiatives to monitor as well as prevent forced labour in the country.

Several key initiatives undertaken by the Government during the current reporting period, particularly through MOHR, have been designed to address forced labour issues and improve labour protections and working conditions of migrant workers, such as the amendments to the Employment Act to address forced labour, development and implementation of the NAPFL, Recalibration Programme, WFW System, and Employment Injury Scheme for Foreign Workers. Many of these efforts are the result of a collaborative and consultative process with various stakeholders encompassing government ministries/agencies, CSOs, international organisations, workers' and employers' organisations, and private sector/businesses.

These efforts affirm the Government's commitment to adhere to international standards/requirements to address and eliminate forced labour in the country. This is **in line with recommendations #6, #7, #8, and #10 of the US TIP Report 2021**.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
43	Prosecution & Enforcement	1	i	1	S1	G1
44	Prosecution & Enforcement	2	i	1	S2	G1
45	Prosecution & Enforcement	2	i	2	S2	G1
57	Prosecution & Enforcement	10	ii	2	S20	G2

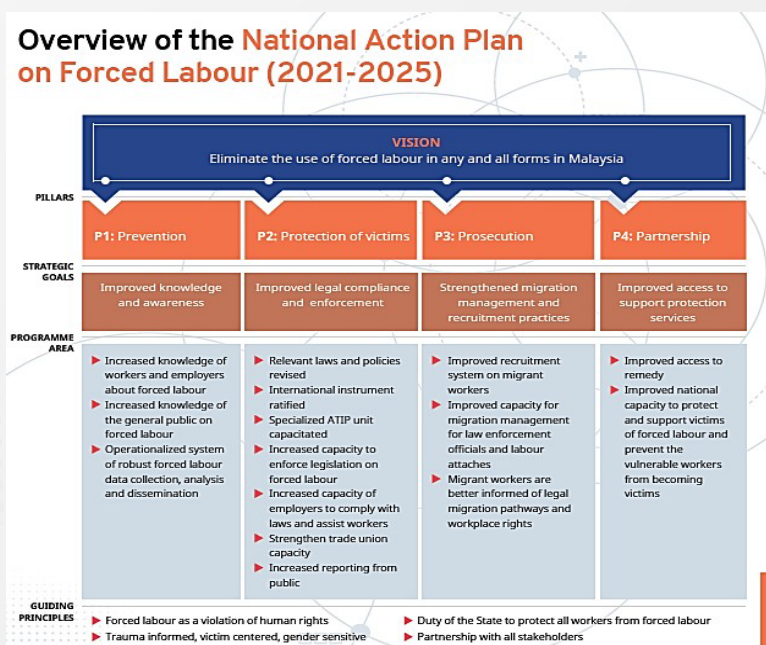
1.2 Development and Launch of the Inaugural National Action Plan on Forced Labour (NAPFL)

The Government launched the **National Action Plan on Forced Labour (NAPFL) 2021-2025** on 26 November 2021, which was developed by MOHR with technical assistance from the ILO and through a consultative process with relevant stakeholders from government ministries/agencies, employers' association, trade union, international organisations, and CSOs. The NAPFL was developed in line with the National Action Plan on Trafficking in Persons 2021-2025 (NAPTIP 3.0) as well as the National Action Plan on Business and Human Rights, which is currently being developed by the Legal Affairs Division, Prime Minister's Department. **The NAPFL focuses on awareness, enforcement, labour migration as well as access to remedy and support services to eliminate forced labour in Malaysia.** The NAPFL marks the Government's **resolute commitment to work collaboratively with those who share the same goal of eliminating the use of any and all forms of forced labour in Malaysia.** MOHR will continue its engagement with employers and businesses to raise awareness of the NAPFL and to encourage good practices to combat forced labour. The development and implementation of the NAPFL are **in line with recommendations #6, #7, and #8 in the US TIP Report 2021** relating to addressing issues on recruitment and protecting the rights of migrant workers.

The softcopy of the NAPFL document can be downloaded via <https://www.mohr.gov.my/ebook/National%20Action%20Plan%20On%20Forced%20Labour/NAPFL%202021-2025.pdf>

The summary of the NAPFL is shown in Diagram 1 below:

Diagram 1: Overview of the NAPFL



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
39	Prevention	4	ii	1	S12	G3
40	Prevention	4	ii	2	S12	G3
77	Partnership	4	i	2	S28	G8

1.3 Implementation of Recalibration Programme

The Recalibration Programme undertaken by the Immigration Department of Malaysia (JIM) is a humanitarian and economic initiative offered by the Government to undocumented/irregular migrants (i.e. those who have overstayed, entered, and stayed in Malaysia without a valid pass or violated conditions stipulated in the pass) which gives them two options:

- To be regularised through the issuance of a valid pass for the purpose of working in Malaysia legally as a documented foreign worker (reintegration option that is available until 31 March 2022); or
- To be repatriated voluntarily to their country of origin with the exemption of prosecution (return option that is available until 30 June 2022).

This programme initially commenced on 16 November 2020 until 31 December 2021 as a result of the Covid-19 global pandemic which required the Government to increase its efforts to effectively manage the undocumented/irregular migrant situation in Malaysia for the health and safety concerns of all in the country. The Recalibration Programme has received a positive response as it allowed undocumented migrant workers to return with dignity or to be legally employed.¹

The statistics of the Recalibration Programme as of early March 2022 are as follows:

- Return Recalibration Programme (Voluntarily):
 - 222,321 registered
 - 191,702 returned
- Reintegration Recalibration Programme:

A total of 418,565 undocumented migrants has registered for the Reintegration Recalibration Programme with a total of 174,796 individuals verified. A total of 160,783 applications from the employers were processed thus far. The remaining applications are currently still being processed accordingly. The Reintegration Recalibration Programme for undocumented/irregular workers involves **strategic cooperation between the Ministry of Home Affairs (MOHA) and the Ministry of Human Resources (MOHR)**. The objective of implementing this plan is to

¹<https://www.thesundaily.my/local/illegal-immigrants-express-gratitude-over-return-recalibration-initiative-XE8170033>

facilitate the country’s economic recovery by helping relevant industries to get workers for sectors that are less popular with locals considering the moratorium on foreign recruitment due to the Covid-19 pandemic. Besides that, this programme also helps the Government to obtain more accurate data regarding the number of undocumented/irregular migrants in Malaysia to ensure a more coordinated response by the authorities, particularly in the Government’s efforts to tackle the pandemic through a comprehensive vaccination programme.

The Reintegration Recalibration Programme enables Department of Labour (JTK) to ensure that employers hire these migrant workers through the appropriate channel and comply with the relevant regulations. It also removes any involvement of agents or middlemen, and thus, eliminates recruitment or placement fees charged to the workers. The Recalibration Programme contributes to reducing the risk of the migrant workers being exploited and becoming victims of labour trafficking as it gives them the opportunity to be regularised or to go home voluntarily. These measures are **in line with recommendation #7 in the US TIP Report 2021**.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
35	Prevention	2	(additional)	1	S10	G3
35	Prevention	2	(additional)	2	S10	G3

1.4 Development of the Working for Workers (WFW) System

The establishment of the Working for Workers (WFW) mobile application in May 2021 provides an online platform for all workers to file complaints and grievances without having to be physically present at the Department of Labour Office.

WFW is an innovative digital channel for all employees in Malaysia to have access to a **safe grievance mechanism** that allows them to voice concerns without fear of punishment. The WFW facilitates communication between workers and management and the Government regarding problems that could arise in the workplace. Through the WFW platform, workers can provide feedback on company practices and workplace issues, particularly those directly impacting workers' employment concerns and welfare and those relating to social responsibility standards.

Among the key features of the WFW that benefits the employees are as follows:

- a. An established procedure that is easy to understand.
- b. A mechanism that ensures the confidentiality of the person making the report.
- c. A mechanism that allows employees to report grievances to relevant Government agencies.
- d. A mechanism for Government to follow up on reported grievances that will be communicated to the employees.
- e. A mechanism for monitoring company practices and workplace issues raised.
- f. Available on Android and iOS.
- g. Fast and accurate reporting by the workers
- h. All reported grievances are recorded and monitored for action through dashboard reporting.

Since its inception, the WFW has recorded a total of 14,632 cases of complaints, with a total of 14,264 cases resolved, 276 pending inspections, 45 pending verification, and 47 pending endorsements. To date, **there are 17 categories of complaints that correspond to the indicators of forced labour**, which include late payment of wages, employer not allowing employees to work from home during MCO, unlawful deduction of wages, termination without notice, no payment for overtime and termination benefits, employer not following minimum wage, no employment contract, and no annual leave.

The information from the WFW app has allowed MOHR to understand the real problems faced by workers on the ground and subsequently enabled the Ministry to conduct better-targeted inspections.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
33	Prevention	1	i	2	S9	G3

1.5 Employment Injury Scheme for Foreign Workers

Effective 1 January 2019, foreign workers are covered under the Employees' Social Security Act 1969 (Act 4) and employers are required to register their foreign workers with PERKESO for the **foreign workers to receive social security protection through the Employment Injury Scheme for Foreign Workers**. This scheme provides social security protection for foreign workers, including domestic workers, against accidents or occupational diseases in association with their job or while performing their job. The newly recruited foreign workers from 1 January 2019 are required to be registered with PERKESO, while the existing foreign workers with valid Foreign Workers Compensation Scheme (FWCS) may register with PERKESO a day after the expiration of their FWCS.

Starting 1 January 2020, employers are required to register their foreign workers with PERKESO even if their existing FWCS has not expired. This social security coverage has also been extended to include Foreign Domestic Workers starting 1 June 2021. While newly recruited foreign domestic workers from 1 June 2021 must be registered with PERKESO, existing foreign domestic workers who are already insured may be registered with PERKESO after the expiry of this insurance policy on 31 May 2022. Starting 1 June 2022, foreign domestic workers are required to be registered with PERKESO even if their existing insurance policy has not expired. As of 12 March 2022, there are 2,004,863 foreign workers who are registered with PERKESO (cumulative figure) and from this figure 5,454 foreign domestic workers are registered with PERKESO.

Registration can be carried out online via the PERKESO ASSIST portal or by submitting the registration form to the nearest PERKESO office across Malaysia. Foreign workers must possess a valid passport and work permit during the registration process with PERKESO. The employer is required to contribute 1.25% of their workers monthly wages to FWCS. As part of the Government's initiative to ensure that the foreign workers are covered with social security protection in Malaysia, registration with PERKESO has also become one of the pre-conditions for work permit renewal by the Immigration Department of Malaysia starting 1 July 2020.

If the foreign workers are involved in an Employment-Related Injury, benefits claimable under the scheme include the Medical Benefit, Temporary Disablement Benefit, Permanent Disablement Benefit, Constant-Attendance Allowance, Rehabilitation Facilities, Dependents' Benefit, and Funeral Benefit. If the foreign worker's cause of death is Non-Employment-Related Injury, the cost of repatriation of the deceased foreign worker to the home country may be reimbursed by PERKESO.

During this reporting period, continuous engagements with the stakeholders and employers have been conducted by SOCSO on domestic workers' awareness. SOCSO also engaged with the media such as TV3, BERNAMA, Astro AWANI, RTM1, and print media in promoting the coverage of domestic workers under the Employment Injury Scheme.

With this initiative, the Government continues to promote labour protections for foreign workers, including domestic workers, and expand its efforts to uphold and inform workers of their rights and benefits. This is **in line with recommendations #6 and #8 in the US TIP Report 2021**.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
37	Prevention	2	(additional)	2	S10	G3
57	Prosecution & Enforcement	10	(additional)	1	S20	G5

1.6 Development of Guidelines for Youth in Combatting Human Trafficking and Smuggling of Migrants

In 2021, the Ministry of Youth and Sports (MOYS) through the National Youth and Sports Department (JBSN) in collaboration with the Malaysian Youth Parliament Alumni Association and the National Strategic Office (NSO MAPO), Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO) for the first time has organised a Youth Guidelines Workshop on Combatting Human Trafficking and Smuggling of Migrants on 23-25 November 2021. The proposed guidelines aim:

- To increase the understanding and knowledge of youth related to the issue of TIP and smuggling of migrants (SOM) in terms of security and law through the use of social media and other various sources;
- Provide awareness through sharing experiences of victims of human trafficking syndicates as well as guidance in identifying the issues;
- To train, empower, and enhance youth through exposure to the factors of TIP and SOM which include acts and punishments; and
- Produce guidelines on the role of youth in combatting TIP and SOM.

The guidelines can be used for information dissemination and awareness as well as advocacy to the youth. Cooperation among youth organisations and government agencies plays an important role in raising awareness on this crime among youths. Information sharing is an important element in disseminating the relevant and necessary information for awareness.

In its efforts to reach out to youths, the Government supports as well as cooperate with relevant NGOs such as Project Liber8 and Stop Human Trafficking (SHUT) which conduct youth outreach programmes to raise awareness and change youths' perspective on issues such as TIP and rights of foreign workers. This is **in line with recommendation #10 of the US TIP Report 2021** on expanding cooperation with NGOs.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
37	Prevention	3	i, ii, viii	1	S11	G3

1.7 Awareness/Prevention Campaigns and Outreach Programmes

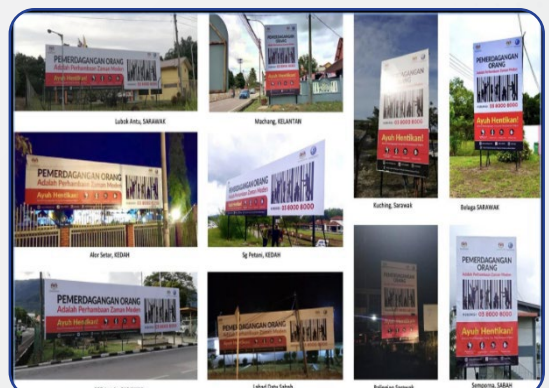
Since 2009, the **Ministry of Communications and Multimedia Malaysia (K-KOMM)** has been the lead agency for the **Media and Publicity Committee** (JKMP) under MAPO. K-KOMM together with the MOHA and in collaboration with ministries/departments/government agencies, the media, NGOs, and other stakeholders/related parties are committed in the joint effort to eradicate crimes related to TIP, which is the top priority of the national agenda.

K-KOMM has launched a **nationwide campaign that is more comprehensive, aggressive** and has a high impact on raising awareness and combatting TIP in Malaysia. The objectives of the campaign are:

- to increase the awareness and understanding of the public on TIP and the ATIPSOM Act;
- to increase concern and foster an attitude of responsibility with the people;
- to increase cooperation between government agencies, private sectors, and NGOs in combatting TIP; and
- to assist enforcement agencies in stepping up efforts to prevent and combat the crime of TIP and SOM.

Integrated cooperation in implementing this campaign has **succeeded in having a positive impact**. A general survey conducted by K-KOMM found that more people are aware about TIP. The promotion and publicity efforts are important as they contribute to increasing the awareness and understanding of the public on TIP as well as fostering stronger cooperation from all walks of life to jointly combat TIP and SOM.

The **Media and Publicity Committee** has been actively producing and airing numerous public service radio broadcasts, television segments, Info on Wheels (IoW) or Mobile Information, billboards, and banners to **raise awareness on TIP issues and to promote the Government's efforts in combatting this crime**, including **publicising successful stories** of the Government's anti-TIP efforts to prosecute perpetrators. Overall, there were a total of 120,462 Public Service Announcements (PSA) done via radio, 1,344 PSA via television, 11 television interview slots, 16 radio interview slots, 240 online news, 664 IoW programmes, 10 billboards, 82 digital screens at 21 AEON Mall outlets nationwide, and one new brochure regarding TIP made during the reporting period. In promoting cooperation and partnership with the NGOs, representatives from NGOs were also featured in some of the interviews with media.



A total of 200,000 copies of the **MAPO 2021 brochure on TIP** were printed and **distributed to the public throughout Malaysia**. The brochure is uploaded on the Department of Information Malaysia's (JaPen) website in digital format (e-Book). Apart from that, MAPO Special Website has been available since 2021. This website displays general/important information on MAPO and TIP, directories including **hotline number**, news, photos, infographics, statistics, and videos about TIP. This site also displays a link to the MAPO e-learning portal which contains courses and training related to MAPO.

One of the significant efforts in information delivery by JaPen is through the Info on Wheels (IoW) programme which is a mobile unit that acts as an intermediary for the **dissemination and distribution of information materials** by the Information Officers **together with the community leaders at the grassroots level**. This programme aims to provide information and updates on national and current issues at the state level. Through IoW, information on TIP is delivered to the public directly. Face-to-face communication is still relevant and more effective to reach out to certain target populations compared to online dissemination of information. There was a total of 664 IoW outreach programmes conducted during the current reporting period, covering 1,091 locations nationwide

Ministry of Plantation Industries and Commodities (MPIC) continued to **implement awareness programmes on forced labour and child labour in the plantation sector** during the current reporting period. In addition, **MPIC received a special allocation of RM243,060.00 from MAPO** for the implementation of activities/programmes related to efforts to combat TIP in Malaysia, **particularly in palm oil plantation sector**. MPIC will amplify the series of activities and programmes in 2022 throughout Malaysia. The programme will involve special talks on forced labour and child labour by MOHA, JIM, MOHR, and NGOs such as Earthworm Foundation. Invited participants of this programme include business players, entrepreneurs, and plantation companies within each zone. In undertaking the awareness programme, MPIC will collaborate with companies such as FGV Holdings Berhad and Sime Darby Plantation.

In 2021, the **Department of Labour, Sarawak (JTK Sarawak)** conducted 283 talks for 2,592 **employers and employees on current labour laws including employees' rights, ethical recruitment practices, and indicators of forced labour** according to the ILO indicators and conducted 23 radio sessions to raise awareness on employees' rights under labour legislations. As of March 2022, JTK Sarawak conducted 71 similar talks for 618 employers and employees. To raise public **awareness on forced labour and TIP in rural areas**, JTK Sarawak initiated an **outreach programme** in February 2022 where it conducted two public sessions for more than 100 employers and employees in various sectors about their legal rights and indicators of forced labour.



During the current reporting period, JTK Sarawak continued to implement **Labour GRAP (Go Rural Area Program)**, initiated in 2020. However, due to the impact of Covid-19 pandemic, the Labour GRAP 2021 could only be implemented in the southern part of Sarawak, including Lingga, Pantu, Engkilili, and Lubok Antu. A total of 32 places of employment and villages were visited during this programme. The employers and employees were informed about possible labour laws violations including situations of forced labour and TIP. As of March 2022, JTK Sarawak allocated RM90,000.00 to implement Labour GRAP in the central region of Sarawak, including Bintulu, Sungai Asap, and Sebauh. The programme in Sungai Asap and Sebauh will be held on 28-31 March 2022.



Meanwhile, the **Department of Labour, Sabah** (JTK Sabah) had also conducted several awareness and prevention programmes, as described below.

a. Webinar: A Bright Future Ahead: Understanding and Addressing Forced Labour and Child Labour

The JTK Sabah, in collaboration with the International Labour Organization (ILO), conducted a webinar on 5 November 2021 involving a total of 916 participants. Webinar participants included employers, employees, Sabah state government officers, NGOs, trade unions, and academicians. The webinar was aimed to raise awareness about forced labour and child labour issues in Sabah and facilitate discussion on ways to combat these issues. The objective of this webinar is to increase knowledge on forced labour (according to ILO indicators) and child labour as well as to formulate legal work and good practices in addressing these issues. The webinar focused on concrete steps that can be taken to address forced labour and child labour, and other violations of labour rights, and provided a platform for knowledge sharing amongst the participants.

JTK Sabah presented on “Sabah Legislation and Government’s Perspective on Forced Labour and Child Labour” which explains the legal framework at the national and state levels especially in context of the Labour Ordinance (Sabah Cap 67) and the ATIPSOM Act. ILO presented from an international perspective on this issue, namely “ILO From Protocol to Practice: A Bridge to Global Action on Forced Labour” which emphasises

the Sustainable Development Goal (SDG) 8.7 (Take immediate and effective steps to eliminate forced labour, end modern slavery and trafficking human beings, guaranteeing the prohibition and elimination of the most severe forms of child labour, including the recruitment and use of child soldiers). The Malaysian Trade Union Congress (MTUC) presented on “Ensuring Workers Voice in Addressing Forced labour and Child Labour in Sabah” focusing on how to strengthen the voice of workers in company operations to address forced labour and child labour, and the importance of freedom of association.

Meanwhile, the employer panellists from the Malaysian Employers Federation (MEF), East Malaysian Growers Association (EMPA), Earthworm Foundation, and an industry representative from Nestle discussed on the efforts needed to be taken especially in the supply chain as well as sharing their experiences, challenges, and examples of practices in dealing with forced labour and child labour. In the closing remarks, Ms. Bharati Pflug from ILO called for better social protection, including addressing barriers to discrimination and exploitation as well as cross-sector efforts by various stakeholders. This commitment is key to tackling forced labour and child labour effectively.

This Webinar has been published at the international website and the regional office of ILO at:

https://www.ilo.org/asia/events/WCMS_826037/lang--en/index.htm,
https://www.ilo.org/asia/media-centre/news/WCMS_827609/lang--en/index.htm



b. Training

In 2021, JTK Sabah organised three training courses to increase awareness of integrity in the tasks performed which were attended by 120 officers. The courses conducted were the ATIPSOM Officer Integrity Course, ATIPSOM Investigation & Prosecution Course, and ATIPSOM Intelligence and Seizure Course. JTK Sabah also produced two publications, namely the Foreign Domestic Service Application Guide and Guidelines on Indicators of Labour Exploitation and Forced Services.

c. Special Programme for Plantation Companies

JTK Sabah has taken the initiative to tackle issues relating to forced labour and child labour in plantations. On 11-14 December 2021, JTK Sabah went to Felda Sahabat plantations under FGV Holdings Berhad to inspect and raise awareness on these issues. This 2-day programme includes talks on labour law, forced labour, and child labour to the contractors and employees, and inspections of documentation and accommodation of employees. The programme involved 100 employees, contractors, managers, and supervisors.



These efforts are **in line with recommendations #3, #8, and #10 in the US TIP Report 2021.**

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
31	Prevention	1	ii, iii, iv, v, vi	1	S9	G3
33	Prevention	1	ii, iii, iv	2	S9	G3
34	Prevention	1	i	4	S9	G3
35	Prevention	1	i	5	S9	G3
35	Prevention	2	ii, iv, v	1	S10	G3
38	Prevention	3	vi, vii	1	S11	G3
39	Prevention	4	i, ii	1	S12	G3
40	Prevention	4	i, ii, iii	2	S12	G3
42	Prevention	5	i, ii	2	S13	G3

1.8 Celebration of World Day Against Trafficking in Persons and the Launch of MAPO Chatbot

To mark the **World Day Against Trafficking in Persons 2021**, MAPO held an online event to celebrate and appreciate all relevant parties that have dedicated their efforts in combatting TIP in Malaysia and globally. The theme of the event was “Victims’ Voices Lead the Way” where it highlighted the importance of victims’ voices in addressing TIP cases. Indeed, their voices are important as one of the contributory factors to the successful convictions of the perpetrators. Malaysia will continue its efforts in protecting TIP victims and upholding their rights.

As part of the celebration, **the Government in collaboration with Project Liber8, launched a chat robot system called MAPO Chatbot that provides an important channel for the public to report any suspicious TIP activities in their neighbourhood and to obtain information about TIP.** MAPO Chatbot is designed to be user friendly, easily accessible, and available 24/7 via online on MAPO's webpage. Currently, there are six languages available, namely, Bahasa Melayu, English, Bahasa Indonesia, Thai, Nepali, and Bengali. MAPO will continue to work with Project Liber8 to enhance the system. The collaborative effort in implementing the MAPO Chatbot is **in line with recommendations #8 and #10 of the US TIP Report 2021.**



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
31	Prevention	1	i	1	S9	G3
33	Prevention	1	i	2	S9	G3

1.9 Engagement With Business Chambers and Associations

During the current reporting period, a total of six engagement programmes was conducted by the Foreign Workers Division of the Immigration Department of Malaysia (JIM) involving public and private sectors on the management of foreign workers. The main objectives of the engagement sessions were to educate business players on:

- i. the importance of the welfare of workers based on the Immigration Act 1959/63;
- ii. the compliance on requirements related with the applications for hiring foreign workers; and
- iii. the seriousness and severity of offences under the Immigration Act 1959/63.

The table below shows the engagements undertaken during the reporting period by JIM.

Table 1: Engagement Sessions by JIM

NO	ENGAGEMENT SESSIONS	DATE
1.	Issues on PERKESO registration	15-19 April 2021 at Headquarters of PERKESO, Putrajaya
2.	Management of Foreign Workers	11-12 October 2021 at Sime Darby Plantations
3.	Management of Foreign Workers	7-8 December 2021 at FELCRA Plantations Berhad
4.	Agrikomuniti Keluarga Malaysia Programme	23 January 2022 at Hotel Classic Malacca
5.	Talk with The Kulim Development Hi Tech Park	13-14 March 2022 at Kulim, Kedah
6.	Management of Foreign Workers	16 March 2022 at MPOA Glenmarie Shah Alam



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
39	Prevention	4	i	1	S12	G3
39	Prevention	4	i	2	S12	G3

SECTION 2

PROSECUTION AND ENFORCEMENT

“The Government is also looking to increase punishment for law enforcement officers found to be in connivance with human traffickers as a stringent measure to deter the crime and adequately reflect the gravity of the offense.”

YB Dato’ Seri Hamzah bin Zainudin

Minister of Home Affairs
31 March 2021



The Government recognises that effective law enforcement action and successful prosecution of traffickers are vital in its efforts to combat TIP and eradicate forced labour exploitation. The strengthening of the country’s legal and regulatory framework is fundamental to enhance the effectiveness of the country’s anti-TIP response. The Government has shown this resolve in the **latest amendments to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (ATIPSOM) Act 2007 which was successfully implemented** during the current reporting period. Tremendous efforts have been made by the enforcement and prosecution, including enhancing inter-agency cooperation between investigating officers and prosecutors, which has led to a **significant increase in the number of convictions by 400%** (from 21 convictions to 104 convictions).

2.1 Amendment of the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (ATIPSOM) Act 2007

One of the most significant efforts by the Government to prosecute and convict more trafficking cases is the **strengthening of the ATIPSOM Act**. The Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Amendment) Bill 2021 was successfully passed by the *Dewan Rakyat* (House of Representatives) on 15 December 2021 and by *Dewan Negara* (Senate) on 23 December 2021. The following table shows the important process involved:

Table 2: Process of Parliament

Process of Parliament	DATE
House of Representatives	15 December 2021
Senate	23 December 2021
Royal Assent	19 January 2022
Publication in Gazette	25 January 2022
Come into Operation	22 February 2022

This is the third time that Malaysia's anti-trafficking legislation is being revised to strengthen the legislation on TIP and SOM. The latest amendment focused on **streamlining the definition of TIP in line with the standards in the Palermo Protocol and the ASEAN Convention Against Trafficking in Persons (ACTIP)**, as well as **removing the definition of “coercion” as the only means in determining whether an offense of trafficking has taken place.**

Having “coercion” as the only means to prove the offense of trafficking has raised constant criticism of the application of Malaysia's anti-trafficking legislation in the past years over concerns of difficulty in proving the act of “coercion”. The Government recognised these concerns and had initiated several multi-stakeholder consultation sessions among government ministries/agencies, international organisations, and civil society organisations (CSOs) to review and identify gaps/challenges in the ATIPSOM Act, which led to the most recent amendments to the Act. **With the substantive amendments in the definition of TIP, removing the specific requirement for “coercion” to be proven, it is hoped that this will increase the successful prosecution and convictions of more trafficking cases,** which is **in line with recommendation #2 of the US TIP Report 2021.**

This current amendment also seeks to address the issue of the vulnerability of child victims of TIP. By inserting the clause in Section 14 of the Act to specifically state that there is no need to prove the “means” element in child trafficking cases, no children are required to give consent on the account of their age. It re-enforces the international legal position that the “means” element is not applicable to child victims of TIP as stipulated under Article 3(c) of the TIP Protocol. These substantive improvements of the Act signify the Government's commitment to a more victim-centred and rights-based approach in combatting TIP.

The amendments included **an increase in imprisonment to a maximum term of 30 years (life imprisonment) and shall also be liable to whipping for the aggravated offence of TIP and SOM.** The inclusion of whipping in the amendment is to highlight the **Government's seriousness in punishing the perpetrators** and it is in line with the penalties under the existing domestic laws for serious crimes such as the Sexual Offences Against Children Act 2017 and Section 376 of the Penal Code. The table below provides a comparison of the penalties under existing domestic laws.

Table 3: Penalties under ATIPSOM Act – Prior vs New Amendment

Offences	Prior amendment	New amendment
Trafficking in persons (Section 12)	15 years and fine	20 years and fine
Aggravated offence of trafficking in persons (e.g., offence committed by a public officer in the performance of his public duties) (Section 13)	20 years and fine	Life imprisonment, whipping
Offence of trafficking in children or a person who is unable to fully take care of or protect himself because of a physical or mental disability or condition (Section 14)	20 years and fine	Life imprisonment, whipping
Offence in relation to trafficked person in transit (Section 15A)	7 years with fine	15 years



At this juncture, the Government has planned and implemented several rollout sessions to explain the fundamentals of the amendments to the relevant stakeholders. Among the sessions implemented during the reporting period were:

NO	SESSIONS	DATE
1.	Session with Attorney General's Chambers (AGC) and Royal Malaysia Police (RMP)	6 January 2022
2.	MAPO Council Meeting	22 July 2021 & 8 February 2022
3.	Special Committee to Oversee Forced Labour Issues Meeting	26 January 2022
4.	Prosecution & Enforcement Conference	28 February 2022 – 3 March 2022
5.	Protection Officers	22 March 2022

Following the amendment of the ATIPSOM Act, all the relevant stakeholders, especially the enforcement, prosecution, and protection agencies in Malaysia, will review their Standard Operating Procedures (SOP) and related guidelines to reflect the latest progress.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
43	Prosecution & Enforcement	1	i, ii, iii, iv	1	S1	G1
55	Prosecution & Enforcement	9	iii, v	1	S19	G5

2.2 Amendment of the Employment Act (Act 265), Sabah Labour Ordinance, and Sarawak Labour Ordinance

Another significant undertaking by the Government in its efforts to prosecute and convict more trafficking cases is the **amendment of the Employment Act**. The Employment (Amendment) Bill 2021 has been tabled for its first reading in Parliament on 25 October 2021 and was **successfully passed by the Dewan Rakyat (House of Representatives) on 21 March 2022**. The Bill was subsequently **tabled and passed by the Dewan Negara (Senate) on 30 March 2022**.

In the latest amendment, the **new Section 90B** is included to **provide for the offence of forced labour, which will enable the Department of Labour (JTK) to enforce and prosecute employers involved in forced labour practices**. In this proposed provision, any employer who threatens, deceives or forces an employee to do any activity, service or work and prevents that employee from proceeding beyond the place or area where such activity, service or work is done, commits an offence and shall, on conviction, be liable to a fine not exceeding RM100,000.00 or to imprisonment for a term not exceeding two years or to both.

Furthermore, the new provision on **Presumption on Who is the Employer and the Employee will seek to provide for the circumstances which enable presumptions to be made, in the absence of a written contract of service**. In addition, this presumption can be used in such criminal proceedings to determine whether a person is employed under a contract of service or a contract for service with Employment Relationship Recommendation 2006 (No. 198). This provision will help a person who meets the criteria as prescribed, to be deemed as an employee and to be able to receive the benefits that have been provided under Act 265 such as period of employment, leave, overtime, and so on.

The new amendments to the Employment Act **aim to prevent any form of forced labour in employment and to comply with ILO conventions**. The same said provisions will also be included in the Sabah Labour Ordinance (Chapter 67) and Sarawak Labour Ordinance (Chapter 76). This is **in line with recommendation #2 of the US TIP Report 2021**.

Additionally, **Department of Labour, Sabah (JTK Sabah) is also in the process of amending the Labour Ordinance (Sabah Cap 67)**. The amendment, which is the second time since 2005, is to **harmonise the provision in the Labour Ordinance (Sabah Cap 67) with the amendments of provisions under the Employment Act 1955, the Minimum Standards of Housing and Employee Facilities Act 1990, and the Children and Young Persons Act 1966 (Act 350)**. For example, the amendment to the Labour Ordinance will include revising the chapter relating children and young people by inserting amendments similar with the provisions in the Children and Young People (Employment) Act 350, as well as the Minimum Standards of Housing and Employee Facilities Act 1990 [446 Act].

Fundamentally, the amendment aims to standardise the provisions of labour law for the Peninsular Malaysia, Sabah, and Sarawak, thereby, providing equal rights for workers nationwide and ensuring that the needs of industry in Sabah are in line with current economic developments and meet the standards and requirements of the ILO Conventions and other international instruments. The amendment augurs well for Malaysia's preparation to sign the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) which contains provisions related to the labour issues, especially on forced labour, that follow the principles of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) which were ratified by Malaysia. The amendment also includes several important provisions related to international elements and best practices, such as on the prohibition of discrimination which is in line with the ILO Convention on Discrimination (Employment and Occupation) Convention 1998 No. 111. This amendment is expected to be tabled at the State Assembly meeting in April 2022 and subsequently to be tabled to Parliament in October 2022.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
44	Prosecution & Enforcement	2	i	2	S2	G1
57	Prosecution & Enforcement	10	(additional)	1	S20	G5

2.3 Establishment of Special Task Force to Investigate Child Labour Allegations in Sabah

As part of the Government's efforts to address child labour allegations and in responding to calls by CSOs and other stakeholders in the matter, the Royal Malaysia Police (RMP) conducted an initial assessment of the situation in Sabah in August-September 2021. Subsequently, **a Special Task Force (TF) was created to conduct in-depth investigations into child labour allegations in Sabah.** This TF comprises **192 enforcement officers** from various enforcement agencies, namely RMP, Immigration Department of Malaysia (JIM), and JTK Sabah, and represents a significant national effort in line with Strategic Goal #2 of the NAPTIP 3.0. The Chairman of MAPO issued a directive letter to all related enforcement agencies under MAPO on 5 November 2021 to call for a "coordinated, strategic and integrated action among enforcement agencies" in responding to TIP, particularly in the plantation sector.

The TF engaged with embassies, namely the Philippines and Indonesia, to obtain their feedback and address concerns in relation to child labour allegations involving their respective nationals. For a period of **four months**, the TF with its 192 officers visited about 1,800 plantations and interviewed a total of **1,186 persons of interest**, from a total of **900 plantation companies** throughout the state of Sabah to obtain their feedback and understand their concerns and working situations. From this integrated operation of conducting an initial assessment, the TF is moving forward in 2022 with the next phase of conducting joint investigations into any reports of child labour cases brought to the attention of the TF or relevant enforcement agencies. These efforts **are in line with recommendations #1 and #4 of the US TIP Report 2021.**



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
35	Prevention	2	ii, iii, iv, v	1	S10	G3
40	Prevention	4	i, ii	2	S12	G3
41	Prevention	4	i	4	S12	G3
50	Prosecution & Enforcement	7	i, ii, iii, iv, v	1	S7	G2
51	Prosecution & Enforcement	7	i, vii	2	S7	G2
58	Prosecution & Enforcement	11	i	1	S21	G5
57	Prosecution & Enforcement	10	(additional)	1	S20	G5

2.4 Establishment of Task Force Technical Committee in Six Economic Sectors

As reported in the Annual Country Report 2021, the Ministry of Human Resources (MOHR) had set up several Task Force Technical Committees to monitor six economic sectors that are commonly associated with forced labour and TIP. These sectors are plantations, electrical and electronics, furniture, construction, and services which consist of electrical and electronics as well as rubber-based products.

Task Force Technical Committee meetings were held by these sectors between January 2021 and September 2021. Among the issues that were addressed in the meetings included forced labour, legal compliance, and the status of Employee Accommodation Management. The committee was reminded to ensure that players in the sectors fully comply with the provisions of labour laws and policies, including **not retaining employees' passports without consent**, as well as enhance protection and social responsibility for workers which is in line with the fundamental principles of the ILO. These efforts are **in line with recommendation #11 of the US TIP Report 2021**.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
39	Prevention	4	ii, iii	1	S12	G3
40	Prevention	2	i, ii	2	S12	G3
47	Prosecution & Enforcement	5	i	1	S5	G2
58	Prosecution & Enforcement	11	i	1	S21	G5

2.5 Special Operation to Identify TIP Victims Among Vulnerable Groups

From 9-12 Feb 2022, the Royal Malaysia Police (RMP) implemented “*OP Pintas Pengemis*”, an integrated operation with the Department of Social Welfare (JKM) and Department of Health, at various areas in Kuala Lumpur and Selangor that are known as hotspots for beggars and homeless people. The objective of this operation is to determine whether there are any TIP elements (e.g., forced labour exploitation) amongst the vulnerable groups such as beggars, homeless people, disabled individuals, and foreigners who are begging around Klang Valley and Selangor, based on indicators consistent with the National Guidelines on Human Trafficking Indicators (NGHTI). The main aim of this operation is to prevent these vulnerable groups from being exploited by unscrupulous parties.

Throughout the operation, **133 individuals from the vulnerable groups have been screened** to determine whether they were TIP victims. The breakdown of the people screened was 74 male, 41 female, and 18 children of various nationalities/ethnicities such as Malaysian, Rohingyas, Indonesian, Cambodian, Myanmarese, Bangladeshis, Pakistani, and Chinese. The operation did not find any TIP elements among the individuals screened. These efforts are **in line with the recommendation #1 of the US TIP Report 2021**.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
35	Prevention	2	iii	1	S10	G3
50	Prosecution & Enforcement	7	i	1	S7	G2
51	Prosecution & Enforcement	7	i	2	S7	G2

2.6 Mega Operation Against Forced Labour and TIP

A mega operation to combat forced labour and TIP called “Ops Banteras” under the Department of Labour, Peninsular Malaysia (JTKSM) was conducted on 17 March 2022. The fundamental purpose of this operation was to **address forced labour practices in various employment sectors** in Malaysia. This is also an initiative that reflects the **resolute commitment from the Government to curb forced labour and improve the working environment for workers in Malaysia** in line with international standards. This mega operation will be an ongoing effort by JTKSM in intensifying its enforcement activities to ensure better compliance by employers. JTKSM will disseminate the information of the operation through the media to inform the public with regards to forced labour indicators and activities involved which will be based on NGHTI developed by the Government.

News link: <https://www.thestar.com.my/news/nation/2022/03/17/labour-dept-launches-ops-banteras-on-forced-labour-human-trafficking>

In Sabah, the **JTK Sabah has inspected a total of 8,209 employer premises from 1 April 2021 to 31 March 2022**, involving a total of 19,680 male workers and 6,543 female workers in various employment sectors in the State. The inspections were conducted under the Labour Ordinance (Sabah Chapter 67) (SLO) involving salary, leave, place of employment, and indicators of forced labour in employment using standard inspection forms as per the inspection requirements outlined in the Labour Inspection Convention, 1947 (C081) which has been ratified by Malaysia. **A total of 411 labour violations were recorded, with 660 brought to the Labour Court and 405 cases settled in the Labour Court involving RM847,803.08 in total claims. A total of 338 employees received their claims payment.** A total of 818 investigation papers were opened, with 17 investigation papers for prosecution and 246 investigation papers resulting in compounds. The offenses committed under the provisions of the SLO related to unpaid wages, unpaid overtime, and unpaid leave.

The JTK Sabah also conducted inspections for minimum wages under the Minimum Wages Order 2020 [723 Act] as per the ratified ILO Convention C095 - Protection of Wages Convention, 1949 (No. 95) and C131 - Minimum Wage Fixing Convention, 1970 (No. 131). In 2021, a total of 6,941 premises were inspected, resulting in the issuance of 18 notice recommendations and 17 instruction orders to pay salary in arrears involving 26 employees from 17 employers, with a total payment of RM59,722.67 which was paid in full in 2021.

In Sarawak, the JTK Sarawak has initiated a total of 3,909 **inspections**, from 1 April 2021 to 28 February 2022, against **employers in various sectors including plantation, manufacturing, construction, and service sectors to ensure compliance with labour laws**. The labour inspectors discovered 3,443 labour violations including under the Labour Ordinance of Sarawak and the National Wages Consultative Council Act 2011. The notice of violations was issued against the employers and followed by investigation papers for employers who fail to comply with the notice.

During the period, **a total of 38 employers have been prosecuted in court and fined** a total of RM51,500.00 for violating the Labour Ordinance of Sarawak and National Wages Consultative Council Act 2011. Another **104 employers have been given compounds** with a total amount of RM642,000.00. At the same time, the **Labour Courts have resolved 396 labour disputes** and ordered employers to provide employees back wages amounting to RM333,073.00.

Besides these efforts under the mega operation, the **enforcement continued to respond to reports on alleged forced labour and abuse of migrant workers, including domestic workers**. During the current reporting period, JTKSM opened 9 Investigation Papers involving eight domestic workers, and one restaurant worker (compared to five Investigation Papers in the previous reporting period).

These efforts are **in line with recommendations #1, #4, and #6 of the US TIP Report 2021** which call for increased efforts in identifying TIP victims especially in sectors prone to forced labour issues such as plantations and domestic workers as well as to prosecute and convict more of such cases.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
47	Prosecution & Enforcement	5	i	1	S5	G2
50	Prosecution & Enforcement	7	iv	1	S7	G2
57	Prosecution & Enforcement	10	ii	1	S20	G5
58	Prosecution & Enforcement	11	i	1	S21	G5

2.7 Actions Against Complicit Officials and Baby-Selling Syndicate

During the reporting period, a special operation was launched to combat TIP especially baby-selling activities in certain states like Selangor, Negeri Sembilan, Malacca, and Penang. **One of the main focuses of the operation was to crack down on public officials who collude in the trafficking crime, which is in line with recommendations #2 and #3 of the US TIP Report 2021**. During the operation, a large-scale baby-selling syndicate was uncovered by the RMP.

In October 2021, the RMP conducted a series of operations to track down the syndicate members. In the operations, **six individuals were arrested which included two public officials from the National Registration Department and a civil servant from a public teaching institute.** Investigations revealed that the public officials had colluded with a baby-selling syndicate. On 5 January 2022, the complicit officials from the National Registration Department and a public teaching institute were charged for trafficking in children under Section 14 of the ATIPSOM Act. The case is still pending trial. The syndicated activities are still under police surveillance and 10 investigation papers had been opened against the members of the syndicate.

In November 2021, the **RMP had crippled a baby-trafficking syndicate in Negeri Sembilan** with the arrest of five individuals under ATIPSOM Act. A baby was rescued in the operation. Based on the investigations and the evidence obtained, two suspects were charged under Section 182 of Penal Code (an offence for a person to give any public servant any information he knows or believes to be false) and another suspect was charged under Section 15(1)(c) of the Immigration Act for staying in Malaysia beyond the approved period.

In December 2021, the RMP coordinated with other agencies in Penang and **successfully arrested five individuals who were involved in the illicit activity of baby-selling.** Charges were laid under Section 14 of the ATIPSOM Act against a member of the syndicate in the Penang Sessions Court. The case is still pending trial.

On top of that, the RMP carried out two separate operations in Malacca in December 2021.² Throughout the operations, the RMP **successfully arrested 14 individuals who were involved in a baby-selling syndicate.** The modus operandi of this syndicate was to use Instagram to promote their activities, including advertising the market rate of buying a baby, depending on the agreement between the syndicate and the buyer. Investigations are still ongoing for this case.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
45	Prosecution & Enforcement	3	i	1	S3	G1
47	Prosecution & Enforcement	5	i	1	S5	G2
56	Prosecution & Enforcement	9	v	1	S19	G5

²<https://www.malaymail.com/news/malaysia/2021/12/20/cops-bust-child-harvesting-syndicate-rescue-three-babies-in-melaka/2029843>

2.8 Combatting Organised Crime Related to TIP

In November 2019, the RMP had busted an organised crime group identified as the **‘Jackie Gang’**. The special operation was launched following intelligence gathering by the D3 (ATIPSOM) Division, Crime Investigation Department against Trafficking in Person (Sexual Exploitation) activities in Johor Bahru, Johor. Subsequently, RMP conducted a series of operations to track down and arrest the gang members. In the operation, 10 individuals were arrested including eight local citizens and two foreigners. Considering the complexity of the case and the high security risk involved, **the investigation was conducted using the procedure of the Security Offenses (Special Measures) Act 2012 (SOSMA) to enable in-depth investigations to be conducted.**

On 22 December 2019, all of the gang members arrested were charged under section 130v Penal Code at the Johor Bahru, Sessions Court for alleged involvement in organised crime activities (trafficking in persons for sexual exploitation) over the past two years. On 22 September 2021 and 12 October 2021, three out of 10 detainees were convicted under section 130w Penal Code in Johor Bahru High Court and were **sentenced to 3 years imprisonment** from the arrested date. On top of that, on 10 June 2019, the RMP also arrested four other gang members alleged to exploit 23 female foreign citizens in an entertainment outlet located in Johor Bahru. The four individuals were charged under Section 12 and Section 14 of the ATIPSOM Act (offence of trafficking in persons and trafficking in children). The case is still pending trial.

These efforts by the enforcement are **in line with recommendation #4 of the US TIP Report 2021.**

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
47	Prosecution & Enforcement	5	i	1	S5	G2

2.9 Enforcement of Passport Act 1966

During the current reporting period, a total of **19 individuals were prosecuted** for retention of foreign passports. The 19 individuals comprised of five Malaysians, five Bangladeshis, four Pakistanis, and one each from Indonesia, Myanmar, Viet Nam, Iran, and Sri Lanka. **A total of 546 charges were read in Court against all these 19 individuals.** Seven were sentenced in accordance with the Passport Act 1966 which carries a fine of RM10,000.00 or imprisonment of not more than five years or both for each charge. Meanwhile, the cases relating to the other 12 individuals are still ongoing. This is **in line with recommendation #11 of the US TIP Report 2021** in relation to passport retention.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
47	Prosecution & Enforcement	5	ii	1	S5	G2

2.10 Enforcement of Act 446 (Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990)

The Employees' Minimum Standards of Housing and Amenities Act 1990 [Act 446] enforced by the JTKSM has been amended and is now known as the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990. This Act, which extends to all employment sectors, providing housing and accommodation for workers, came into force on 1 June 2020 and from 1 September 2020, this Act has been fully enforced. Among the essence under this Act are as follows:

- i. provisions on minimum standards including specifications of accommodation and centralised accommodation and facilities;
- ii. the need to obtain a Certificate of Accommodation before an employee is allowed to occupy the said accommodation;
- iii. applies to all sectors of employment;
- iv. includes measures to ensure the welfare, safety, and well-being of employees; and
- v. complying with international standards.

Under Act 446, all accommodation and centralised accommodation providers for employees are required to obtain Certificate for Accommodation from JTKSM under the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 [Act 446] effective 1 June 2020. This Act applies to all employers and centralised accommodation provider in all employment sectors in Peninsular Malaysia and Federal Territory of Labuan. The objectives of enforcing this Act are to:

- i. meet international standards of ILO Recommendation 115 and labour requirements under Comprehensive and Progressive Agreement for Trans-Pacific (CPTPP) on the need to provide good and comfortable accommodation for workers;
- ii. ensuring rights and welfare of workers;
- iii. addressing element of forced labour as failure to provide conducive accommodation is listed as one of the indicators of forced labour; and
- iv. enhancing safety and health compliance towards workers by providing conducive and safe accommodation.

The penalty for failing to obtain Certificate of Accommodation from Department of Labour, Peninsular Malaysia under Act 446 are as follows:

- i. fine not exceeding RM50,000 for employers; and
- ii. fine not exceeding RM50,000 or imprisonment not exceeding 1 year or both for centralised accommodation providers.

The status of the enforcement activities under JTKSM with regards to Act 446 from 1 February 2021 until 14 February 2022 are as follows:

Table 5: Act 446 – Status of Enforcement Activities by JTKSM

ITEM	TOTAL
Number of Employers Inspected	40,597
Number of Workers	4,030,173
• Local Workers	1,869, 218
• Foreign Workers	2,160,955
Number of Accommodation Inspected	171,420
Number of Workers Involved	2,100,154
• Local Workers	79,288
• Foreign Workers	2,020,866
Complied	22,436 (55.32%)
Non-Compliance	18,119 (44.68%)
Number of Investigation Paper Opened	1,192
Order to Shift Accommodation	49
Order to Repair, Modify, and Improve Accommodation	3,314
Compliance Order	13,564

During the current reporting period, MOHR had inspected 40,597 employers involving 171,420 units of workers' accommodations nationwide under Act 446. **A total of 1,192 investigation papers** had been open for further action, **this is almost double compared to last year's reporting period**. To this date, 55.32% of the total number have complied with the Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990. The ongoing inspections conducted by MOHR are instrumental in educating and ensuring that employers are knowledgeable and comply with the requirements of Act 446. The Task Force will continue to engage with employers to ensure compliance with the legislation.

In Sabah, JTK Sabah conducted housing inspection enforcement operations for employees provided by the employer, through the Emergency Ordinance (Employees' minimum standard of housing, accommodations, and amenities Act 1990 (amendment) 2021 [Act 446]) since the Act does not apply in the state of Sabah. The operation had been conducted throughout Sabah and **445 employers were inspected under the Emergency Ordinance** in the application of Act 446 according to sectors, namely agriculture (105), quarrying (9), construction (34), manufacturing (64), and other activities (233) **involving 1,688 accommodation units for 13,339 workers comprising of 6,944 local workers and 6,455 non-resident workers**. Based on the inspections, JTK Sabah **issued a total of 2,296 notices according to offences and 316 compliance notices** issued consisting of offences of Sections 24D, 24E, 24F which are the failure of the employer in providing safe and comfortable accommodation.

In Sarawak, JTK Sarawak has initiated **553 inspections against employers** in various sector to ensure compliance with Emergency (Employees' Minimum Standards of Housing, Accommodations and Amenities) (Amendment) Ordinance 2021. A task force was formed in April 2021 consisting of various departments and agencies including the Social Security Organisation (SOCO), Department of Occupational Safety and Health (DOSH), and Construction Industry Development Board (CIDB). A total of 21 inspection teams were assigned to carry out inspection of accommodations at the workplaces. Among the responsibilities of this task force is to increase public awareness, especially among employers and centralised accommodation providers to comply with the minimum standards of accommodations required under Act 446.

JTK Sarawak conducted eight roadshow events on Act 446 for 396 employers and employees including representatives from associations such as the Federation of Malaysian Manufacturers (FMM) and Sarawak Timber Association (STA). It has also created pamphlets on Act 446 in multiple languages. At present, JTK Sarawak is also amending the Labour Ordinance of Sarawak to include a new chapter on housing and amenities for employees as provided under Act 446. The proposed amendment of Labour Ordinance also introduces a new chapter on forced labour and increases the number of penalties for non-compliance.

Overall, the Government is steadfast in its efforts to ensure that all foreign workers are provided with proper accommodation/living conditions. With the strict enforcement of Act 446, the Government aims to address this issue in the best interest of the employees. **The inspections conducted by MOHR are done across all employment sectors and cover both Malaysian and non-Malaysian companies**. These efforts are **in line with recommendation #1 and #15 of the US TIP Report 2021**. Diagram 2 below provide an overview of the requirements of Act 446.

Diagram 2: Guide to Employees' Accommodation

DORMITORY ACCOMMODATION

Size of Floor Area for Sleeping Area
Not less than 3.0 m² for each employee

MINIMUM REQUIREMENTS

- One rest area
- One dining area with chairs and tables
- One kitchen area
- One area to hang out clothes
- One sleeping area
- One first aid kit

MINIMUM REQUIREMENTS

- Bathroom and toilet with the ratio of one bathroom to 15 employees
- Fans for each rest area, dining area and sleeping area
- Lamp for each rest area, dining area, sleeping area, kitchen area, bathroom and toilet
- Quarantine

GUIDE TO EMPLOYEES' ACCOMMODATION

10 Steps to Be Taken by Employers Based on the Provisions of Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 (Act 446)

DURATION OF IMPLEMENTATION

26 February 2021
31 January 2022

NON-DORMITORY ACCOMMODATION

Size of Floor Area for Bedroom
Not less than 3.6 m² for each employee

MINIMUM REQUIREMENTS

- One rest area
- One dining area with chairs and tables
- One kitchen area
- One area to hang out clothes
- One bathroom
- One first aid kit

MINIMUM REQUIREMENTS

- Bathroom and toilet with the ratio of one bathroom to 15 employees
- Fans for each rest area, dining area and bedroom
- Lamp for each rest area, dining area, bedroom, kitchen area, bathroom and toilet
- Quarantine

1 APPOINTMENT OF PIC OF ACCOMMODATION

Inspection Record to be kept

3 BASIC AMENITIES WHICH SHALL NOT BE SHARED

Single bed: 1.7 m x 0.7 m
Double decker bed: 0.38 m x 0.7 m
Mattress, Pillow and Blanket
Locked Cupboard

2 COMPLY WITH THE LAWS OF LOCAL AUTHORITIES

4 WATER SUPPLY AND ELECTRICITY SUPPLY

5 SEPARATE ACCOMMODATION TO OPPOSITE GENDER

6 MAINTENANCE OF ACCOMMODATION

8 MAXIMUM RENTAL/CHARGE

7 MEDICAL ASSISTANCE FOR EMPLOYEES

9 PREVENTIVE MEASURES FOR INFECTIOUS DISEASES

10 FIRE SAFETY MEASURES

DEPARTMENT OF LABOUR SARAWAK
MINISTRY OF HUMAN RESOURCES

Tingkat 13
Bangunan Sultan Isahandar
Jalan Simpanan Tiga
93000 Kuching
082-242761
jtk@k.moh.gov.my

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
47	Prosecution & Enforcement	5	(additional)	1	S5	G2
50	Prosecution & Enforcement	7	iv	1	S7	G2
51	Prosecution & Enforcement	7	i	2	S7	G2

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Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO)

2.11 Enforcement of Prevention and Control of Infectious Diseases Act 1988

JTKSM has been appointed as an enforcer under Section 3 of the Prevention and Control of Infectious Diseases Act 1988 [Act 342]. JTKSM has also been given the powers to compound under Section 25 of the same Act.

Under this Act, the enforcement scope focused by JTKSM revolves around **compliance relating to the Covid-19 standard operating procedure (SOP) in the workplace and accommodations of employees in the private sector.** This is another means by which JTKSM is able to ensure that the well-being and safety of workers are being considered by employers, particularly in terms of health safety during the pandemic.

The status of the enforcement activities under JTKSM with regards to Act 342 from 1 June 2021 to 14 February 2022 are as follows:

Table 6: Status of Enforcement Activities under Act 342

ITEM	TOTAL
Number of Inspections on Premises	4,300
Category of Entities Issued Compound	
• Employer	207
• Centralised Accommodation Provider	4
• Individual (Employee)	19
Compound Recipients by Sector	
• Manufacturing	85
• Services	120
• Construction	31
• Agriculture	10
• Other Sectors	7
Total Compound Issued	253
Total Amount of Compound	RM2,246,500.00
Compounds Issued According to Offense	
• Employees Attendance Capacity	91
• Employers in Operation without Permission	65
• Physical Distancing	33
• Failure to provide in and out access for work premise	20
• Other Offences	44

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
41	Prevention	4	i	4	S12	G3
58	Prosecution & Enforcement	11	i	1	S11	G5

2.12 MAPO Task Force's Collaboration with NGOs on Rescue Operations

MAPO Task Force consists of a multidisciplinary team from the five (5) designated law enforcement agencies namely the RMP, JIM, JTK, the Royal Malaysian Customs Department (JKDM), and the Malaysian Maritime Enforcement Agency (MMEA). The Task Force was established with the goal of providing a more concentrated effort that cuts through bureaucracy to offer **enhanced coordination among the law enforcement agencies** and most importantly provides immediate response to any report on TIP situation and concerns that is brought to its attention. The strength of the Task Force is drawn from its unique composition of all five law enforcement officers under one roof and its preparedness to dispense multiple and diverse services to other law enforcement agencies. **The inclusion of the VAS unit under the Task Force further completes the multidisciplinary team with the addition of the victim support and assistance aspect, enhancing a more victim-centred approach in the anti-TIP response.**

For the current reporting period, the MAPO Task Force continued to collaborate actively with NGOs in operations which resulted in the successful rescue of victims. Acting on initial tip-offs from NGOs, the Task Force undertook three rescue operations, one with JIM Penang, one with RMP Penang, and one with JTKSM in Selangor. The first successful mission was a case involving several Indonesian women workers in forced labour situation which an NGO had reported to the Task Force. Following the tip-off received from the NGO, the Task Force conducted a surveillance to ascertain the authenticity of the information received as well to obtain additional information to support pursuing an immediate rescue joint-operation. Subsequently, the Penang police promptly conducted the rescue. The employers were charged under the ATIPSOM Act, and the trial is currently ongoing. The highpoint of this accomplishment is the cooperation and coordination between the MAPO Task Force, JIM Penang, and RMP Penang as well as the NGO.

The second successful case involves an operation in Butterworth, Penang with the assistance of the Penang North Division Police and JTK Penang. In this case, an NGO brought to the attention of the Task Force that there is likely an illegal recruitment agency that is habitually offering services of migrant workers to employers without fully documenting the workers. In collaboration with the NGO to converse with the potential victim in Mandarin, the VAS from the NGO and personnel from MAPO Task Force secured satisfactory information to pursue the rescue operations. The case was initially investigated under ATIPSOM Act. However, it was later pursued

under the Immigration Act 1959/63 as there was a lack of evidence to prove the element of coercion to constitute a trafficking crime. Currently, the victim is given continuous support and being sheltered by the NGO and is awaiting to record her deposition for an immigration offence against her perpetrator.

The final case which involved notable collaborations with NGOs resulting in a positive outcome is the most recent rescue operations undertaken jointly with JTKSM and the South Klang District Police. An NGO reported to the Task Force, from information obtained through a third party, that there was an Indonesian domestic worker in a highly exploitative situation. Initial surveillance and evidence gathering were conducted by the Task Force while in active communication with the reporting NGO. In February 2022, an operation was conducted to rescue the worker from the employer. At present, the Deputy Public Prosecutor (DPP) has given the instruction to charge the employer under the ATIPSOM Act and the victim has secured a Protection Order and is placed in the shelter home. **This will be the first trial under the newly amended ATIPSOM law** and as such, the development of the proceedings is awaited with anticipation as **the outcome of this case will potentially set the path to greater flexibility in the interpretation of the offence of trafficking in persons by the Courts**. The efforts of the Task Force to respond and investigate allegations of domestic worker abuse is **in line with recommendation #6 of the US TIP Report 2021**.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
52	Prosecution & Enforcement	7	iv, vi	2	S7	G2
54	Prosecution & Enforcement	8	iii	2	S8	G2

2.13 Inter-agency Coordination Mechanism for Enforcement

It is pertinent to establish close cooperation and coordination among the relevant enforcement agencies to address TIP in Malaysia. Hence, two Enforcement Agencies Committee meetings were conducted in 2021. This effort is in line with recommendation #4 and #13 of the US TIP Report 2021. The first meeting was held on 15 July 2021, and the second meeting was on 6 December 2021 in Senai, Johor. Representatives from the RMP, JIM, JTK, JKDM, MMEA, AGC, and NSO MAPO attended the meetings. Both meetings were chaired by the Director of Crime Investigation Department, RMP. The main agenda of the meetings was to discuss the achievements and the actions taken by enforcement agencies in enhancing the effort to curb TIP cases. Among the outcomes of the meetings are the unanimous consensus to:

- i. enhance cooperation between enforcement agencies in terms of information sharing, identifying more victims, improving investigating technique, and prosecuting TIP cases;
- ii. conduct more integrated intelligence between enforcement agencies to improve Malaysia's tier ranking;
- iii. apply the National Guidelines on Human Trafficking Indicators (NGHTI) to improve victim identification process;
- iv. monitor and share knowledge on TIP crime trends;
- v. efficiently coordinate information sharing; and
- vi. conduct an integrated investigation regarding child labour in Sabah.

In addition to strengthening inter-agency cooperation, on 25 October 2021, the Government has committed to enhance the Sexual, Women and Child Investigations Division (D11) of RMP through:

- i. creation of additional posts for enforcement officers and Victim Care Officers (VCOs);
- ii. procurement of additional equipment for enforcement purposes; and
- iii. development of strategic plan to monitor and address online child sexual crimes.



MESYUARAT JAWATANKUASA PENGUATKUASAAN ANTIPEMERDAGANGAN ORANG DAN ANTIPENYELUDUPAN MIGRAN (ATIPSOM) BILANGAN 2 / 2021 ANJURAN JABATAN KASTAM DIRAJA MALAYSIA (JKDRM)



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
51	Prosecution & Enforcement	6	v	2	S7	G2
56	Prosecution & Enforcement	9	viii	1	S19	G5

2.14 Companies under Withhold Release Order (WRO)

The US Customs and Border Protection (US CBP) implements Section 307 Tariff Act of 1930 through the issuance of Withhold Release Orders (WRO) and findings to prevent merchandise produced in whole or in part in a foreign country using forced labour from being imported into the US.

Malaysian manufacturers have received allegations regarding the presence of forced labour indicators in their business operations. As a result, eight Malaysian companies from the rubber glove and palm oil sectors were issued WRO by the US for forced labour practices. Canada has also terminated contracts with Supermax due to the existence of forced labour in the company's operation. As of today, the WRO imposed on WRP and Top Glove have been revoked after the companies have addressed the indicators of forced labour, including the reimbursement of fees to the foreign workers.

The common violations that have been alleged as forced labour practices under these sub-sectors are as follows:

- i. high recruitment fees imposed on foreign workers amounting to debt bondage;
- ii. inconducive housing facilities;
- iii. excessive working hours;
- iv. salary deductions;
- v. document retention; and
- vi. employing undocumented migrants with no labour protections.

Among the actions taken by JTKSM with regards to the six remaining companies with WRO are as follows:

(a) FGV Holdings (oil palm)

Imposed WRO on 30 September 2020 due to allegations of forced labour such as debt bondage, movement restriction, wage retention, and exceeding allowed overtime period. No strong elements of forced labour activities have been identified during inspections by JTKSM. There was an issue of non-payment of overtime rate after normal working hours for which JTKSM had instructed FGV to take corrective measures to ensure proper payment of overtime for work done over the normal working hours. FGV Holdings had reported that an independent auditor had been appointed to conduct site assessments based on the ILO's forced labour indicators in the first half of 2022. **JTKSM will continue to engage with FGV on the developments of their audit and subsequent remediation plans, if any.**

(b) Sime Darby Plantation (oil palm)

Imposed WRO on 30 December 2020 due to allegations of forced labour and child labour according to the ILO indicators. The US CBP on 28 January 2022 had also announced new forced labour findings resulting in the seizure of palm oil and merchandise containing palm oil traceable to Sime Darby Plantation, including its subsidiaries and joint ventures. In response to the WRO and allegations of forced labour, JTKSM conducted inspections on Sime Darby Plantations. However, the inspections did not find elements of forced labour and child labour practices as alleged. The inspections found two offenses under Section 13(2) of the Workers' Compensation Act 1952, namely failure to adhere to the requirement of notification of accident involving workers within 10 days from the date of the occurrence of the accident. The fine imposed for failure to report within 10 days was RM1,200.00 and was paid by the employer. The findings of the inspection were reported by the Minister of Human Resource to the Dewan Rakyat in March 2022, where the Government reiterated that it views such allegations seriously and will take

the necessary actions to address the issue. Sime Darby had undertaken audit practices and will proceed with numerous measures to address gaps within its group, including reimbursement of recruitment fees to former and current foreign workers totalling RM82mil.³ **The Government will continue to engage with Sime Darby on its progress in resolving the WRO issue and strengthening measures to prevent forced labour practices in its plantations.**

(c) Supermax (rubber glove)

Imposed WRO on 21 October 2021 due to allegations of 10 out of 11 indicators of forced labour such as wage deduction and in conducive accommodation. MOHR conducted its inspections where two offenses had been identified, one under Section 24D of Employees' Minimum Standards of Housing, Accommodations and Amenities Act 1990 [Act 446] relating to the failure to obtain Certificate of Accommodation and another under Section 24(1) of the Employment Act 1955 in relation to illegal salary deductions. The fines imposed were RM20,000.00 for offences under Act 446 and RM1,500.00 under the Employment Act 1955, and have been paid by the employer. Seven Investigation Papers have been opened for offences under Act 446 for failure to provide accommodation for foreign workers under the Regulations of Act 446 and Employment Act 1955 for ordinary rate pay for shift workers, not providing payslips, and providing incomplete employment contracts to workers.

(d) Smart Glove (rubber glove)

Imposed WRO on 21 October 2021 due to allegations of seven out of 11 indicators of forced labour such as wage deduction and in conducive accommodation. No elements of forced labour activities have been identified during inspections by JTKSM.

(e) Brightway Holdings (rubber glove)

Imposed WRO on 20 December 2021 due to allegations of 10 out of 11 indicators of forced labour. Following inspections by JTKSM, the offence identified was under Section 24D of Act 446 for failure to obtain a Certificate of Accommodation. The fine imposed was RM20,000.00 and has been paid by the employer.

(f) YTY Group (rubber glove)

Imposed WRO on 28 January 2022 due to allegations of 7 out of 11 indicators of forced labour. Following inspections by JTKSM, the offences identified were under Section 24D of Act 446 for failure to obtain Certificate of Accommodation and other offences under Regulations relating to Act 446. The fine imposed was RM15,000.00 and has been paid by the employer.

³<https://www.malaymail.com/news/malaysia/2022/02/15/sime-darby-plantation-to-reimburse-foreign-workers-rm82m-in-recruitment-fee/2041768>

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
40	Prevention	4	i, ii	2	S12	G3
41	Prevention	4	i	5	S12	G3
58	Prosecution & Enforcement	11	(additional)	1	S11	G5

2.15 ATIPSOM Prosecution and Enforcement Conference Between the Attorney General's Chambers (AGC) and Enforcement Agencies

The Prosecution and Enforcement Conference was held from 28 February to 3 March 2022 in Penang. This Conference was launched by the Director of Crime Investigation Department Royal Malaysia Police (RMP). Among the main agenda of the conference was to **enhance investigation and prosecution of ATIP cases by law enforcement agencies**, better understanding and harmonising the implementation of ATIPSOM Act and improving victim engagement as well as case management. This is **in line with recommendations #4 and #13 of the US TIP Report 2021**.

About 135 representatives from the AGC, RMP, JIM, MMEA, JKDM, JTK, and NSO MAPO attended this Conference. The objectives of the Conference are as outlined below:

- To identify problems and challenges faced by enforcement agencies in prosecuting ATIP cases;
- Empowering the cooperation between AGC and Enforcement Agencies in prosecuting more ATIP cases; and
- To improve the investigation technique and prosecuting ATIP and SOM cases.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
53	Prosecution & Enforcement	8	ii	1	S8	G2
59	Prosecution & Enforcement	12	ii, iii, iv, v	1	S23	G6

2.16 Enhancing the Capacity of Enforcement Personnel and Prosecutors in TIP and Forced Labour

The Government recognises the importance of continuous capacity building as a critical component in the country's anti-TIP measures to ensure that government officials and other related stakeholders are equipped with the relevant knowledge and expertise in addressing the many issues related to TIP and forced labour. This is reflected in NAPTIP 3.0, with one of the main strategic goals and programme areas (G6) specifically focusing on capacity building to "strengthen the technical and institutional capacity in implementing the ATIPSOM Act." The capacity building undertaken during the current reporting period for enforcement agencies are **in line with recommendations #4 and #13 of the US TIP Report 2021**.

JTKSM organised a Workshop on Prosecution Related to ATIPSOM Act on 28-30 March 2022 in collaboration with AGC and NSO MAPO. This workshop involved the participation of 34 senior labour officers in Peninsular Malaysia. Speakers invited were from AGC, NSO MAPO and ATIP JTKSM Enforcement Division. The objectives of the workshop were as follows:

- a. providing information in regards to the:
 - i. latest amendment of the ATIPSOM Act; and
 - ii. latest prosecution directives relating to ATIPSOM Act and its amendments.
- b. overview of the efforts in combatting TIP and SOM;
- c. sharing the findings and recommendations of the US TIP Report 2021 by the US Department of State;
- d. explaining in detail the 11 indicators of forced labour as provided under the ILO Guide and their relevance to TIP cases; and
- e. sharing information on the latest status of ATIPSOM cases under the supervision of JTKSM.

During the current reporting period, the JTK Sarawak continued to conduct anti-trafficking training for its labour officers, with two of such programmes conducted in collaboration with JTKSM, NSO MAPO, and Ministry of Women, Family and Community Development (MWFCD) for 74 labour officers. The training focused on identification and investigation of TIP cases and handling of labour cases in the Labour Court. In January 2022, JTKSM conducted a retreat on TIP investigation and prosecution with DPPs for 30 labour officers including the prosecuting officers of JTK Sarawak. In March 2022, JTK Sarawak conducted a workshop on Private Employment Agency Act (PEAA) in collaboration with JTKSM and JTK Sabah to review the procedures and guidelines on private employment agency, including procedures on investigating any employment agencies for violating the PEAA. JTK Sarawak will organise briefing session in May 2022 to all private employment agencies in Sarawak to explain the procedures on recruiting activities including recruitment of non-resident employees and payment of placement fees.



The five enforcement agencies participated in capacity building sessions organised by NSO MAPO on “Introduction to Forced Labour and Child Labour in the Crime of Human Trafficking” to enhance the enforcement officers’ knowledge, as shown in the table below.

Table 7: Capacity Building on Forced Labour and Child Labour for Enforcement Agencies

No	Date	Number of participants	Region	Agencies Involved
1	8-10 Jun 2021	20	Northern	1. Royal Malaysia Police 2. Department of Labour 3. Immigration Department 4. Royal Malaysian Customs Department, and 5. Malaysian Maritime Enforcement Agency
2	28-29 Sep 2021	31	Central	
3	27-28 Oct 2021	21	Southern	

The AGC also conducted several workshops and training sessions for enforcement officers and special TIP prosecutors. In addition, the Legislative Committee is currently reviewing the SOP for prosecution to ensure it aligns with the current amendment. Despite the challenges of the Covid-19 pandemic, the AGC continuously provides training via online platforms to enhance the skills of DPPs. The aim is to provide continuous guidance to DPPs on pursuing trafficking charges. A total of six in-house trainings were conducted during the current reporting period. The training specialises in topics that include issues of law such as hearsay, tendering evidence in courts, preparing for submissions, and securing evidence. Additionally, there were four in-person training sessions involving Specialised TIP DPPs from the Headquarters.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
51	Prosecution & Enforcement	7	vi	1	S7	G2
53	Prosecution & Enforcement	8	ii	2	S8	G2
59	Prosecution & Enforcement	12	iii, v, vii	1	S23	G5, G6

2.17 Access to Justice during Covid-19 Pandemic

Malaysia had imposed a series of Movement Control Orders (MCO) following the outbreak of Covid-19 in the year 2020 until 2021. In ensuring access to justice is not hampered during these trying times, the Judiciary had introduced additional SOPs and Practice Directions to ensure cases can still proceed despite the challenges. The Practice Directions on conducting cases during MCO include - *Arahan Mengenai Pengendalian Prosiding Kes Jenayah Di Mahkamah Semasa Perintah Kawalan Pergerakan (PKP)* issued on 20 January 2021, *Arahan Ketua Hakim Negara Bil 9 Tahun 2021 Urusan dan Pengendalian Kes Jenayah Semasa Tempoh Pemulihan Negara Fasa 1 dan II* issued on 3 July 2021, and *Arahan Ketua Hakim Negara Bil 10 Tahun 2021 Urusan dan Pengendalian Prosiding Kes Sivil dan Jenayah Semasa Tempoh Pemulihan Negara Fasa III* issued on 9 August 2021.

In addition, **the Subordinate Courts Act 1948 and the Court of Judicature Act 1964 were amended on 22 October 2020 to enable the courts to conduct cases online.** These were the efforts and initiatives taken by the Malaysian judiciary to ensure limited disruption to court cases. As a result of the amendment, court proceedings can be carried out online to an extent. For instance, TIP cases in Negeri Sembilan and Sarawak were fixed for case management through online platforms, enabling the cases to move forward and be ready for a full trial, during the reporting period.

In ensuring no unreasonable delays in TIP cases, **the Court has also taken steps to bring forward cases that involve TIP victims** who are placed under a Protection Order. Earlier dates were fixed so that TIP victims can give evidence in Court ahead of scheduled trial dates. This is to **assist and expedite the process of repatriating the victims safely to their home country.**

These efforts are **in line with recommendation #14 in the US TIP Report 2021.**

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
48	Prosecution & Enforcement	6	(additional)	1	S6	G2
53	Prosecution & Enforcement	8	i	1	S8	G2

2.18 Convictions of TIP Cases

The legislative committee/AGC is working progressively and is committed to securing a conviction, especially in ATIPSOM cases. In ensuring that the AGC maintains good practices from the previous years and improves administrative procedures to keep abreast with the current trend of criminal investigation and to strengthen the existing practice.

One of the significant initiatives is the appointment of Specialised TIP DPP in all 14 states in Malaysia. Throughout the reporting period, there are 79 Specialised TIP DPPs appointed compared to 65 last year. There are currently four Specialised TIP DPPs from the AGC Headquarters as compared to two appointments in the previous year.

In parallel with the new amendment, the AGC also made some improvements in the administrative procedure in relation to the references of investigation papers of TIP cases. The aim is to ensure that all cases are monitored closely by the AGC as early as receiving the first information report until the completion of the investigation. This is to ensure that all evidence is gathered in accordance with the law and can be presented to the Court successfully in order to secure a conviction and ensure that justice is served. On 23 January 2022, a new directive was issued from the Head of Prosecution Division to all enforcement officers requiring that all investigation papers are referred to DPPs twice before the expiration of the Interim Protection Order (IPO) period. This requirement is to ensure that the investigation conducted by enforcement meets the standard or to fit the elements of TIP under ATIPSOM Act.

There **is a significant increase of about 400% in the number of convictions from 21 in the previous reporting period to 113 in the current reporting period**, as shown in Table 8 below. On top of that, **a total of RM105,300.00 was paid as compensation to the victims.** This is a result of intensified efforts and improvements made by law enforcement to investigate and prosecute trafficking cases, including enhancing inter-agency cooperation between investigating officers and prosecutors. This is **in line with recommendations #2 and #4 of the US TIP Report 2021.**

Table 8: Convictions of TIP Cases

Reporting period: 2021		Reporting period: 2022	
Number of Charges	Number of convictions	Number of Charges	Number of convictions
100	21	157	113

Despite the pandemic and Movement Control Order (MCO), 276 ATIP cases have been disposed of for the current reporting period. There are several cases that are significant and worthy of mention:

- a. The first case is the case of PP v Salmi binti A. Rahman. At the conclusion of the trial, the accused was convicted on three counts of charges, namely; (1) offence under Section 13(b) of the ATIPSOM Act; (2) causing grievous hurt under Section 325 of the Penal Code; and (3) offence under the immigration laws. In this case, the victim, a foreign citizen who worked as a domestic helper for the accused, was physically abused and sustained 181 injuries on her body. A total of 19 prosecution witnesses and five defense witnesses testified and after careful consideration, the Court ruled on 12 January 2022 that the prosecution has proven the charges beyond reasonable doubt. The accused was sentenced to 16 years of imprisonment (10 years for the first offence, five years for the second offence, and one year for the third offence) and was also ordered to pay a compensation of RM10,000.00 to the victim.
- b. The second case is the case of PP v. Mabel Amen Monye. In this case, the accused was charged for the offence of sexual exploitation under Section 12 of the ATIPSOM Act. In this case, the victim was contacted by the accused, a friend of a friend, offering her a makeup job in Malaysia. Upon her arrival in Malaysia, the accused brought the victim to a place for her to stay and locked her up. The victim was subsequently sexually exploited. The prosecution and the defence called nine (9) and two (2) witnesses respectively. At the conclusion of the trial on 28 July 2021, the accused was convicted and sentenced to 10 years of imprisonment and ordered to pay a compensation of RM5,000.00 to the victim.

Both cases were heard and decided by the Special ATIP Court in Klang, Selangor.

- c. Another noteworthy case involved an organised crime syndicate infamously known as the Jackie Gang. In this case, the offences committed were assisting in gang activities of sexual exploitation and prostitution – these being part of the organised crime activities carried out by the syndicate. Two accused were charged in the High Court (cases involving organised crime are under the High Court's jurisdiction) and were sentenced to three years of imprisonment.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
48	Prosecution & Enforcement	6	(additional)	1	S6	G2
49	Prosecution & Enforcement	6	ii, iii	3	S6	G2

SECTION 3

PROTECTION

“ This crime of slavery strips victims of their dignity and human rights. The victims at times experience violence and are treated inhumanly. They suffer from **physical injuries and psychologically trauma**. The crime not only diminishes the victim but also the victim’s families, communities and country. ”



YBhg. Datuk Dr. Maziah binti Che Yusoff
Secretary General MWFC
25 November 2021

Malaysia continues to intensify its efforts to care and protect victims of trafficking through, amongst others, the **enhancement of its shelter services, increasing the number of victims with the permission to move freely (FOM) by expediting the process, and expanding the Victim Assistance Specialist (VAS) Programme**. The protection of trafficking victims in Malaysia is entrusted to the Ministry of Women, Family and Community Development (MWFC). The Government strongly believes in multi-stakeholder partnership in providing a holistic and effective care and protection services to TIP victims who have varied and numerous care needs which no one person or organisation can meet. This section of the report reflects on the significant and noteworthy efforts undertaken by the Government to protect TIP victims in Malaysia, including in synergistic partnership with local NGOs, international organisations, and other relevant stakeholders.

3.1 Empowerment of MWFC as Lead in Protection

The recent amendments of the ATIPSOM Act solidifies Malaysia's commitment to strengthen its legislation in addressing the issue of TIP and SOM. Among the enhancement of victim protection in the recent amendments are related to the **strengthening and expansion of the responsibilities of the MWFC as the Chair of Victim Care and Protection Committee**. It is another key milestone to reinforce the MWFC's role in fulfilling the Government's aspiration to enhance the management and development of Protection Officers and shelters for TIP victims. In this regard, MWFC remains steadfast in providing its full support to MAPO in the country's efforts in combatting TIP and in the effective implementation of relevant activities including the review, monitoring, and evaluation process of NAPTIP 3.0.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
80	Partnership	8	(additional)	1	S32	G9
81	Partnership	10	i, ii	1	S34	G9
81	Partnership	10	i	2	S34	G9

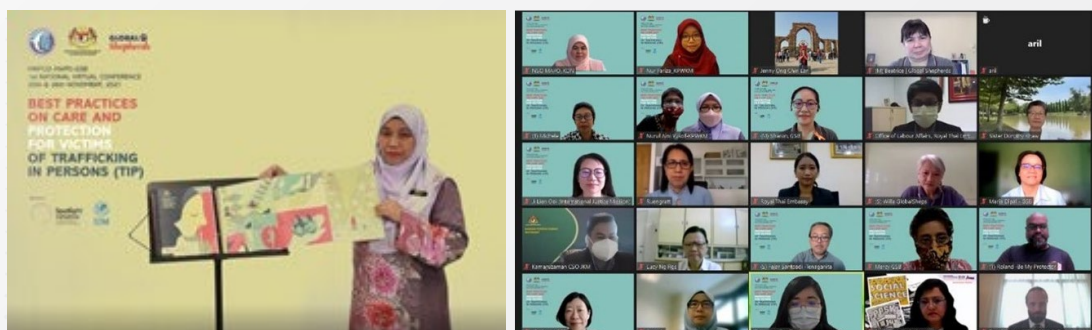
3.2 1st National Virtual Conference: Best Practices on Care and Protection for Victims of Trafficking in Persons

The collaborative partnership among the Government, NGOs, and international organisations was further enhanced with the 1st MWFC-MAPO-GSB National Virtual Conference: Best Practices on Care and Protection for Victims of Trafficking in Persons (TIP), 25-26 November 2021 with its theme "Let's Care, Let's Protect". It substantiates the trust and robust partnership between the Government, NGOs, and international organisations towards a common goal of improving the care and protection of TIP victims. The two-day virtual conference is significant as it is the inaugural national conference on care and protection for TIP victims which was organised by MWFC in collaboration with MAPO, Global Shepherds Berhad (GSB) and supported by UN Women (under Safe and Fair program) and International Justice Mission (IJM) Malaysia. The Conference successfully achieved the following objectives:

- as a platform for service providers and relevant stakeholders in the area of protection from the origin and destination countries to share their experiences and approaches in providing care and protection services to TIP victims;
- launching of MWFC Training Manuals for Victim Care and Protection in conjunction with the 16 Days Campaign to End Violence Against Women and Girls; and
- established and strengthened networks between Government and civil society partners, locally and internationally, in the area of protection.

The virtual conference included plenary and breakout sessions that focused on best practices for TIP victim care and protection, which included topics such as how the National Referral Mechanism (NRM) works from both national and global perspectives; psychological coercion, and its impact on TIP victims; understanding victims' support needs; a right-based, gendered perspective in TIP victim care and protection, and trauma-informed care; vicarious trauma and burnout as well as a collaborative approach to victim care and protection with special consideration for child TIP victims. It was attended by around 200 participants from all over the country and the panel of speakers were from various organisations from different countries such as the US, Australia, the Philippines, Thailand, Cambodia, ASEAN-Act, international NGOs, UNODC, UNICEF, and local NGOs as well as representatives from the academia.

All Protection Officers and shelter personnel had the opportunity to learn from the international speakers on good practices of victim care and protection in other countries, including understanding the best interests of children. The output of the discussions from the plenary and breakout sessions during the conference was collated and presented as recommendations and inputs to enhance the care and protection services for TIP victims in the country through the publication of the Conference Report. This conference initiative is in line with NAPTIP 3.0's Strategic Goal #4 which focuses on the protection of TIP victims and Strategic Goal #8 on enhancing partnerships as well as recommendation #10 of the US TIP Report 2021 to increase cooperation with NGOs.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
71	Protection	5	iv	1	S18	G4, G8
72	Protection	6	v	1	S22	G6
77	Partnership	4	i	1	S28	G8
77	Partnership	4	i	2	S28	G8

3.3 Expansion of the Victim Assistance Specialist (VAS) Programme

In line with the **recommendations #5 and #10 in the USTIP report 2021** to improve on case management and communication with trafficking victims, including through an expanded Victim Assistance Specialist (VAS) Programme, and to expand cooperation with NGOs, Malaysia **stepped up its effort to expand its VAS Programme through appointing more VAS from the NGOs and government agencies.** The VAS Programme initially started with only two VASs on a volunteer basis from the Government and NGO since its establishment in 2019. It is significant to highlight that the **VAS Programme in Malaysia is unique** from that practiced in most countries. This is because VASs are appointed not only from the government agencies but also **includes the participation of NGOs and relevant individuals** who are deemed as fit and competent to provide their services to TIP victims. This signifies the **Government's efforts to establish strategic and synergistic partnerships with NGOs and other relevant parties to support victims.**

Pursuant to the Introduction Session on VAS on 25 March 2021, organised by NSO MAPO in collaboration with MWFC and facilitated by the two pioneer VASs, two new VASs were appointed in July 2021 – one from Tenaganita, Penang, and one from SUK Society. Subsequently, a Familiarisation Session on the roles and responsibilities of VAS was conducted for Victim Care Officers (VCO) from the Sexual, Women and Child Investigations Division (D11) of RMP on 6 April 2021. As a result of this session, two VCOs were appointed as Protection Officers in October 2021 under the ATIPSOM Act and subsequently as VASs. As such, **to date, there are six appointed VASs** to perform their duties in providing support to TIP victims as well as being a liaison between victims and enforcement agencies, public prosecutors, and service providers, where necessary.

All newly appointed VASs are required to undergo an orientation session and on-the-job training and are mandated to attend ongoing capacity building programmes. An orientation session was convened on 11 February 2022 for the newly appointed VASs from the NGOs as well as from D11 to introduce them to, amongst other things, the background of the VAS Programme, the roles and responsibilities of the VAS, the Key Guiding Principles in Victim Engagement, and the Code of Ethical and Professional Conduct for VAS as well as to get to know the newly appointed VASs and to hear their feedback or address any questions or concerns they may have.

Currently, two more VASs from D11 are in the process of being appointed – one in Sabah and one in Sarawak. The subsequent appointment of these two VASs will mark the **expansion of the VAS Programme to East Malaysia** and increase the number of VASs in the country to eight. The Government is committed to strengthen the VAS Programme nationwide in 2022 as one of its key anti-TIP measures to enhance a victim-centred approach in victim support and engagement.

The VAS unit is open to engaging with interested parties to **enhance the capacity of the VAS** and support them in providing their services more effectively. For example, an international organisation, Operation Underground Railroad (OUR), had engaged with the VAS during the current reporting period and provided six laptops to support and equip the VAS unit, while the International Organization for Migration (IOM) had engaged with NSO MAPO to develop a training manual for the VAS Programme.

The cases undertaken by the VASs during this reporting period are shown in the table below.

Table 9: Cases Undertaken by VAS 2021/2022

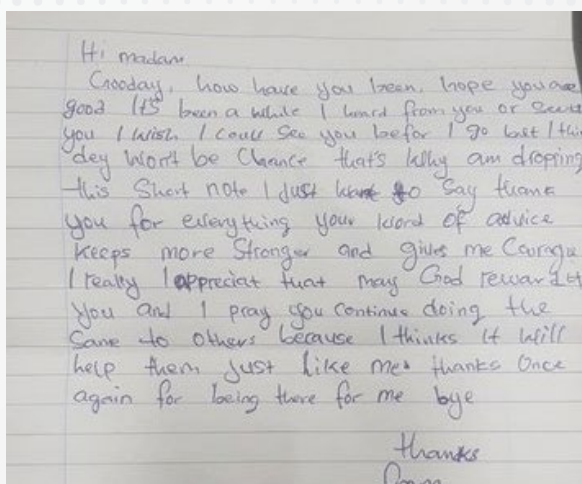
REVIEW OF CASES UNDERTAKEN BY VAS IN 2021/2022						
No. of Case	Date	Requested By	Type of Case	Phase of ATIP Process	No. of Persons Served	Country of Origin
REVIEW OF CASES UNDERTAKEN 2021						
1	Apr	JIM Putrajaya	Forced Labour	IPO/RPWKL	25	Indonesia
2	Apr	IPD Ampang Jaya	Forced Labour	IPO/RPWKL	1	Indonesia
3	Apr	JIM Negeri Sembilan	Forced Labour	PO/RPWZT	1	India
4	Apr	JTK Pahang	Forced Labour	IPO/RPL	11	India
5	Apr	IPD Brickfield	Forced Labour	IPO/RPWZT	1	Indonesia
6	Jun	IPD Klang	Forced Labour	PO/RPGS & RPL	23	Indonesia & India
7	Oct	IPD Petaling Jaya	Forced Labour	IPO/RPWZT	1	Indonesia
8	Feb	IPD Ipoh	Forced Labour	IPO/Tenaganita	3	Indonesia
8 cases			TOTAL		66	

Source: Ministry of Women, Family and Community Development (March 2022)

As part of the Government's efforts to promote the utilisation of the VAS services amongst the enforcement officers and prosecutors, the two pioneer VASs were invited to conduct a session on the VAS Programme at a recent conference organised by D3 of the RMP for enforcement and prosecution in Penang on 2 March 2022. Feedback from the participants on the VAS Programme was positive, with many investigating officers (IOs) and deputy public prosecutors (DPPs) expressing interest and willingness to engage the services of the VAS for their cases.

During the current reporting period, the VAS unit continues to assist and support victims, including informing them of their rights, explaining the legal process and the FOME process when they have been granted Protection Order, engaging interpreters' services when necessary, and networking with international organisations and NGOs in the source countries to provide after-care or reintegration support. Since its inception, the VAS unit has received remarkable feedback from service users. Some of the positive testimonies are as follows:

1. TIP Victim #1 – at Government Shelter:



2. TIP Victim #2 – at NGO Shelter: (translation)

"VAS were kind-hearted and patient. They helped my group to obtain pro bono legal services for our case. They explained the case process and that this case was special and the first of its kind to uphold workers' rights. They helped with the interviews with the lawyer and gave full support to me to be patient in waiting for the court case and the process for application for work. The VAS made the effort to discuss with other NGOs to help in obtaining financial support for me while I stayed in the shelter. The **VAS took concern over our well-being, our health, safety, and emotional distress** while we stayed in the shelter."

3. Prosecution:

"As a prosecutor, I would **highly urge my fellow prosecutors to engage the VAS** in conducting their cases. **My experience has been nothing but helpful.** I am grateful that the officers are understanding and committed to their tasks in **assisting the victims to "find" their voice and confidence** to participate in the criminal justice system. There is nothing more satisfying than seeing these individuals become aware of their integral role in prosecuting the offenders, **learning to trust the prosecutors** to tell their side of the story and having reason to believe that there are **genuine people** out there especially **in the law enforcement** who understood their plight. **I wholly support** the idea of expanding the numbers of committed VAS officers in the near future."

(Pn Nadia, DPP, AGC)

4. MAPO TaskForce:

“Victim Assistance Specialists (VAS) **work closely with prosecutors, law enforcement, and other staff members** to ensure that victims of trafficking are treated with respect, know their rights, and understand their role within the criminal justice system. This gave law enforcement officers more time to focus on the investigations rather than managing the welfare of the victims. VAS also has **helped victims navigate the criminal justice system** by providing support, assessing a victim’s needs, developing a safety plan, connecting victims to resources, and identifying gaps in service. They also ensure that law enforcement officers are informed about the abuse and trauma that victims experience.”

(DSP Hadzwan, ex-MAPO Task Force Commander)

5. Enforcement – Police:

“VAS is important in **supporting and assisting during the investigation** of human trafficking cases towards achieving the common goal of **addressing the well-being of trafficked victims and improving the likelihood of strong investigations and successful convictions**. VAS has been supportive in:

1. Victims Identification Process

2. Liaison Person –

- a. Build up the **confident level of trafficked victim** to Investigation Officer and Prosecutor.
- b **Provide appropriate information, assist in finding needed services, and to support victims as the victims cooperate** with the investigation and prosecution.”

(DSP Koh, D3, Bukit Aman)

6. Enforcement – Immigration Department: (translation)

“I find that this service is **extremely helpful in ensuring that victims remain in a good and positive emotional state** while they wait for the whole process of the court case. After each session of meeting with the VAS, I find that the victims concerned are more cheerful and calm. This can indirectly help ensure that victims are able willing to cooperate with the prosecution and able to provide their statements in court in a more rational manner.”

(TPPK Lailatul, Immigration Department, Negeri Sembilan)

7. Protection – Government Shelter: (translation)

“I have seen that with the VAS service, it **has helped victims to have a better understanding of the ATIP case process**. Besides that, the VAS will come with interpreters, hence, there is a two-way communication with victims who will then be able to understand better and clarify matters. I have seen how the **VAS played a role in connecting victims to needed services**. The VAS played an important role in helping victims with their emotional distress through providing clear information as well as showing their concern to the victims, encouraging them to remain positive and patient through the process. In addition, when the VAS were able to help to connect victims to the required services, victims were able to remain calm in the shelter. In fact, many victims who were about to be repatriated would request to meet with the VAS again to thank them for their help and support. I hope that the good VAS services can be continued so that victims can have clear information and be able to stabilise their emotions.”

(Pn. Rahmah, Case Officer, Government RP)

8. Protection – NGO Shelter:

“**VAS can help in case process**, especially in court hearings. For example, VAS brought an **interpreter** to court for two women who refused to cooperate with the DPP at the Court Hearing. After explaining to them the case process and why they need to give true witness statement, the women gave their **cooperation in court and were able to positively identify the perpetrator**. We at the RP will always recommend to the Investigating Officers to apply for the VAS at the point of admission of victims.”

(Ms. Harbans Kaur, Shelter Manager at RPGS)



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
46	Prosecution & Enforcement	4	iii	1	S4	G2
49	Prosecution & Enforcement	6	i, iii	3	S6	G2
63	Protection	2	i	1	S15	G4
67	Protection	2	i	8	S15	G4
69	Protection	4	i	2	S17	G4
74	Protection	3	i, ii, iii	3	S22	G4
77	Partnership	4	i	2	S28	G8

3.4 NGO Protection Officers

Since the amendment of ATIPSOM Act in 2015 that allows any person whom the Minister thinks fit to exercise the powers and perform the duties of a Protection Officer under Section 43(1A), there have been an overwhelming support from NGOs to work together with the Government in providing services to TIP victims. This is substantiated by the continued interest shown by the NGOs as more applications have been submitted from the NGOs for their staff to be appointed as Protection Officers as the Government continued to engage with NGOs to encourage them to participate in this effort.

During the current reporting period, six personnel from various NGOs (SHUT, Purple Lily Social Association Kuching and Caritas Malaysia: Diocese of Sibuyan) have been appointed as Protection Officers in accordance with Section 43, ATIPSOM Act. **To date, a total of 19 NGO members from various organisations have been appointed** by the Minister of Home Affairs as Protection Officers since 2017. The appointment of more NGO Protection Officers will help to ensure that TIP victims are provided with adequate support services, including assisting the shelters in preparing the Social Report as required in Section 51(1)(b) of ATIPSOM Act. Working together with NGOs in this manner is **in line with recommendation #10 in the US TIP Report 2021** that calls for the Government to continue to expand cooperation with NGOs to provide victim support services.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
63	Protection	2	ii	2	S15	G4
74	Protection	3	i, ii, iii	3	S22	G4

3.5 Development of Training Manuals for Protection Officers and Shelter Personnel

Since April 2021, MWFCDD and its collaborative partners, Global Shepherd Berhad (GSB) and International Justice Mission (IJM) Malaysia started to develop its first Training Manual on Trafficking in Persons (TIP) specifically for Protection Officers, shelter personnel and others who are involved in the care and protection of TIP victims. The journey started with a consultative dialogue on training needs assessment between the Government and NGO representatives on 25 February 2021. Following that, a Technical Working Group (TWG) was formed which comprised of representatives from Government and NGO partners. Based on the results of the training needs analysis, two manuals were developed with funding support from the US Government through GSB. Consisting of extensive input and feedback from the participation of end-users from the training needs analysis, the training manuals provide guidelines to address the actual issues and needs on the ground as well as develop the necessary skills for better delivery of victim care and protection services that are victim-centred and trauma-informed. The training manuals were launched by the Secretary-General of MWFCDD during the MWFCDD-MAPO-GSB 1st National Virtual Conference: Best Practices on Care and Protection for Victims of Trafficking in Persons (TIP) on 25 November 2021. **This initiative is in line with Strategic Goal #6 in NAPTIP 3.0** focusing on capacity building to increase competencies and understanding of frontline personnel in relation to principles of protection through institutionalised training. It is also in **line with the recommendation #10 in the US TIP Report 2021** to expand cooperation with NGOs.

Training Manual 1 on “Essentials of Victim Care and Protection” contains six Modules on TIP namely i) Basics of Trafficking in Persons (TIP), ii) Guiding Principles for Responding to TIP Victims; iii) Trauma-Informed Approach from Theory to Practice; iv) TIP Victim Care and Protection; v) Special Focus on Child TIP Victims; and vi) Core Competencies and Skills which contains 10 individual topics relevant to enhancing the competencies and skills of care providers. **Training Manual 2 on Activity and Intervention Programmes for TIP Victims** comprises five Modules, namely i) Designing and Implementing Activity and Intervention Programmes; ii) Victim Empowerment Programmes; iii) Physical Health and Mental Wellness Programmes; iv) Life Skills Programmes; and v) Community Living Programmes. The activity and intervention programmes were developed based on not only best practices but also from the feedback from victims who participated in the programmes conducted by service providers and shelter personnel.



MWFCD kicked off its first **Training of Trainer's programme (ToT)** based on the Training Manuals on 9-10 March 2022, where two senior personnel from each of the 10 shelters for TIP victims were invited to attend the training. The ToT was conducted to build the capacity of selected trainers from the implementing agencies under MWFCD and relevant NGOs who will then be able to use the manuals to conduct training sessions for their staff in their respective shelters accordingly. A continued and structured training programme based on the manuals will be implemented over the next five years. This significant initiative contributes towards the improved and institutionalised capacity building to ensure that all frontline personnel are adequately equipped with appropriate skills and knowledge in the care and protection of trafficked victims. In line with MWFCD's stance to partner with NGOs, the capacity building programmes will involve MWFCD's NGO partners not only as participants but as trainers as well.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
64	Protection	2	i, iii, iv	2	S15	G4
72-73	Protection	6	i, ii, iii, iv, v	1	S22	G6
73	Protection	6	i	2	S22	G6
77	Partnership	4	i	2	S28	G8

3.6 Enhancement of the Interpreter Service

MWFCD continues to forge smart partnerships in the effort to combat TIP in Malaysia as well as to provide support and assistance to the TIP victims. The Victim Care and Protection Committee is aware that language assistance is crucial in strengthening the Government's initiative towards a victim-centred and effective response to TIP. Thus, the Committee engaged with International Justice Mission (IJM) Malaysia to **establish an interpreters' mechanism** to offer interpreter services, when necessary. To date, IJM has successfully established **a pool of 40 interpreters for a total of 16 languages** (Burmese, Bengali, Chittagonian, Hindi, Indonesian, Javanese, Khmer, Mandarin, Mizo, Nepali, Rohingya, Tagalog, Tamil, Telugu, Thai, and Vietnamese). These interpreters have undergone training with IJM and are equipped with knowledge on an overview of TIP, the National Referral Mechanism, protection services for victims, basic legal processes as well as a trauma-informed approach in dealing and interacting with TIP victims. **This interpreters' mechanism managed by IJM is also open to other MAPO Committee members, particularly the enforcement agencies, Protection Officers, VAS, shelter personnel as well as other NGOs.**

During the current reporting period, the **interpreter services supported a total of 32 victims** at various states of the ATIPSOM process. Interpretation support was given for case work interview, investigation interviews by Investigating Officers, interviews by Protection Officers for the victims' background or also known as the Social Report, court preparation with DPP, and psychological assessment interview.

In emergency situations or where interpreters are not available, the use of translation software for daily communications with TIP victims as well as providing FAQ in different languages on certain pertinent information were helpful in enhancing communication with victims. In addition, the shelters also engaged the interpreters who were paid by **MWFCD that amounted to RM1,950.00 for eight engagements in the shelters**. These engagements included the interviewing of victims as well as for the activities conducted in the shelters. Enhancing interpreter services with the cooperation of NGOs and international organisations is **in line with the recommendations #9 and #10 in the US TIP Report 2021** to expand cooperation with NGOs, to improve communication with TIP victims, and to have a system for access to timely and accurate interpretation in victims' primary languages made available to law enforcement and shelters.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
63	Protection	2	i	1	S15	G4

3.7 Effective Management of Shelter Homes for TIP Victims

Malaysia continues to shelter victims of trafficking in a segregated shelter according to gender, age, or protection order. In the previous reporting period, the Victim Care and Protection Committee had conducted a pilot study from 1 October 2020 to 31 March 2021 to segregate shelter occupants at two government shelters for women TIP victims in the Central Zone, by the Interim Protection Order (IPO) and Protection Order (PO) court order. The pilot project was to study if intervention programmes in shelters can be implemented in a more targeted and effective manner by segregating the residents according to their court orders. Feedback from the residents of the shelters and the staff indicated that more victim-centric and focused intervention efforts can be planned and provided by the staff for the residents of each shelter. Due to the positive outcome, the two shelters continued to house the women based on the type of protection order during the current reporting period.

Considering the welfare of child TIP victims aged 18 and below, the Government placed them together with their mothers in TIP shelters for children and to create the space in current TIP shelters to cater for families rescued from TIP situations. **This effort is in line with Strategic Goal #4 of NAPTIP 3.0 on victim care and protection to reduce the psychological impact on victims with families.**

The Government is cognisant of gaps in the protection services, namely the lack of TIP shelters in Sarawak for care and protection services for TIP victims rescued in the State. In its effort to provide TIP victims with appropriate care and protection, MWFCDC in its capacity as the Chair of Victim Care and Protection Committee proposed and agreed to consider establishing a TIP shelter in the Sarawak zone. Following that, MWFCDC led a meeting on 13 January 2022 with all the relevant government agencies in Sarawak to inform them of the proposed initiative. The members at the meeting unanimously agreed that a shelter for TIP victims was urgently needed in the Sarawak zone. IJM was appointed as the strategic partner and consultant for this initiative to conduct the shelter needs assessment in Sarawak with relevant government agencies and NGOs, which was carried out from January to February 2022. The research was to assess the need and suitable location for the establishment of a TIP shelter in Sarawak as well as TIP and forced labour situation in the state. The shelter needs assessment findings and recommendations were presented to NSO MAPO, MWFCDC, and relevant government authorities in Sarawak on 15 March 2022. Interestingly, feedback from the victims interviewed during the needs assessment found that all the

victims preferred to stay in a closed and safe shelter. As quoted by them, **“a closed shelter means the employers cannot get to us to take revenge”**. This is in line with Strategic Goal #4 on victim care and protection and related to Strategic Goal #8 of NAPTIP 3.0 (2021-2025), where protection services are extended and provided by geographical zones through partnerships with NGOs.



For the current reporting period, the Government continued to **provide funding to the two existing NGO shelters operated by Tenaganita in Penang and GSB in Selangor respectively, totalling RM785,000.00**. The funding to Tenaganita and GSB include an amount of RM20,000.00 each to cover the expenses of the VAS from the respective organisations. These efforts are **in line with the recommendation #10 in US TIP Report 2021** for the Government to expand its cooperation with NGOs to provide victim care and protection services including providing financial or in-kind support.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
68	Protection	3	i, ii	2	S16	G4
70	Protection	5	i	1	S18	G4

3.8 Engagement Session with Caritas Sibu, Sarawak

The Victim Care and Protection Committee continuously worked collaboratively with NGOs in its endeavour in improving the provision of care and protection services to TIP victims in line with best practices. During the current reporting period, one of the tangible collaborations between the Government and NGOs was the **proposal to establish NGO-run shelters in Sarawak**. In its effort to provide shelter for TIP victims in Sarawak, MWFCF along with the NSO MAPO conducted a series of discussions with Caritas Malaysia in Sibu, Sarawak on the possibility of implementing an NGO-run shelter in Sibu by Caritas.

The team visited the proposed site on 19 December 2021. Subsequent to the visit, a one-day training was conducted on 15 January 2022, attended by 22 participants comprising of Sibu Catholic Church members and community leaders. The training, which was collaboratively facilitated by MWFC, MAPO Task Force, and JIM, aimed to give basic information on the protection of TIP victims starting from point of rescue to repatriation. Moving forward, the site will be properly assessed and declared as a place of refuge under Section 42, ATIPSOM Act, before the shelter can start its operations. **It is envisaged that Sarawak will have its first TIP shelter by the end of 2022.** It will also be the third NGO shelter in the country, further cementing the Government's efforts in partnering with NGOs to provide care and protection services to TIP victims. As part of the prevention efforts in Sibu, the ATIPSOM Sibu Division was involved in promoting a giant mural that was painted near the Sibu market area to raise awareness on TIP.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
35	Prevention	1	(additional)	5	S9	G3
68	Protection	3	i	1	S16	G4
68	Protection	3	ii	2	S16	G4

3.9 Improved Care and Protection Services to TIP Victims at the Shelter Homes

It is imperative that all parties who are engaging with the TIP victims understand about what is trauma, how trauma impacts victims including their responses to services and the criminal justice process, and how service providers can respond to victims without causing further traumatisation. Hence, MWFC as the Chair of the Victim Care and Protection Committee, in collaboration with GSB, has developed the MWFC Training Manuals on TIP based on a victim-centred and trauma-informed approach (TIA) with the goal of preventing victim re-traumatisation, increasing the safety of all, and increasing the effectiveness of interactions with victims. TIA begins with understanding trauma and the physical, social, and emotional impact of

trauma on the individual, as well as on the professionals who help them. This includes victim-centred practices which incorporate realising the prevalence of trauma, recognising how trauma affects all individuals involved with the programme, organisation, or system, including its own workforce, and responding by putting this knowledge into practice.

Consistent with **Strategic Goal #4 in NAPTIP 3.0 of providing a victim-centred protection, assistance, and recovery services**, using a trauma-informed approach helps to provide a better experience of care and support for the TIP victims as well as more positive outcomes for law enforcement. It can lead to more effective interviews of victims and witnesses; it increases victim cooperation with law enforcement; and it helps facilitate the recovery of victims which is instrumental in enabling them to present a more coherent account of their trafficking experience. Recognising that the quality of care and protection services provided contributes to the quality of victim witnesses, the Government has continued to intensify its efforts in the current reporting period to enhance the services provided to TIP victims.

Some of the significant efforts, including newly improved services, in TIP victim management and care are:

a. Standard Operating Procedure (SOP) on Care and Protection for Trafficked Victims

The Standard Operating Procedure (SOP) on Care and Protection for Trafficked Victims was drafted by considering the provisions related to Protection in Part V, ATIPSOM Act. It is intended to facilitate the implementation of elements of care and protection to TIP victims in line with the role and function of MWFCDC as the Chair of the Victim Care and Protection Committee. The main objective of this SOP is to **provide a standard and clear guide or reference to the staff at the shelter and facilitate all parties involved in the management of victims** to provide efficient and effective delivery of services to the victims at the shelters.

This SOP has been revised and refined through a series of discussions held, including jointly with the Enforcement Committee under MAPO Council and NGO-run shelters. The content of this SOP comprises of 20 Procedures that must be followed and implemented by all parties involved in providing care and protection services for TIP victims, starting from the initial entry of a rescued person into the shelter under the Interim Protection Order (IPO), during the Protection Order period where the TIP victim remains under care and protection, and subsequently to the repatriation of the TIP victim to his/her home country. This SOP was presented in the 3rd Coordination Meeting of the Head of the Committees under MAPO Council in the Ministry of Home Affairs, chaired by the Deputy Secretary-General (Policy and Control) on 18 November 2021 and agreed by all MAPO Committees present and subsequently approved by the Chairman of MAPO on 11 Feb 2022.

MWFCDC collaborated with IJM for the support and sponsorship of the training on SOP for shelter staff and Protection Officers organised by MWFCDC on 24-25 March 2022.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
62	Protection	1	i	2	S14	G1, G4
73	Protection	6	iv, v	1	S22	G6

b. Inter-agency Coordination Mechanism for Protection

It is understood that human trafficking cases consume time and are difficult, thus they pose a challenge to prosecutors, investigators, and victim service providers alike. Successful criminal investigations and prosecutions flow from positive partnerships and collaboration among criminal investigators, prosecutors, and a myriad of service providers. The Victim Care and Protection Committee through its shelter management, meets together with relevant agencies like enforcement, AGC, and representatives from the Court in the Case Management Committee Meeting (CMC) as well as Victim Assessment and Coordination Meeting (VAC) held regularly to discuss the pending cases relating to the victims who are residing in the shelters. The shelter managers from the Government shelter homes as well as the NGO shelters participate in the VAC meeting where they report and discuss pertinent issues with regards to cases in their shelters. Tenaganita reported that they value the VAC meetings that are held bi-monthly in which case management of victims in the shelter are discussed. The VAC is the platform for the shelters to present on any related issues and to request for assistance from NSO MAPO or other relevant agencies involved. It is **in line with the recommendation #10 in the US TIP Report 2021** that calls for increased cooperation with NGOs.

Through these meetings, the various agencies will discuss on any pending court cases, issues arising from any individual case, including issues on the FOME as well as repatriation. During this reporting period, six meetings have been conducted in April, June, August, October, and December 2021 as well as in January 2022. **This activity is in tandem with Strategic Goal #4 of NAPTIP 3.0 which relates to ensuring that protection assistance and services provided to victims are individualised, victim-centred, and rights-based, recognising the particular needs of minors.** These inter-agency meetings are instrumental in monitoring the progress of

cases, including addressing any potential issues or challenges faced. Many cases were able to be expedited as issues could be addressed and the relevant agencies were able to assist in facilitating positive outcomes more efficiently and effectively. This ultimately contributes positively to the well-being of TIP victims.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
53	Prosecution & Enforcement	8	ii	1	S8	G2
62	Protection	1	i	2	S14	G4
66	Protection	2	ii	5	S15	G4

c. Freedom of Movement and Employment (FOME)

The safety of the victim is paramount before granting freedom of movement outside the shelter home. Hence, the approval for freedom of movement (FOM) is subject to risk assessment which comprises of security, health, and psychological aspects. The Victim Care and Protection Committee takes its responsibility seriously to ensure the safety of the victims under its care while recognising and upholding the rights of victims, in line with **Strategic Goal #4 of NAPTIP 3.0** as well as in **SDG 2030** in ending human trafficking by improving gender equality (Goal 5).

In expediting the approval process for FOM, applications for all individuals placed in the TIP shelters are forwarded to NSO MAPO by the shelters for approval during the interim protection order (IPO). For the current reporting period, **102 victims were granted FOM compared to 76 victims in the previous reporting period**. Out of 102 victims who were granted FOM, **11 victims have successfully secured employment in Malaysia compared to only one victim in the previous reporting period**. This is a tremendous increment and shows the Government's committed efforts to enhance the implementation of FOME, which is **in line with the recommendation #12 in the US TIP Report 2021** that calls for increasing the number of TIP victims who obtain approval for FOM from shelters.

Each shelter has their own discretion on how they carry out FOME. For example, Tenaganita reported that as their shelter is also operated as a closed shelter, victims who are granted FOM are accompanied by shelter staff/volunteers when leaving the shelter. The victims who have the FOM prefer to be accompanied by someone when they leave the shelter as they feel safer being chauffeured around. In some cases, the victims were rescued from other states or districts, and as such, are not familiar with the area where they are sheltered. Due to the Covid-19 pandemic, all FOM activities have been curtailed in line with Malaysia's Covid-19 SOPs.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
66	Protection	2	ii, iii	6	S15	G4

d. Monthly Allowance

It is significant to highlight that **Malaysia is one of the few countries to follow the best practices of providing monthly allowance** to TIP victims. A monthly allowance of RM120.00 per month is given to every TIP victim who has been granted a Protection Order. For the current reporting period, a total amount of RM138,620.00 has been paid to **96 TIP victims including those admitted in 2020** who were still in the shelters during this reporting period as illustrated in the table below.

Table 10: Allowance Paid from 1 April 2021 to 28 February 2022

Month	Women Shelter	Men Shelter	Boys Shelter	Girls Shelter	NGO Shelter	Total
	Malaysian Ringgit (RM)					
Apr 21	6,072	120	3,600	960	664	11,416.00
May	6,524	696	3,584	960	600	12,364.00
Jun	6,788	552	3,480	960	1,020	12,800.00
Jul	6,396	3,252	3,480	960	1,440	15,528.00
Aug	6,512	3,600	3,480	816	1,488	15,896.00
Sep	6,696	3,600	2,612	240	1,560	14,708.00
Oct	6,196	3,600	44	240	1,584	11,664.00
Nov	5,844	3,608	0	252	1,560	11,264.00
Dec	5,196	3,720	0	496	1,560	10,972.00
Jan 22	4,176	3,720	120	360	1,752	10,128.00
Feb 22	4,136	3,720	100	324	2,640	10,920.00
Total	64,536	30,188	20,500	6,568	16,828	138,620.00

Source: Ministry of Women, Family and Community Development (March 2022)

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
63	Protection	2	(additional)	2	S15	G4

e. Intervention and Therapeutic Programmes

As part of the Government’s efforts to place victim protection at the core of the anti-TIP responses, NAPTIP 3.0 has one of its **Strategic Goals #4**, to “provide victim-centred protection, assistance, and recovery services that conform to international standards in collaboration with NGOs and other organisations.” Under the anti-TIP strategic pillar of Protection, the NAPTIP 3.0 holds that:

“TIP victims must be accorded with protection measures which are based on human rights principles and appropriate care and support for rehabilitation, recovery, and reintegration. Prioritising the rights and needs of victims is the cornerstone of a victim-centred approach, which aims to restore victims’ dignity, reduce vulnerabilities, and empower them to build productive lives.”

To this end, MWFCF has continued to collaborate with its NGO partners, such as Global Shepherds Berhad (GSB) and SUKA Society, to ensure that adequate and relevant intervention and therapeutic programmes are provided to the victims residing in the shelters. This is **in line with the recommendation #10 in the US TIP Report 2021** with regards to continuing cooperation with NGOs to provide victim rehabilitation services. A list of the intervention programmes conducted in the shelters is provided in **Appendix 1**.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
65	Protection	2	ii	4	S15	G4
71	Protection	5	i	3	S18	G4

f. Enhancement of Communication

In response to the recommendation #12 in the USTIP Report 2021 to increase victims’ access to communication with people outside shelter facilities, including through telephone calls, MWFCF as the Victim Care and Protection Committee, has taken the initiative to allow more frequent communication between victims and their family members in their home countries. All the government shelters have been equipped with the necessary facilities to allow victims to make internet calls to their families. This has enabled them to get in touch with their families **at least once a week**, subject to the availability of the facilities in their home. In addition to the weekly communication via telephone and internet audio calls, victims may also opt to **make video calls** with their family members. During this reporting period, the **men’s shelter reported that there were 89 video calls** made by victims to their family members, while there were **17 video calls in the women’s shelters and two in the children’s shelters**.

The NGO shelters also adopt similar practices with regards to communication with family members. For example, at Tenaganita’s shelter, they started the video call service since November 2021, where victims are offered one to two times a week to call their families as they wish, with no time limit imposed. 14 victims have used this option to connect with their families. At GSB’s shelter, victims can call their families once a week, while the victims’ family members can call the victims anytime during office hours, subject to advance notice given.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
64	Protection	12	(additional)	2	S15	G4

g. Capacity Building

To ensure effective delivery of protection and support services to TIP victims, it is imperative to enhance the capacity of those involved as service providers and equip them with the necessary knowledge and skills towards a victim-centred and trauma-informed service delivery. MWFCDC as the Chair for Victim Care and Protection Committee has always recognised the importance of and prioritises training programmes for all officers and staff who provide services to TIP victims. Hence, a total of 207 training workshops and capacity building programmes were conducted for both Government and NGO shelter personnel and others involved in the care and protection of TIP victims during this reporting period. This is **in line with recommendations #10 and #13 in the US TIP Report 2021** which relates to the training of officials.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
73	Protection	6	v	1	S22	G6

h. Vaccination

In ensuring the health of the people and the success of the national immunisation programme, Covid-19 vaccinations were given to all, including TIP victims in Malaysia. **As of March 2022, the Government has fully subsidised the vaccinations for a total of 194 victims**, who received their first and second doses at the shelters. Additionally, MWFCDC was classified as an essential sector and all staff at the shelters were recognised as frontliners and given priority to be fully vaccinated.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAP-TIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
65	Protection	2	(additional)	4	S15	G4

3.10 Shelter Statistics

For the current reporting period, a number of 373 rescued persons under ATIPSOM Act have been granted IPO and 96 from the said amount were granted PO as illustrated in Table 11 below. With regards to nationality, Indonesia leads with a total of 100 IPOs granted and 44 POs. These mostly involved women who were rescued from forced labour exploitation. The list is seconded by Vietnam which comprised of 62 IPOs but only one PO was given. This is similar to Thailand (59) as well as the Philippines (17), Myanmar (15) and China (1) as shown in Table 12.

In comparison to the previous reporting period, 487 IPO had been issued with 119 PO granted to TIP victims. Even though the pandemic hit Malaysia in 2020, the number of IPO and PO reported were higher previously compared to the current reporting period as the numbers included victims who were rescued in 2019 and were still in the shelters in the previous reporting period.

Table 11: Number of IPO and PO Sheltered from 1 April 2021 to 23 March 2022

MONTH	WOMEN SHELTER		MEN SHELTER		BOYS SHELTER		GIRLS SHELTER		NGO SHELTER		TOTAL	
	IPO	PO	IPO	PO	IPO	PO	IPO	PO	IPO	PO	IPO	PO
APR 21	27	0	22	0	0	0	0	0	3	0	52	0
MAY	15	0	3	12	1	0	3	0	7	24	29	36
JUN	15	1	31	0	2	0	3	0	0	7	51	8
JUL	23	1	13	29	1	0	1	0	4	0	42	30
AUG	21	3	7	0	1	0	3	0	2	1	34	4
SEP	43	0	0	0	0	0	1	0	2	3	46	3
OCT	22	0	2	0	2	0	0	0	0	2	26	2
NOV	12	1	1	1	1	0	3	3	5	0	22	5
DEC	4	0	5	0	2	0	3	1	4	2	18	3
JAN 22	26	0	0	0	0	1	4	0	6	2	36	3
FEB	8	2	0	0	0	0	0	0	5	0	13	2
MAR	3	0	1	0	0	0	0	0	0	0	4	0
TOTAL	219	8	85	42	10	1	21	4	38	41	373	96

Source: Ministry of Women, Family and Community Development (23 March 2022)

Table 11: Number of IPO and PO Sheltered from 1 April 2021 to 23 March 2022

NO.	NATIONALITY	INTERIM PROTECTION ORDER (IPO)	PROTECTION ORDER (PO)
1.	Indonesia	100	44
2.	Vietnam	62	1
3.	Thailand	59	0
4.	India	51	29
5.	Malaysia	27	5
6.	Bangladesh	25	4
7.	Philippines	17	0
8.	Myanmar	15	0
9.	Pakistan	8	8
10.	Nepal	5	4
11.	Cambodia	2	1
12.	China	1	0
13.	Undocumented	1	0
TOTAL		373	96

Source: Ministry of Women, Family and Community Development (14 March 2022)

3.11 Activities and Intervention Programmes

Protection Officers have a critical role in working together with victims to develop victim safety plans and providing appropriate referrals to comprehensively meet the various physical and psychosocial needs of TIP victims. TIP victims often experience post-traumatic stress disorder (PTSD), paranoia, fear, suicidal ideation, mood swings, and other mental health issues. TIP victims may appear frightened, depressed, or anxious. Other behavioural signs include outbursts of anger, intense shame, self-blame, self-loathing, sleep disturbances, or nightmares. Services typically required by victims include medical, food, clothing, and shelter; counselling; immigration and legal assistance; literacy education; employment and training services. Psychological and social support are made available through the Government or NGO support system in all shelters to enhance access to medical and psychological services for TIP victims. In addition, there are also empowerment and awareness programmes that are designed to help victims from being re-trafficked.

As the overseer of care and protection, MWFCDD works closely with its NGO partners in providing some of the required services such as counselling, therapeutic programmes, literacy education, and psycho-social activities including press painting, yoga, and stress management. During this reporting period, as in the previous years, **MWFCDD has granted a yearly admission to GSB and SUKA Society from January to December 2022 to conduct**

programs and activities in the shelters for women, men, and children in Selangor, Kuala Lumpur, Negeri Sembilan, Malacca, Johor Bharu, and Kota Kinabalu. In addition, MWFCF also worked with the Ministry of Youth and Sports in providing Technical and Vocational Education and Training (TVET) in the women's shelters in Penang and Selangor as well as the men's shelter in Malacca. Other NGOs which have collaborated with MWFCF to conduct programmes at the men's shelter are Pertubuhan Kebajikan Bacang Melaka and Manipal College Malacca. These collaborative efforts correspond to **recommendation #10 of the USTIP Report 2021** that calls for the Government to work with NGOs to provide victim rehabilitation services.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
65	Protection	2	ii	4	S15	G4
67	Protection	2	i	9	S15	G4
68	Protection	3	ii	1	S16	G4
70	Protection	4	ii	3	S17	G4

3.12 Forced Labour, Non-TIP Pilot Project (FLNTIP)

In March 2021, a pilot project to study the feasibility of an alternative referral mechanism for cases which were referred initially to the National Referral Mechanism for TIP but were subsequently not identified as TIP cases and therefore not granted the PO. These non-TIP cases would usually be referred to the Immigration Department for further action under the Immigration Act. Some of these cases may have elements of forced labour but are insufficient to satisfy the elements required to be identified as TIP cases. **The Forced Labour, Non-TIP Pilot Project (FLNTIP) was conceptualised and subsequently approved in March 2021 to study two of such cases with the aim of exploring feasible alternatives for the persons involved who have not been identified as victims of trafficking but may nonetheless have been exploited for forced labour to seek legal redress via the labour/ industrial court or the civil court.** A Steering Committee consisting of representatives from NSO MAPO, MWFCF, relevant agencies (e.g. RMP, JIM, JTK, and AGC), and the VAS unit was established to facilitate, monitor, and evaluate the project.

In June 2022, one case relating to a group of 11 Indonesian women residing in *Rumah Perlindungan Global Shepherds* (RPGS) was brought to the attention of the FLNTIP Steering Committee to consider as the first case study under the FLNTIP pilot project. The women had been in RPGS since April 2021 and could not be repatriated as the Indonesian borders were closed due to the Covid-19 pandemic. In July 2021, the VAS unit was given the approval to take on the case under the FLNTIP project to explore what can be done to help the women if they want to seek legal redress. Two pro bono lawyers (from Bar Council) were engaged to explain the legal process and represent the women should they wish to pursue a civil suit against their employer for unpaid wages and other claims. Following several discussions with the women, they

consented to engage the lawyers to represent them in a civil suit against their employer. Over the next few months, one of the lawyers conducted the interviews with the women to gather the necessary information to build their case. Once the Indonesian borders were open again, in November 2021, 10 of the women chose to go home and were repatriated accordingly. One woman volunteered to remain in RPGS to represent the others in the civil suit and was given the power of attorney by the other 10 women.

RPGS and the pro bono lawyer tried to find employment opportunities for the woman who remained so that she can earn some income while pursuing the civil suit. However, there were technical issues in the approval process for the woman to work legally in the country due to the complexities relating to the special circumstances of her case, particularly as her case did not fall under Section 51A of the ATIPSOM Act to be eligible for the permission to FOME, and her PO had already been revoked for several months; the uncertainty of her identity according to her expired passport; and the requirement for a new passport to be issued by the Indonesian embassy in Kuala Lumpur for JIM to issue a work permit under the new employer.

Attempts were made by various parties to address the issues which arose. The VAS managed to secure the commitment from International Justice Mission (IJM) Malaysia to provide monthly subsistence allowance of RM600 to the woman until she manages to secure employment or for a period of six months, whichever is shorter. RPGS and NSO MAPO had also engaged directly with the Ambassador of Indonesia in Kuala Lumpur to assist in this case, particularly in issuing a new passport for the woman to allow her to work. **At MAPO level, the Chairman of MAPO agreed to provide continuous support to the woman and also issued a support letter to JIM to allow the woman to work in Malaysia.** However, despite the approval to work given as well as the efforts taken, the woman decided that she wanted to go home and withdraw from pursuing the civil suit. She submitted her letter of withdrawal on 7 February 2022 and is currently waiting to be repatriated once the Indonesian borders reopen. She gave her testimony of her experience of this FLNTIP project and the support she received from the VAS unit (refer to Section 2.2 above, under TIP Victim #2).

The Steering Committee respected the woman's choice and right to withdraw her case. Although the case was dropped in the end, nonetheless, it was beneficial in revealing the areas of strengths and challenges faced in establishing an alternative referral mechanism for cases which do not fall under ATIPSOM but may have elements of forced labour. The FLNTIP pilot project will be revised accordingly to study two cases as proposed. This effort is **in line with the recommendations #5 and #8 in the US TIP Report 2021** to improve on case management and to expand efforts to migrant workers that include opportunities for legal remedies for exploitation.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
65	Protection	2	ii	4	S15	G4
67	Protection	2	i, ii	7	S15	G4

3.13 Special Consideration for Extended Protection

In implementing the ATIPSOM Act, the Government is cognisant that the heart of the matter is in restoring and upholding the rights and dignity of each individual that has been made a victim of this heinous crime. In certain cases where the rescued persons have not been identified as TIP victims due to the lack of evidence to meet the elements of TIP, the Government has been responsive to the requests by the shelters and other relevant parties to allow special considerations of extended protection for such cases under humanitarian grounds.

An example of a case that highlights the **multi-stakeholder efforts in seeking the best interests of the rescued person** relates to a case of an Indonesian domestic worker who was rescued under ATIPSOM Act as a potential TIP victim. When she was rescued, she was found to have been physically abused to the extent that her vision was impaired. The VAS unit was engaged to provide victim support. Due to the impact of trauma that she experienced, she was not able to recall or provide the necessary information during the investigation process. As a result, she was not identified as a TIP victim and not granted a PO. However, **considering her physical condition and her medical needs, MAPO granted an exemption for her to remain at RPGS to receive further care and treatment for her recovery.** At the shelter, she received counselling and other psycho-social activities to facilitate her healing process. In addition, RPGS networked with another NGO, Operation Underground Railroad (OUR) to provide funding for the woman's surgery to restore her vision. Investigations into the abuse are ongoing.

During the current reporting period, there were several of such cases where the rescued persons were subsequently not identified as TIP victims which were brought to the attention of MAPO by the shelters or relevant personnel. After consideration of the requests and justification for special consideration, MAPO had approved for the individuals related to these cases to remain at the shelters for extended care and protection services and subsequently repatriated, instead of releasing them to JIM for further action, as per the ATIPSOM Act.

For example, Tenaganita reported that in 2020, with NSO MAPO's assistance and intervention, five such women were granted permission to stay in Tenaganita's shelter, in line with a victim-centred approach. The women were able to continue to stay at Tenaganita's shelter until they are safely repatriated after the deposition. The perpetrator/s pleaded guilty to charges under the Immigration Act. In April 2021, one woman who was not charged and not granted a PO was given permission to stay at Tenaganita's shelter. In July 2021, Tenaganita appreciated NSO MAPO's assistance in enabling one woman to return to Tenaganita's shelter after Immigration charges against her were dropped. In December 2021, a woman who had requested to be rescued from her employer was charged under the Immigration Act. After 12 days in detention, the charges were dropped thanks to intervention by NSO MAPO upon Tenaganita's request for assistance.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
61	Protection	1	ii	1	S14	G4
65	Protection	2	ii	4	S15	G4

3.14 Engagements with Foreign Diplomats on Shelter Home Visits

In April 2021, NSO MAPO and its team visited Tenaganita's shelter to meet with the victims and the shelter personnel. It was also an opportunity for NSO MAPO to hear of any issues which the shelter faced. In November 2021, Tenaganita's shelter welcomed H.E. Mr. Brian D. McFeeters, the US Ambassador to Malaysia, members from NSO MAPO and MWFCDD for a discussion and shelter visit. During his visit, H.E had been briefed about the shelter and had an opportunity to communicate directly with the victims in the shelter. Tenaganita reported that they always welcome such visits as it serves to motivate their staff and gives belief to the victims that their lives are important.



In January 2022, H.E Hermono, the Indonesia Ambassador to Malaysia and his team, accompanied by the Undersecretary of NSO MAPO and her team, and representatives from MWFC, visited RPGS. H. E. had been briefed about the care and protection services at the shelter home and had the opportunity to meet with the victims in the shelter, particularly the Indonesian victims. H.E. was also introduced to the woman who was involved in the FLNTIP pilot project and was briefed on the objectives of the project. H.E. and his team assured the woman that they would do their best to assist her with the necessary so that she can work and pursue the civil case. It is unfortunate that despite the assurance from the Ambassador himself, the woman eventually decided to drop the civil suit.

The visits by both Ambassadors had shown their commitment and support in fighting TIP activities and to protect the victims of TIP in Malaysia. The Government welcomes more frequent visits by the foreign diplomatic mission to the shelters to give morale support to the victims.



SECTION 4

PARTNERSHIP

“ **Partnerships and strategic cooperation can serve as strong, combining forces, gathering complementary skills and inputs of the public sector and international organisations in order to tackle complex issues.** ”

**YBhg. Dato’ Sri Wan Ahmad Dahlan
bin Haji Abdul Aziz**

Secretary General cum Chairman of NSO
MAPO Ministry of Home Affairs Malaysia
18 June 2021



TIP is a complex crime that often crosses geographical boundaries and involves an intricate web of organised syndicates. Fighting TIP crimes effectively calls for cross borders as well as domestic collaborative and coordinated responses. Hence, working in partnership with multi-stakeholders at domestic, regional, and international levels is vital for any government that is serious in its efforts to eliminate TIP and forced labour exploitation. During the current reporting period, **the Government of Malaysia has shown its openness and determination to strengthen its partnership** with local NGO partners and CSOs, international organisations, embassies as well as with its foreign counterparts to enhance the country’s anti-TIP efforts.

4.1 Bilateral Engagement/Cooperation

The Government of Malaysia continues to work with the relevant diplomatic missions on the issues of TIP. In 2020, the Ministry of Foreign Affairs collaborated with the embassies of the Republic of Bangladesh, People's Republic of China, Republic of India, Republic of Myanmar, Thailand, and the Socialist Republic of Viet Nam in translating the Survey Form of Willingness to Work for trafficking victims, who are not conversant in English or Bahasa Melayu.

During the current reporting period, the US continued to be one of the States featured prominently in Malaysia's bilateral engagements on anti-TIP. Officials from relevant agencies including MAPO continued to engage with officials from the US Embassy in Kuala Lumpur to discuss ways to achieve common objectives in the fight against TIP. In addition, the discussions on TIP also featured in the following high-level meetings, among others:

- a. Meeting between H.E. Dato' Sri Saifuddin Abdullah, the Minister of Foreign Affairs of Malaysia and H.E. Mr. Anthony J. Blinken, US Secretary of State on 15 December 2021 in Putrajaya, Malaysia:
 - i. Despite the difficulties faced by the country in addressing the Covid-19 pandemic, the Government of Malaysia continued with its efforts to address TIP. However, it was unfortunate that these efforts were not fully recognised, which led to the downgrading of Malaysia to Tier 3 in the 2021 Trafficking in Persons Report.
 - ii. In this regard, Foreign Minister Saifuddin shared with Secretary Blinken the measures that Malaysia has taken in fighting TIP including the launching of the NAPTIP 3.0 and the ongoing efforts in strengthening the country's legislation on anti-TIP including the third amendment to the ATIPSOM Act, which was passed in the Malaysian Parliament in December 2021.
- b. Courtesy call by Mr. Daniel J. Kritenbrink, US Assistant Secretary of State for East Asia and the Pacific on H.E. Tan Sri Muhammad Shahrul Ikram Yaakob, Secretary General of the Ministry of Foreign Affairs on 1 December 2021 in Putrajaya, Malaysia:
 - i. Secretary General Shahrul Ikram highlighted the strong partnership between Malaysia and the US in combatting TIP and the genuine efforts undertaken by the relevant agencies in addressing TIP in the country. In this regard, Secretary General Shahrul Ikram called on the US to comprehensively reflect on Malaysia's efforts in their evaluation.
 - ii. Assistant Secretary Kritenbrink assured that the US would engage with the relevant government agencies before finalising its assessment on Malaysia in future Trafficking in Persons Reports.

- c. Courtesy call by H.E. Mr. Brian D. McFeeters, US Ambassador to Malaysia on H.E. Tan Sri Muhammad Shahrul Ikram Yaakob, Secretary-General of the Ministry of Foreign Affairs on 29 October 2021 in Putrajaya, Malaysia:
 - i. During this meeting, Ambassador McFeeters expressed hope that the approach and enforcement efforts could be further strengthened, especially in the prosecution and conviction of human traffickers.
 - ii. Secretary General Shahrul Ikram stated that the Government of Malaysia had undertaken positive efforts in addressing TIP and hoped that the US Embassy could highlight these efforts to the relevant officials in the US.
- d. Virtual courtesy call by H.E. Mr. Brian D. McFeeters, US Ambassador to Malaysia on H.E. Dato' Sri Saifuddin Abdullah, Minister of Foreign Affairs of Malaysia on 15 September 2021:
 - i. Ambassador McFeeters highlighted the opportunities and possible cooperation on addressing TIP in Malaysia. While applauding the launch of the NAPTIP 3.0, Ambassador McFeeters encouraged closer cooperation between the agencies concerned and relevant CSOs, among others, in combatting TIP in Malaysia.
 - ii. Foreign Minister Saifuddin concurred on the need for all parties to work together in addressing TIP. The Minister hoped the US Embassy in Kuala Lumpur would continue to provide necessary assistance and cooperation with the relevant agencies in Malaysia
- e. Meeting between officials of the Embassy of Malaysia in Washington D.C. and Members of the US Congress, namely The Hon. Andy Barr and The Hon. Rick Larsen on 17 June 2021 and 22 June 2021, respectively in Washington D.C.:
 - i. The Malaysian Embassy officials highlighted to Representative Andy Barr and Representative Rick Larsen on Malaysia's continuous efforts to strengthen the anti-TIP and anti-SOM legal framework, enforcement thereof, and the adoption of a more victim-centred approach in responding to trafficked victims.
- f. Virtual courtesy meeting between H.E. Mr. Brian D. McFeeters, US Ambassador to Malaysia, and H.E. Dato' Nadzirah Osman, Deputy Secretary-General for Multilateral Affairs of the Ministry of Foreign Affairs on 1 July 2021:
 - i. The discussion between the two senior officials focused on the country narrative on Malaysia in the US Department of State 2021 Trafficking in Persons Report, which was launched on 1 July 2021. They also agreed on the need for both sides to continue existing and exploring new cooperation in fighting TIP.

- g. Courtesy meeting between Mr. Daniel J. Kritenbrink, US Assistant Secretary of State for East Asia and the Pacific and Datuk Mohamad Fauzi bin Md Isa, Deputy Secretary General (Policy & Control), Ministry of Home Affairs on 1 December 2021:
- The discussion between the two senior officers focused on among others are the role of MOHA in enhancing the efforts in combating TIP and SOM. This includes the responsibility of MOHA and MAPO Council as the lead coordinating agency in preventing this heinous crime.
 - During the meet, MOHA urged the US Department of State to be more transparent and ensure fair evaluation in recognising Malaysia's significant efforts in combatting TIP.
 - MAPO acknowledges its commitment to strengthen collaboration with NGOs, international organisations, and other relevant stakeholders.

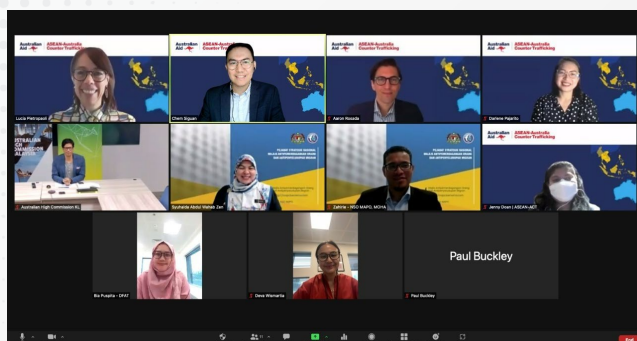


The Ministry of Foreign Affairs also undertook two bilateral engagements with H.E. Mr. Hermono, Ambassador of the Republic of Indonesia to Malaysia, on 16 and 21 February 2022 to discuss issues on Indonesian domestic workers. The two sides had agreed to continue taking a positive and constructive approach in handling issues related to the recruitment and protection of Indonesian domestic workers. Thus, any issues that arose would be channelled through the relevant ministries or government agencies. Both sides also discussed the status of negotiations concerning the Memorandum of Understanding (MoU) on the recruitment and placement of Indonesian domestic workers, and the approach and direction to be taken by both parties towards concluding the negotiations and signing the MoU in the near future. This is to ensure that the Indonesian domestic workers' recruitment process is well managed, and the issue of their protection continues to be given priority in accordance with the policy and legislation in force in both countries.

Besides, the **NSO MAPO also continuously engaged with the foreign diplomatic missions in Malaysia to promote broader collaboration and partnerships** in the fight against TIP, SOM, as well as forced labour. This is in line with the objectives of the Programme Area A8 of the NAPTIP 3.0. Among the notable collaboration/engagement sessions during the reporting period are as follows:

Table 13: Notable Collaboration/Engagement Sessions with Foreign Diplomatic Missions

No.	Meetings	Date	Main Agenda
1	Virtual meeting with the Australian High Commission	3/8/2021	Networking and learning best practices in managing the issue of human trafficking.
2	Virtual meeting with the US Embassy	5/8/2021	Networking and to learn best practices in managing the issue of human trafficking.
3	Virtual meeting with the New Zealand High Commission	2/9/2021	Networking and exploring training opportunities, particularly in the investigation.
4	Virtual meeting with British High Commission	6/9/2021	Networking and exploring training opportunities, particularly in the investigation.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
78	Partnership	6	i	1	S30	G7
79	Partnership	7	i, ii, iii	1	S31	G8

4.2 Multilateral Engagement/Cooperation

As a State Party to the UNTOC and the TIP Protocol, Malaysia has actively participated in the meetings of the Conferences of the Parties to the UNTOC. These include the 11th session of the Working Group on TIP held in Vienna on 12-13 October 2021, which adopted recommendations on:⁴

- i. Successful strategies for addressing the use of technology to facilitate TIP and to prevent and investigate TIP.
- ii. Measures to strengthen procurement policies at the national, regional, and international levels.

⁴Report on the meeting of the Working Group on Trafficking in Persons held in Vienna on 12 and 13 October 2021 (document CTOC/COP/WG.4/2021/6).
<https://undocs.org/en/CTOC/COP/WG.4/2021/6>

Malaysia also participated in the High-Level Meeting of the UN General Assembly on the Appraisal of the United Nations Global Plan of Action to Combat Trafficking in Persons held on 22-23 November 2021 in New York. In the statement⁵ delivered by Malaysia's Permanent Representative to the United Nations in New York, Ambassador Syed Mohd Hasrin Aidid, Malaysia highlighted its continued commitment to counter TIP. Malaysia also joined the consensus in adopting the "2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons"⁶, reflecting UN Member States reaffirmed their political will to take concerted action to address TIP.

During the 47th regular session of the Human Rights Council held in Geneva, Malaysia delivered a national statement in the interactive dialogue with the Special Rapporteur on Trafficking in Persons, Especially Women and Children, on 28 June 2021. Malaysia highlighted that the measures to address TIP should be comprehensive with an adequate focus on prevention, protection, remedy, and prosecution of perpetrators. Malaysia also underlined that integrated and comprehensive international cooperation is pertinent in addressing TIP. As such, Malaysia conveyed its position to work with regional and international partners in this regard.

On a separate note, **UNODC with courtesy of the Government of Japan, has successfully procured and delivered 40 tablets** for the use of enforcement agencies namely RMP, JIM, MAPO Task Force and NSO MAPO. The tablets were instrumental in ensuring all the relevant personnel kept abreast with the technology in the new normal and were given the opportunity to enhance knowledge including via online platform.



⁵Statement by H.E. Ambassador Syed Mohamad Hasrin Aidid, Permanent Representative of Malaysia to the United Nations on the 2021 Political Declaration on the Implementation of the UN Global Plan of Action to Combat Trafficking in Persons, 23 November 2021.

https://www.kln.gov.my/en_US/web/usa_un-new-york/news-from-mission/-/blogs/statement-on-the-2021-political-declaration-on-the-imppt?_33_redirect=https%3A%2F%2Fwww.kln.gov.my%2Fen_US%2Fweb%2Fusa_un-new-york%2Fnews-from-mission%3Fp_p_id%3D33%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-1%26p_p_col_pos%3D1%26p_p_col_count%3D2%26_33_cur%3D3%26_33_keywords%3D%26_33_advancedSearch%3Dfalse%26_33_delta%3D5%26p_r_p_564233524_resetCur%3Dfalse%26_33_andOperator%3Dtrue%26_33_struts_action%3D%252Fblogs%252Fview

⁶2021 Political Declaration on the Implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons, Resolution adopted by the General Assembly on 22 November 2021 (document A/RES/76/7).

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N21/351/40/pdf/N2135140.pdf?OpenElement>

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
78	Partnership	6	i	1	S30	G7

4.3 Engagement/Cooperation at the Regional Level

As an ASEAN Member State, Malaysia is a party to the 2015 ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP)⁷. The 31-article Convention contains various provisions on combatting TIP, including cross-border cooperation, promotion of capacity building, holding of regional coordination meetings, and law enforcement cooperation. In addition, ASEAN Member States also adopted the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA).

Malaysia had participated actively in various ASEAN processes related to anti-TIP including the Senior Officials Meeting on Transnational Crime (SOMTC) Working Group on TIP, and the ASEAN SOMTC Workshop Consultation on ASEAN-Australia Counter-Trafficking Work Plan 2020-2023 held virtually on 20 April 2021. The consultation workshop provided the platform for the ASEAN Member States to discuss initiatives planned under the ASEAN-Australia Counter-Trafficking Work Plan 2020-2023, which aimed to support the implementation of ACTIP. In addition, Malaysia co-chaired the 17th ARF ISM on Counterterrorism and Transnational Crime with the EU and New Zealand on 22 April 2021 via video conference. **Malaysia also hosted the Regional Consultation on SOMTC Work Programme on People Smuggling: 2019-2021 and 2022-2024 on 7 December 2021 via video conference in her capacity as the Voluntary Lead Shepherd on People Smuggling.**



⁷2015 ASEAN Convention against Trafficking in Persons, Especially Women and Children.
<https://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/>

Malaysia is also one of the founding members of the Bali Process, which is an inter-regional forum on people smuggling, TIP, and related transnational crime (regions covered: Europe, Asia, Americas, and Africa). The Bali Process aims to bolster bilateral and regional cooperation through technical workshops, capacity building activities, and high-level political dialogues. The year 2021 saw Malaysia participating actively in the following meetings, which allowed Bali Process Member States to exchange views (including strategies and approaches) and explore possible cooperative efforts in tackling issues related to TIP:

- i. The Sixth Bali Process Task Force on Planning and Preparedness (TFPP) was held virtually on 22 and 24 June 2021 .
- ii. The Fourth Bali Process Technical Experts Group on Returns and Reintegration was held virtually on 28-30 September 2021.
- iii. The Sixth Annual Meeting of the Bali Process Working Group on the Disruption of People Smuggling and Trafficking in Person Networks was held virtually on 16-17 November 2021.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
78	Partnership	6	i	1	S30	G7

4.4 Focal Points Meeting Between Royal Malaysia Police (RMP) and Royal Thai Police (RTP)

On 24 Mac 2021, a bilateral meeting between RMP and RTP was organised by ASEAN-Australia Counter Trafficking (ASEAN ACT). The objective of the bilateral meeting is to strengthen the ties between RMP and RTP in combatting TIP in this region which complements the ACTIP. Among the issues discussed were:

- i. Appointment of focal points from RMP and RTP for better cooperation between enforcement agencies in both countries to combat TIP;
- ii. To identify effective communication medium between RMP and RTP in delivering information regarding TIP activities;
- iii. To discuss and determine the appropriate mechanism in relevant information exchange; and
- iv. Discuss effective mechanisms to improve and strengthen teamwork for the betterment of both countries.

⁸The TFPP was established to improve regional planning and preparedness for a sudden and significant movement of irregular migrants, particularly by sea. It aims to develop a better understanding of existing capacities to respond to these challenges and encourage a cooperative approach. Issues discussed during this meeting included the following three topics on the safety of life at sea:

i) The importance of prevention to saving lives at sea, with members sharing best practices aimed at reducing the circumstance in which organised crime can operate; ii) Best practice examples during COVID-19; and iii) The role of coordinated approaches, including national action plans, to respond current and future challenges.

On 15 October 2021, the RMP organised a RMP and RTP Focal Points meeting as part of its continuous effort in combatting TIP and key initiatives undertaken to improve information sharing between both Anti Trafficking Unit (ATU).



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
78	Partnership	6	i	1	S30	G7

4.5 Engagement with the United States Customs Border Protection (US CBP)

Various **discussion sessions and awareness-raising programmes** with the participation of representatives and stakeholders such as **employers’ federation, trade unions, NGOs, and CSOs have been organised in line with the engagement with US CBP**. For example, to address the issue of the ban on disposable rubber gloves by the US CBP, the Government through MOHR has conducted a few town hall sessions with rubber manufacturing companies and associations on 4 October 2019 and 21 July 2020. These types of sessions are to create awareness amongst the rubber glove industries to continuously uphold good labour practices and comply with the labour laws and best practices while ensuring adequate measures are in place to protect the safety and well-being of its workforce.

On 29 December 2021, MOHR has conducted a discussion with the US Embassy to address the issue of the disposable rubber glove ban by the US CBP in 2021 on Maxter Glove Manufacturing Sdn. Bhd., Maxwell Glove Manufacturing Berhad, and Supermax Glove Manufacturing. Based on the discussion, MOHR proposed a virtual conference with US CBP for Malaysian companies to better understand about the process of WRO issuance and what can be done to improve the situation.

Subsequently, on 26 January 2022, a meeting with the US CBP was held to discuss the process of WRO issuance to Malaysian companies and the way forward. Based on the discussion, the proposed virtual conference will be held with industries and Government representatives in March 2022. Both US CBP and MOHR have also agreed to share information to facilitate better enforcement of forced labour cases. The **willingness and openness of the Government to engage with US CBP and to facilitate the engagement of US CBP with Malaysian companies** signify the Government’s commitment and seriousness in addressing forced labour issues in the country.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
39	Prevention	4	ii	1	S12	G3
78	Partnership	6	i	1	S30	G7

4.6 Facilitation on Ethical Recruitment of Migrant Workers

The Government is aware and concerned about the restriction order imposed by the US CBP's WRO on several Malaysian companies due to alleged forced labour elements. The issue, although specific to selected companies, has impacted the overall image and reputation of the Malaysian rubber gloves and palm oil industry.

The **Government is committed to promoting ethical recruitment practices that adhere to international standards to curb further forced labour allegations** which have serious ramifications on the country's reputation and also create a negative impact on the industry's supply chain network.

The **Ministry of International Trade and Industry (MITI) is consistent in its call for the industry to adopt ethical recruitment to prevent forced labour practices by manufacturers.** Malaysia's industry players are urged to take steps to improve their labour practices and policies to be at par with international standards. Businesses should review their foreign workers' management practices, particularly, on hiring practices and treatment of workers, focusing on workplace and living conditions, to ensure compliance with relevant labour standards.

MITI has taken the initiative to **engage with the industry to reiterate ethical recruitment and increase awareness on good labour practices** as well as providing employers/owners with guidance to ensure compliance with Malaysian laws and that of international markets to prevent sanctions, restrictions, or bans imposed on their products. A series of outreach sessions have been organised to update companies on legislation and regulations related to labour in the context of foreign workers' employment and forced labour elements as well as sharing information on the implementation of Act 446:

- i. A webinar session on "Guideline on Development of Centralised Labour Quarters (CLQ) and Temporary Labour Quarters (TLQ)" on 28 September 2021 to guide employers and facilitate the industry in their efforts to ensure orderly and sustainable development and operation of workers' accommodation. Speakers from the JTKSM and PLAN Malaysia shared guidelines and procedures related to workers' accommodation in line with Act 446. The session was attended by 630 participants from manufacturers, industry associations, and foreign chambers;
- ii. A webinar in collaboration with IOM and The Star was conducted on 17 December 2020 on forced labour practices and handling sanctions, particularly for the US, EU, and Australia markets. The session was attended by over 500 participants from various industry sectors; and
- iii. A briefing session on "Labour Standards Compliance for Sustainable Supply Chain" on 29 July 2019, with collaboration from JTK, Responsible Business Alliance (RBA), and the US Embassy in Kuala Lumpur, to update the industry on the regulations related to labour laws and increase awareness on labour standards and compliance to eliminate forced labour elements in the supply chain.

MITI works closely and engages with the US Embassy in Kuala Lumpur, MOHA, MOHR, JTKSM as well as IOM and ILO on forced labour issues towards enhancing understanding of the workforce dynamism in the manufacturing sector in Malaysia. MITI will continue to work closely with the relevant agencies as well as international bodies in promoting ethical recruitment and ensuring industry's adherence to Employment Act and Act 446 and other labour standards to reduce forced labour risks in the global supply chain. These efforts are in line with recommendation #8 in the US TIP Report 2021.

Workers constitute a critical component of the economic sector, the backbone to ensuring economic recovery and resilience. The Government has successfully implemented the vaccination programme through the National Covid-19 Immunisation Programme (PICK), especially for the most vulnerable groups, including foreign workers. MITI led a vaccination programme called *Program Imunisasi Industri Covid-19 Kerjasama Awam-Swasta* (PIKAS) which is a crucial aspect of the recovery plan that focuses on the manufacturing sub-sectors as key components of the supply chain of essential products and services.

The Government, through MITI, has announced the new “National Investment Aspirations (NIA)” – a new investment policy that focuses on high technology and innovation-intensive strategies that balance economic and environmental sustainability, in line with global benchmarks in Environment, Social, and Governance (ESG) framework, which will also support efforts to raise national labour standards.

In 2021, the Government has launched the National Trade Blueprint (NTB), a blueprint to increase Malaysia's trade competitiveness through the improved business ecosystem. The Blueprint outlines a 5-year (2021-2025) development strategy and initiatives to enhance Malaysia's trade competitiveness, specifically in the exports of merchandise. The Blueprint aims to position Malaysia as a dynamic and pre-eminent trading nation through sustainable export development.

Recognising the need for sustainable economic growth which emphasises sustainable manufacturing practices, the Government believes it is crucial for the industry to commit towards automation adoption through the various support mechanisms and initiatives offered by the Government. The Government will continue to work with the industry to advance efforts in eliminating forced labour issues through continuous engagement, awareness programmes, and knowledge sharing platforms with regards to labour management and best practices.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
39	Prevention	4	ii, iii,	1	S12	G3
40	Prevention	4	i, ii	2	S12	G3
77	Partnership	4	i	1 & 2	S28	G8

4.7 Collaboration with Academia, NGOs, and International Organisations

Malaysia recognises the importance of having a strong network and collaboration with academia, NGOs, and international organisations in combatting TIP. In 2021, NSO MAPO collaborated with several universities on research and studies related to TIP.

a. University of Malaya (UM), Kuala Lumpur

MAPO supported the application for funding from the US Embassy to fund a project titled **“Training State Officials on Human Trafficking Prevention and Protection of Victims of Trafficking”** proposed by Dr. Haezreena Begum binti Abdul Hamid, a Senior Lecturer at the Faculty of Laws, University of Malaya. Her studies will have a significant contribution towards understanding the term “trafficking” and analysing trafficked victims on a case-to-case basis among law enforcers and Protection Officers (collectively referred to as ‘key-stakeholders’). This study aims to train state key stakeholders on two main issues. First, the definition of ‘coercion’, ‘exploitation’, ‘traffickers’, and other key terms, as well as the distinction between migration, smuggling, and trafficking. Second, to guide, upskill, develop, and inculcate empathy, compassion, and human rights practices into their SOPs. The objectives of this research are to enhance the understanding and knowledge of human trafficking, to be able to differentiate trafficking from migration and smuggling. To inculcate empathy, compassion, and knowledge of human rights while carrying out raid and rescue operations (second pillar of NAPTIP 3.0), to protect and support victims of trafficking (third pillar NAPTIP 3.0), and to maintain a collaborative relationship between Malaysia and the United States with the mutual aim of combatting TIP (fourth pillar of NAPTIP 3.0). MAPO will assist the applicant in the training of key stakeholders and by end of the study, there will be a playbook or a manual training kit for law enforcers and Protection Officers. The playbook is a comprehensive book that contains guidance and assistance for key anti-TIP players such as law enforcers, prosecutors and magistrates, and Protection Officers. This study is expected to be completed by the year 2023.

b. University of Education Sultan Idris (UPSI) and National University of Malaysia (UKM)

TIP is a major issue involving human rights and security. This crime is the main focus of the world and Malaysia, and is also the main focus of Public Safety and Order Policy (DKKA) (referring to pillar 6) and is an important indicator of sustainable development in line with the SDGs target number 16 for peace, justice, and strong institutions, which relates to the indicator 16.2 (protect children from abuse, exploitation, trafficking, and violence) and 16.4 (Combat organised crime and illicit financial and arms flow). Dr. Nafisah binti Ilham Hussin, Senior Lecturer, Department of Moral, Civics and Character-Building Studies, Faculty of Human Sciences approached MAPO to assist in her proposed research entitled **“Literacy Empowerment and the Formation of a New Mechanism Framework to**

Combat the Crime of Trafficking in Persons in Malaysia". This research aims to identify literacy among officers in Malaysian government agencies from various aspects, especially the protection of TIP victims, identify the weaknesses of conventional mechanisms in combatting TIP in Malaysia, analyse the factors that cause the weakness of conventional mechanisms in combatting the crime and to produce a framework of new mechanisms to combat TIP in Malaysia. This research is expected to be completed by year 2023.

c. University of Nottingham Malaysia

The research by Assistant Professor Dr. Karma Tashi Choedron (Savinder Kaur Gill) and Assistant Professor Dr. Julia Roknifard University of Nottingham Malaysia mainly focus on building the capacity of internal (from industry) and third-party auditors in understanding the dynamics of TIP and labour compliances related to ILO, which is part of the Principles & Criteria (P&C) of third-party auditing standards and due diligence for the industry. The title of this project is **"Enhancement of Manufacturing and Oil-Palm Third-Party Audits Compliance and Due Diligence with Certification"** under the funding by the British High Commission and MAPO as a project partner. The launching of this project was held on 8 November 2021. This project aimed to help in the process of enhancing third-party and internal auditor competency in detecting and reporting incidences of forced labour in the manufacturing and oil palm industry in Malaysia and sensitise employers on the recruitment process of migrant workers and compliance to labour standards to avoid being complicit in TIP. The project trained auditors, both internal and third-party (external) on what constitutes forced labour from the perspective of the Malaysian labour law, ATIPSOM Act and ILO standards. The training includes ways to detect incidences of forced labour during audits and trace non-compliances throughout the supply chain. Besides that, industry representatives from the management level were sensitised on ethical recruitment processes and work conditions in compliance with relevant legislation. The project was conducted from 30 August 2021 until 31 January 2022.

NSO MAPO also continuously explore opportunities to collaborate with NGOs and international organisations in eradicating TIP, forced labour as well as protecting TIP victims. There had been numerous collaborations with the NGOs and international organisations which had been undertaken and some are still in progress. NSO MAPO actively supports the initiatives taken by NGOs in capacity building, for instance, the collaboration with Engender and US Embassy on **"Capacity Building for Impact: Strengthening Anti-Trafficking Organizations Program (CBI TIP Program)"**. This project kicked-off with a Virtual Launch on 29 July 2021, held in conjunction with the World Day Against Trafficking in Persons, and was launched by the Deputy Secretary General of MOHA. Among the objectives of this project are to build capacity and support collective learning for CSOs as well as individuals in addressing TIP in Malaysia, to strengthen CSOs' advocacy, and support for trafficked persons, especially women and children in securing justice as

well as freedom, to enhance TIP coherence and build a stronger network to share resources and expertise, and to deepen public understanding and action on TIP issues under the public awareness programme. To promote collective learning and action as well as to foster the whole-of-society approach in addressing TIP, the programme includes Government officers both as speakers and participants. NSO MAPO supported this programme by speaking at some of the sessions and inviting representatives from MAPO ministries/agencies to participate in the programme.



INVITATION TO LAUNCH

**CAPACITY BUILDING FOR IMPACT PROGRAM:
STRENGTHENING ANTI-TRAFFICKING ORGANIZATIONS**
29 JULY 2021 | 0930 - 1130 | ONLINE (ZOOM)*

ABOUT

The program aims to shape a stronger network of organizations through collective learning and action that will act as a catalyst to accelerate the implementation of NAPTIP 3.0 and mobilise a whole-of-nation approach to combat trafficking in persons.

The 18-month initiative will include training, advocacy consultations and programs at state level to build grassroots awareness on TIP recognition and response.

PROGRAM

0930 - 1000
Welcome & Introduction
Project Representative Ms. Omna Sreeni-Ong

Opening Remarks
H.E. U.S. Ambassador Brian D. McFeeters
Remarks & Program Launch
Deputy Sec-Gen (D) of Home Affairs Ministry,
Mohamad Fauzi Md Isa

1030 - 1130
Capacity Building for Impact Program
Introduction & Sharing

*Pre-register here: bit.do/TIPlaunch

For further information, please contact:
Dr. Pooja Kaur Luthar
Program Coordinator
Capacity Building Program
monit@engenderconsultancy.org

A social impact initiative by:



4Ps: Fostering Transformative Partnerships for NAPTIP

Date: 10 Nov 2021 (Wednesday)

Time: 0930 - 1230 (3 hours)

Format: Panel Presentation & Discussion and Breakout Session

Programme:

- Welcome (5m) - Lisa Fernandes, Program Coordinator, CBI TIP
- Introduction by Moderator (5m) - Brittoia Anurathu, Representative, GSB & Co-Chair, JHAMS
- Panel presentation - Govt-NGO-Private Sector Partnership for Anti-Trafficking in Malaysia (1 hr)
 - Government (15m)**
 - Ph Syuhaida Abdul Wahab Zen, Undersecretary, National Strategic Office NSO MAPO
 - Ph Ajanis Ba-L, Community Development Officer, Policy and Strategic Planning Division (Women and Gender), Ministry of Women, Family and Community Development (KPKWV)
 - NGO (15m)**
 - Karen Tai, Senior Research & Advocacy Manager, Global Shepherds Berhad (GSB)
 - Su Shern Nee, Executive Director, Project Liberty
 - Private sector (10m) - TBC**
 - Q&A (10m)**
- Coffee Break (10m)
- International Good Practices of Partnerships for Anti-trafficking (10m) - IOM
- Breakout session - Making Partnerships Work in NAPTIP (CSO/Govt/Private Sector) (30m) - IOM, Cecil (SUKA Society) & Dm (SHUT)
- Breakout session sharing & discussion (30m) - Moderator
- Spotlight session (15 min) - www.modernslawymap.org by ILO
- Key Takeaways (10m) - Moderator
- Wrap-up & Close - Program Coordinator



PROSECUTION: Understanding and Strengthening TIP Legal Frameworks

30 SEP 2021 | 0930 - 1230 | ONLINE (ZOOM)*

*Pre-register here: bit.do/3prosecution



Join us at the third session of our TIP capacity building series. Prosecution is part of the 4Ps paradigm. Expert panellists will take us through the TIP legislative framework, amendments to ATIPSOM and international good practices. Our immersive programme will also include a breakout session.

MODERATOR



LIVA SREEDHARAN
Managing Director
Onward Consulting

PANEL



DSP MOHD HADZWAN BIN ZULKIFLE
Senior Police Officer
& Commander, Task Force
NSO MAPO



AZNEE SALMIE BINTI AHMAD
Legal Advisor
NSO MAPO



EDMUND BON
Co-founder & Director
MOCHR



ARCHANA KOTECCHA
Consultant, ILO
Founder & CEO
The Remedy Project

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A social impact initiative by:



HUMAN RIGHTS, GENDER & TIP: Policy to Practice

31 MAR 2022 | 0930 - 1200 | ONLINE (ZOOM)*

*Pre-register here: bit.do/7-tippgender

Trafficking in persons is a human rights violation that affects 72% of victims are women and girls globally. Gender inequality and gender-blind policies contribute to and shape exploitation, creating vulnerabilities for women and girls to human trafficking. It is critical to understand the gender dimensions of trafficking and embed a human rights-based and gender-responsive approach in legislation and implementation to effectively address varied situations and the lived realities of all victims and survivors.

PANEL

Human Rights Mechanisms:
CEDAW Perspective



OMNA SREENI-ONG
Founder and Principal Consultant
ENGENDER Consultancy

Gender-responsive Approach:
Identification to Prosecution (UK)



CLAIRE MAYS
Criminal Barrister &
CBV and child crimes expert

SPOTLIGHT

Gender and Human Rights in NAPTIP 3.0
& National Guidelines on Human
Trafficking Indicators (NGHTI)



LAZULI NAMBIAR
Senior Assistant Director of Labour
NSO MAPO

A social impact initiative by:



In collaboration with:



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Furthermore, the Government recognises the importance of NGOs' role in the effort to combat TIP. On 17 March 2022, **three NGOs namely Tenaganita, GSB, and National Council for Women Organization (NCWO) were recognised as 'Sahabat KDN' for their continuous efforts in partnering with the Government on TIP issues.**



As an example of Government engagement with international organisations, **MOHR collaborated with ILO** through the **project “From Protocol to Practice: A Bridge to Global Action on Forced Labour” (BRIDGE)** to hold a Tripartite Workshop on Hazardous Child Labour Policy titled “Setting a Common Ground to Strengthen the Hazardous Work List to Effectively Combat the Worst Forms of Child Labour in Malaysia”. The workshop gave MOHR an opportunity to share the hazardous work lists for children and young people as contained in the Children and Young Persons (Employment) Act 1966. In addition, the workshop also aimed to identify strategies and

approaches that can be taken to address the gap in determining whether a job is hazardous in nature and to expand the work listing of jobs that are considered hazardous work. The workshop was a platform to give exposure to Malaysia and to work towards a tripartite mechanism in identifying child labour in Malaysia and ways to eradicate the worst forms of child labour and child labour. The ILO technical team introduced two established tools used in identifying risks and hazards for child labour using the economic value chain model and the four-step approach which also breaks each task into risks/hazards/work conditions etc. The workshop had small group activities with discussions and presentations by each group at the plenary. In line with the NAPFL, there will be follow-up workshops on this area to improve the hazardous work list for children.

These efforts are **in line with recommendations #4 and #10 of the US TIP Report 2021.**



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
33	Prevention	1	i	2	S9	G3
71	Protection	5	iii	1	S18	G4, G8
71	Protection	5	i	2	S18	G6, G8
77	Partnership	4	i	1	S28	G8
77	Partnership	4	i	2	S28	G8
78	Partnership	5	ii	1	S29	G8

4.8 Development of MAPO e-Learning Portal

E-learning has become an increasingly prevalent learning approach not only in higher educational institutions but also in work organisations due to the circumstances caused by the Covid-19 pandemic. Due to the various SOPs and gathering restrictions as a result of the pandemic, it has become more difficult to organise and conduct face-to-face training and workshops, particularly for the enforcement personnel.

As the Government is steadfast in its commitment to enhance the capacity of its enforcement personnel, the Government has developed an online or e-learning portal to provide continuous learning and training opportunities to the enforcement personnel. The idea behind the development of the e-learning portal was to set up a one-stop centre for learning and capacity building for the enforcement officers as well as other relevant stakeholders on matters related to TIP, SOM, and forced labour. Capacity building is a critical component of the country's anti-TIP measures in ensuring that enforcement officers and other relevant stakeholders are equipped with the pertinent knowledge and expertise required to perform their anti-TIP efforts effectively. In line with this, MAPO e-Learning Portal is an alternate platform for sustained capacity building and training for enforcement officers and other relevant stakeholders. This is **in line with recommendation #4 of the US TIP Report 2021**.

MAPO e-Learning Portal was developed in line with national aspiration, particularly in fulfilling Malaysia's obligation as per Programme Area A6 of NAPTIP 3.0. The development of MAPO e-Learning Portal is yet another testimony of the openness and willingness of the Government to partner and collaborate with international organisations to develop and implement the online training modules, as well as to enhance existing training approaches to focus on the technical matters related to TIP, SOM, and forced labour. MAPO e-Learning Portal was developed with support from ILO and the development process took over six months. The portal was officially launched online on 1 January 2022.

MAPO e-Learning Portal can be accessed via <https://mapo.talentlms.com/>

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
51	Prosecution & Enforcement	7	vi	1	S7	G2, G6
76	Partnership	3	i, ii, iii, iv	1	S27	G7

4.9 MoUs with Source Countries and Strategic Partners

To date, Malaysia has signed eight Agreements/Memorandums of Understanding (MoUs) with the United Kingdom, US, Saudi Arabia, People's Republic of China, Canada, Bangladesh, Australia, and Viet Nam. The Government places emphasis on forging regional and international cooperation in order to combat TIP more effectively. During the current reporting period, some of the efforts in this area are described below.

a. The Republic of Indonesia

Information asymmetry is seen as the main contributing root cause to the lack of employment rights and situations of forced labour faced by migrant workers. Many low-wage migrant workers, especially domestic workers do not have adequate and accurate sources of information for the job in the country of destination.

Many Indonesian domestic workers tend to come from poor and rural background. Seeking employment as domestic workers is one of the few employment opportunities that are available to them. During the initial stage of the migration process, many prospective domestic workers were deceived or coerced by labour brokers, known locally as calo, petugas lapangan or sponsor. They were given false or misleading information relating to their wages, work hours, holidays and workload in Malaysia. Without accurate information on their future salary, working conditions and the costs of the recruitment process, the women or girls were not able to make an informed decision about whether to take the job or not. When they eventually find out about the full cost of recruitment and the true terms and conditions of work, it is usually too late as they are already in the country of destination. Hence, without accurate information, these people are exposed to potential migration risks and become vulnerable to contractual deception, underpayment, excessive or exploitative work hours, denial of weekly rest day and holidays, inadequate basic necessities, debt bondage, forced labour and TIP.

For this reason, the signing of a new MoU between Malaysia and the Republic of Indonesia will play a key role in **facilitating safe recruitment and placement of domestic workers** from Indonesia. Provisions for good practices to provide **better labour protection** such as end-to end digital recruitment application (One Channel System), prohibition of withholding of passport, standard/transparent written employment contract, clear job description and job categories, provision for dispute/complaint mechanism, zero recruitment fees, access to health care benefits, adequate food and decent accommodation were incorporated to reduce information asymmetry with the aim of reducing the risks associated with forced labour.

b. MoU with Bangladesh (G2G)

The MoU between Malaysia and Bangladesh on the employment of Bangladeshi workers was signed on 19 December 2021. The MoU was inked by Human Resources Minister Datuk Seri M. Saravanan and Bangladesh’s Expatriates’ Welfare & Overseas Employment Minister Imran Ahmad.

The MoU set a framework for a safe and orderly migration flow from Bangladesh to Malaysia. It also outlines Bangladeshi workers’ recruitment, placement, employment, and repatriation procedures in the bilateral arrangement of temporary labour migration between the two countries. The MoU then lays out both the Malaysian government and Bangladeshi government’s responsibilities, including Malaysian employers and Bangladeshis and the duties of private employment agencies in both countries. The framework for migration flow drawn out in the MOU is consistent with international labour standards, fair recruitment and empowered and protected workers to combat forced labour.

It also serves as an essential policy instrument toward the goal of ‘co-development’ – that is, the mutual benefits of labour migration between Malaysia (receiving country) and Bangladesh (sending country). The MoU is expected to resolve the issues related to the recruitment of Bangladeshi workers including eliminating the involvement of unscrupulous agents, thereby reducing the risk of TIP.

These efforts are in line with **recommendation #6 and #11 of the US TIP Report 2021.**



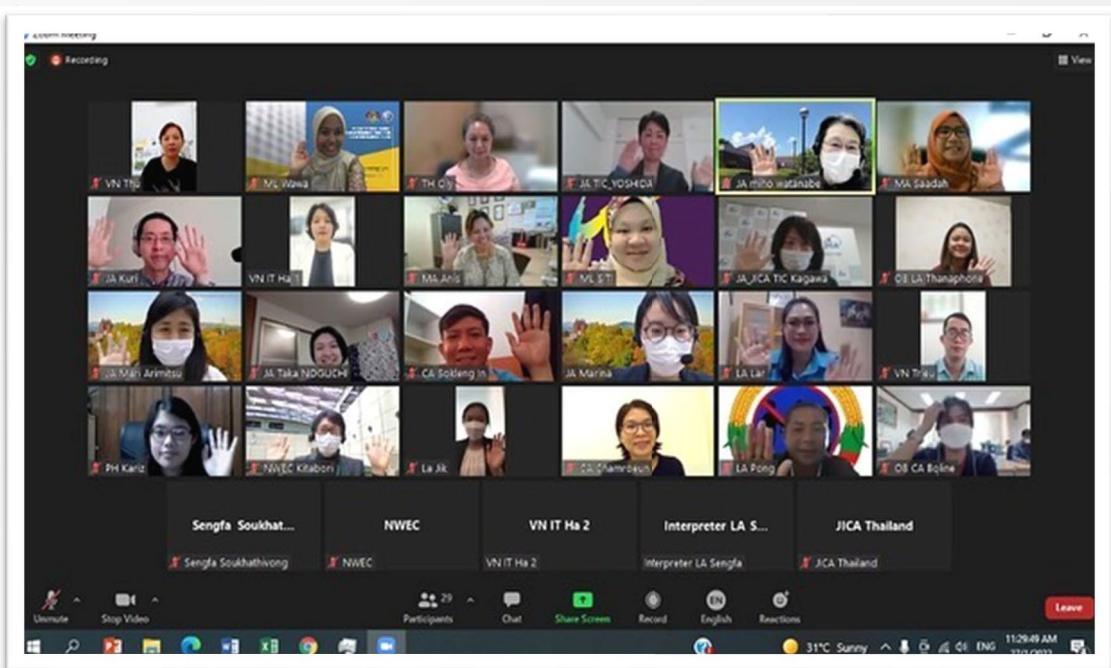
In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
57	Prosecution & Enforcement	10	(additional)	1	S20	G5
79	Partnership	3	i, ii, iii	1	S31	G8

4.10 Sharing of Best Practices at the International Level

Malaysia in its continuous efforts to curb TIP, works closely with other partners across the region as coordination between and among the countries is crucial. Hence, Malaysia was opportune to share her best practices in combatting TIP with counterparts at the international level as follow:

- a. Regional Expert Group Meeting (REGM) On 'Fostering Cooperation Between the Public and Private Sector to Counter Trafficking In Persons In Asia Pacific, UNODC (24-25 March 2021);
- b. National Experts for the development of UNHCR RSO Toolkit Session (22 April 2021);
- c. ASEAN Inter-governmental Commission on Human Rights (AICHR): Community Policing Approach to Victim Identification and Prevention of TIP (23-24 August 2021);
- d. Regional Workshop to Support Knowledge Exchange and Experience on Shelter Practices Across ASEAN Member States by SOMTC Philippines (27 April 2021);
- e. 4th Technical Expert Group of Repatriation and Reintegration (TEGRR) Bali Process (28 and 30 September 2021);
- f. ASEAN Workshop on the Review of the Bohol TIP Work Plan 2017-2020 (12-13 October 2021);
- g. 2021 Bali Process Government and Business Forum Consultation and Innovation Sessions (17 November 2021);
- h. ACWC-AICHR Training on Human Rights, Gender Sensitive and Child-Friendly Approaches on TIP Cases Handling for Frontline Officers (15 November 2021); and
- i. Promotion of Networking Among ASEAN Countries on Anti-Trafficking in Persons, 17 November 2021 - 21 January 2022 by Japan International Cooperation Agency (JICA) in Collaboration with National Women's Education Centre (NWEC).

In recognising the importance of NGOs in the overall efforts to combat TIP, representatives from NGOs were also invited to some of the above sessions. This effort is in line with **recommendation #10 of the US TIP Report 2021**.



In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0

NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
70	Protection	5	iv	1	S18	G4
78	Partnership	6	(additional)	(additional)	S30	G7

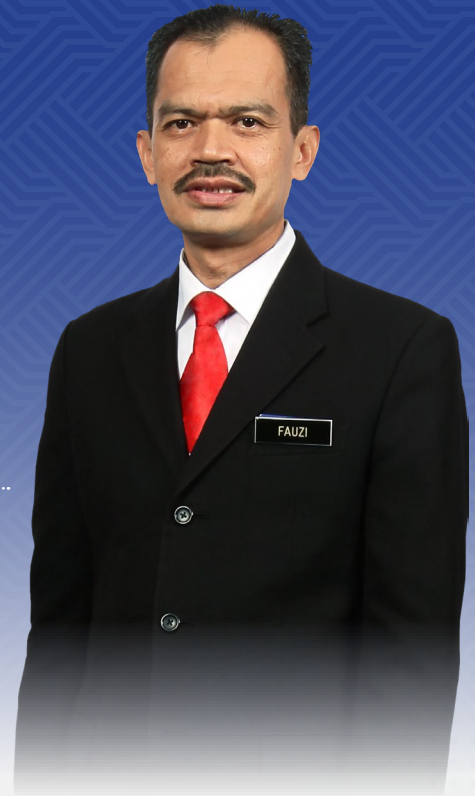
SECTION 5

MONITORING AND EVALUATION

“ We take cognizance of the enormous good work that lies ahead of us to accomplish as we proceed to **intensify collaborative efforts** with our Partners in order to ensure successful implementation of our NAPTIP 3.0 ”

YBhg. Datuk Mohamad Fauzi bin Md Isa

Deputy Secretary General,
Ministry of Home Affairs
29 July 2021



A significant improvement in the NAPTIP 3.0 as compared to its predecessor is the establishment of a specific committee to focus on Monitoring and Evaluation (M&E) of the implementation of NAPTIP 3.0 which encompasses all the efforts and activities undertaken by the Government, including with its partners, during each reporting period. On top of that, the M&E also looks at how the collective efforts meet the TVPA Minimum Standards and respond to any recommendations as stated in the US TIP Report. In the current reporting period, the Government, with the cooperation and collaboration of its partners, **have successfully implemented 121 out of 205 activities/programmes in NAPTIP 3.0** according to the timeline, as **well as responded to all the 15 prioritised recommendations in the US TIP Report 2021 and the 12 criteria of the TVPA Minimum Standards.**

5.1 MAPO NAPTIP Committees Under NAPTIP 3.0

NAPTIP 3.0 has a specific section on Monitoring and Evaluation. An additional NAPTIP Committee on Monitoring and Evaluation (M&E) was included to complement the other existing five NAPTIP Committees, namely, the Legislative Committee, Enforcement Committee, Victim Care and Protection Committee, Media and Publicity Committee, and the Special Committee to Oversee Forced Labour Issues. The M&E Committee is led by NSO MAPO and is responsible for facilitating the monitoring and evaluation process as well as the necessary reporting requirements of NAPTIP 3.0.

The development of this comprehensive **Annual Country Report which showcases the Government's collective efforts in fulfilling its commitment to combat TIP** during the reporting period is the outcome of the robust and participatory M&E process undertaken by all the NAPTIP Committees together with input and feedback from government ministries/agencies, CSOs, international organisations, business and industry players, employers' unions, and other relevant stakeholders involved. NSO MAPO held a consultative session with NGOs and international organisations on 7 March 2022 to specifically obtain their feedback on the Government's efforts as well as share on the initiatives undertaken by them in supporting the country's anti-TIP efforts. Their feedback were also incorporated in this Annual Country Report. The NAPTIP Committees collect and collate all relevant data and information required from relevant parties, usually on a quarterly basis, and provide periodic reports to the M&E Committee. The M&E Committee is responsible for producing the Annual Country Report with the input and cooperation from the other Committees. This is the second Annual Country Report produced by the Government and is a continuation of the **Government's efforts to be transparent in reporting and promoting its anti-TIP efforts.**

From the M&E exercise for the current reporting period, the Government has **successfully implemented the relevant activities according to the timeline** as committed to in the NAPTIP 3.0. **Out of the total 209 activities outlined in the NAPTIP 3.0 for the five-year period, 121 activities have been undertaken** during the current reporting period. The M&E Committee will conduct further analysis to study the possible gaps and challenges and recommend adjustments to the NAPTIP implementation, if necessary.





MAPO continues to receive an annual budget of RM4 million from the Government to perform its function and duties relating to TIP and SOM. MAPO allocates funding to the NAPTIP Committees and relevant government agencies as well as NGOs to implement the NAPTIP activities.

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
75	Partnership	1	i	2	S25	G7
75-76	Partnership	2	i, ii	2	S26	G7
77	Partnership	4	I	1	S28	G8
80	Partnership	9	i	1	S33	G9
81	Partnership	10	i, ii	1	S34	G9
81	Partnership	10	I	2	S34	G9

5.2 The US TVPA Minimum Standards

In carrying out its responsibility to combat TIP and address related issues such as forced labour practices and protection of victims, the Government continues to employ **the 12 criteria of the US TVPA Minimum Standards as the benchmark** for its anti-TIP efforts. Indeed, the NAPTIP 3.0 was developed to incorporate activities which would fulfil or adhere to the minimum standards. In the current reporting period, many activities and anti-TIP initiatives have been undertaken which are related to all the 12 criteria of the minimum standards. This is testament of the Government's substantive efforts in meeting the minimum standards for the elimination of TIP. As part of the M&E process, the M&E Committee also reviewed that the activities and measures undertaken contribute to the Government's efforts to meet the minimum standards. (Please refer to the Section on The Minimum Standards Under the US Trafficking Victims Protection Act (TVPA) on page 15).

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
81	Partnership	10	i, ii	1	S34	G9
81	Partnership	10	i	2	S34	G9

5.3 Recommendations in the US TIP Report 2021

During the current reporting period, the Government's anti-TIP efforts and measures were also **guided by the 15 prioritised recommendations in the US TIP Report 2021**. In the current reporting period, many activities and anti-TIP initiatives have been undertaken in response to all the 15 prioritised recommendations. This signifies the Government's commitment and responsiveness to addressing the recommendations by the US Government. During the current reporting period, the Government had actively engaged with the US Government on how the country's efforts in combatting TIP and SOM can be further enhanced. As part of the M&E process, the M&E Committee also reviewed that the activities and measures undertaken during the current reporting period responded to the recommendations in the US TIP Report 2021 accordingly. (Please refer to the Section on The Prioritised Recommendations for Malaysia in the US TIP Report 2021 on page 17).

In fulfilment of the following activities/output/specific objectives/strategic goals of NAPTIP 3.0						
NAPTIP Pg. No.	Related Pillar	Item No.	Activity No.	Output No.	Specific Objective	Strategic Goal
81	Partnership	10	i, ii	1	S34	G9
81	Partnership	10	i	2	S34	G9

SECTION 6

CONCLUSION

“ I would like to conclude by saying that having simultaneously brought forth modernisation of information technology hand in hand with the cooperation of international organisation directly into the work of an **ATIPSOM enforcement officer**, it is with much optimism that I look forward to witnessing a betterment for Malaysia in the coming USTIP reports. ”



**YBrs. Madam Syuhaida binti
Abdul Wahab Zen**

Undersecretary NSO MAPO cum
Secretary of MAPO
22 February 2022

This second Annual Country Report evidently showcases the significant efforts and strategic actions undertaken by the Government together with its committed partners during the current reporting period to eliminate TIP and forced labour exploitations as well as enhance its victim care and support services to facilitate the recovery and empowerment of TIP victims. Although the prolonged Covid-19 pandemic added to the challenges faced by the Government and its partners in implementing the anti-TIP initiatives and programmes, nevertheless, all parties remained determined and unwavering in their collective efforts towards achieving the common goal of combatting TIP and forced labour exploitation. Moving forward, the Government is resolute in fully implementing the NAPTIP 3.0 effectively and in striving to go above and beyond the minimum standards for the elimination of TIP.

APPENDIX 1

INTERVENTION AND THERAPEUTIC PROGRAMMES FOR TIP VICTIMS

1 APRIL 2021 – 31 JANUARY 2022

BIL.	PERKARA	TARIKH/TEMPOH	JUMLAH KEKERAPAN	JUMLAH KAKITANGAN/ MANGSA TERLIBAT
PROGRAM KESEDARAN				
1.	Kursus Asas Pertolongan Cemas	Mac 2021	1	15 orang
2.	Program Pengenalan Asas Pekerjaan di Malaysia	April 2021	2	50 orang
3.	Program Asas Kesihatan Mental	Januari 2022	1	34 orang
4.	Program Pengurusan Stress	Januari 2022	1	34 orang
5.	Program Motivasi dan Bimbingan	Julai, September, November, Disember 2021 dan Januari 2022	6	213 orang
6.	Program Suntikan Vaksin Penghuni PO Dos 1 & Dos 2	September, Oktober, November, Disember 2021	5	104 orang
7.	Program Antidadah dan Melukis Poster	Mei 2021	1	15 orang
8.	Program Antidadah, Bahaya Merokok dan Alkohol	November 2021	1	32 orang
9.	Aktiviti Kesedaran Tentang Pemerdagangan Orang	April 2021	1	1 orang
10.	Prevention of Corona Virus 2019 (COVID-19)	Julai 2021	1	12 orang
11.	Penjagaan dan pembersihan Alat Sulit (Vagina)	September 2021	1	2 orang
12.	Bahaya Penyakit Kelamin	September 2021	1	2 orang
13.	Baby Care: Feeding and Bottle Hygiene	Oktober 2021	1	3 orang
14.	Sexual Transmitted Disease (Short Talk)	Oktober 2021	1	3 orang
15.	Pemeriksaan Kesihatan	September, November, Disember 2021	3	109 orang
16.	Apa Erti Kebebasan- Sempena Kemerdekaan	Ogos 2021	1	40 orang
17.	Training session on Labor Rights, Violence against Women, Trafficking in Persons and Occupational Safety and Health	Mei & Disember 2021	2	28 orang
18.	Training session on case Management and Documentation	Mei 2021	1	11 orang

19.	Training session on Gender based Violence and Basic Psychological First Aid	Mei 2021	1	11 orang
20.	Training session on self- awareness and self-care	Disember 2021	1	17 orang
KURSUS/LATIHAN KEMAHIRAN				
1.	Program Latihan Kemahiran (Urut)	Oktober 2021	1	8 orang
2.	Masakan	April 2021-Januari 2022	70	684 orang
3.	Jahitan	Mei, Julai, September 2021	5	22 orang
4.	Kraftangan	April, Julai, Ogos, September, Oktober 2021	21	340 orang
5.	Pengurusan Diri/ Dandanan	Julai, September, Oktober, Disember 2021	12	130 orang
6.	Kelas Bahasa	April 2021-Januari 2022	52	1,725 orang
PROGRAM PSIKO-SOSIAL				
1.	Laughing Terapi	Disember 2021	1	14 orang
2.	Program Keceriaan / Gotong-Roy-ong	April 2021-Januari 2022	34	989 orang
3.	Sambutan Perayaan	April, Mei, Julai, Oktober, November, Disember 2021 dan Januari 2022	11	261 orang
4.	Sambutan Hari Lahir Penghuni	Julai 2021	1	49 orang
5.	Program Penjagaan Kebersihan Diri	Julai 2021	1	30 orang
6.	Program Nyanyian Kebudayaan	Julai 2021	1	46 orang
7.	Program "Family Call" bersama Penterjemah	Julai, September, Oktober, Disember 2021 dan Januari 2022	5	33 orang
8.	Sambutan Bulan Kemerdekaan	Ogos 2021	1	84 orang
9.	Program Orientasi Penghuni Baru (IPO)	Ogos, September, Oktober, Disember 2021	5	40 orang
10.	Kuiz Kecerdasan Minda	September 2021	1	45 orang
11.	Majlis Perpisahan dan Terima Kasih Mangsa	September 2021	1	45 orang
12.	Program Sukaneka	November, Disember 2021	2	71 orang
13.	Program "Family Video Call" bersama Penterjemah	November, Disember 2021	2	22 orang
14.	Program Keagamaan	April 2021 – Jan 2022	169	3289 orang
15.	Program "Video Call" Keluarga	Januari 2022	1	9 orang
16.	Program Kecergasan Fizikal	Julai 2021 & Januari 2022	4	71 orang
17.	Aktiviti Pertanian/ berkebun	Julai, September, Oktober, Disember 2021	30	123 orang
18.	Aktiviti Penternakan Ayam	Oktober 2021	1	29 orang
19.	Zumba	April 2021- Januari 2022	46	1254 orang
20.	Senaman/ Aerobik	Jun 2021 - Januari 2022	290	2808 orang

21.	Karaoke/ Nyanyian	April, Jun, Julai, Disember 2021	5	83 orang
22.	Riadah Petang/ Riadah : Permainan	April 2021- Januari 2022	47	528 orang
23.	De'stress & Sharing	Mei, September, Oktober 2021	4	49 orang
24.	Pengendalian Emosi	September 2021	2	5 orang
25.	Aktiviti Regangan Badan	April 2021- Januari 2022	32	1216 orang
26.	Poco-poco	September 2021	12	448 orang
27.	Aktiviti Berkumpulan: "Grieving for Loss Session" dan "My Journey"	Mei 2021	1	41 orang
28.	Tayangan Video/ Filem	April 2021 – Jan 2022	206	2980 orang
29.	Aktiviti Psikososial	Ogos, September 2021	2	80 orang
30.	Outing Day	Disember 2021	3	32 orang
31.	Concert Days	Disember 2021	1	34 orang
32.	Tarian Dan Lakonan	September, Oktober, November 2021	7	263 orang
33.	Aktiviti mewarna dan melukis	Ogos, September 2021	4	160 orang
34.	Sesi My Diary	April 2021 – Jan 2022	20	271 orang
35.	Indoor Game	April 2021 – Jan 2022	27	385 orang
36.	Program bersama Global Shepherds	Oktober 2021	1	37 orang
37.	Sambutan Hari Kanak-kanak	Oktober 2021	1	37 orang
KAUNSELING				
1.	Kaunseling Individu	April 2021 – Jan 2022	47	104 orang
2.	Kaunseling Kelompok	April 2021 – Jan 2022	12	43 orang



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