

# Sex Traffickers: Friend or foe?

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## Abstract

This article addresses the knowledge gap surrounding human traffickers in Malaysia. Based on qualitative interviews with women identified as victims of trafficking, it explores the women's perception of their traffickers and their migration experience. The article asserts that the term 'trafficker' is complex and misunderstood by scholars, states, and state officials; and that trafficked persons may not necessarily detest their traffickers or even regard them as having caused them harm. Instead, traffickers are sometimes considered 'helpers' or people who provide work opportunities and a prospect of a better life. However, this form of relationship is considered exploitative by Malaysian legislation.

**Keywords:** helpers, sex traffickers, sex work, traffickers, trafficking, victims of trafficking

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## Introduction

Human traffickers are commonly depicted in the media and popular culture as violent and brutal men.<sup>1</sup> The trafficker is controlling, manipulative, cruel, and can subjugate an individual or force them into sex work.<sup>2</sup> Trafficked persons, on

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<sup>1</sup> C N Baker, 'An Intersectional Analysis of Sex Trafficking Films', *Meridians*, vol. 12, issue 1, 2014, pp. 208–226, <https://doi.org/10.2979/meridians.12.1.208>.

<sup>2</sup> M Wilson and E O'Brien, 'Constructing the Ideal Victim in the United States of America's Annual Trafficking in Persons Reports', *Crime, Law and Social Change*, vol. 65, no. 1-2, 2016, pp. 29-45, <https://doi.org/10.1007/s10611-015-9600-8>.

the other hand, are portrayed as weak, naïve, and defenceless.<sup>3</sup> This is the case in Malaysia too, where the media regularly portray trafficked women as weak, passive, scared, powerless, and defenceless, and traffickers as members of a gang or organised crime group. These victim-offender stereotypes shape discourses around sex work and trafficking in Southeast Asia today.

The ‘ideal’ victims of trafficking for sexual exploitation are commonly portrayed as innocent young girls from foreign countries who are manipulated, lied to, kidnapped, and forced into sexual exploitation.<sup>4</sup> Stereotypes of trafficking victims are created by the state to satisfy societal beliefs that sex work can only be forced upon women, or obtained through coercion. However, studies have shown that globalisation, migration policies, unemployment, low wages, gender inequalities, and poverty are the main push factors that drive women to migrate and engage in sex work.<sup>5</sup> Typically, migration occurs from rural areas to cities and from less developed to more developed countries.<sup>6</sup>

Malaysia is one of the main destination countries for migrants from Southeast Asia, South Asia, and the Middle East because of its economic opportunities, relative political stability, and strong national security. The country has high reliance on migrant workers in 3D (dangerous, dirty, and difficult) jobs in construction, plantations, automotive maintenance, manufacturing, cleaning services, and others. For female migrants, push factors such as poverty, the gender pay gap, and the lack of economic opportunities in countries of origin are among the main reasons for migrating to Malaysia. UN Women estimates that women accounted for 37.35 per cent of the total number of migrants in Malaysia in 2015, with most originating from Southeast Asian countries such as Indonesia, Thailand, Vietnam, Cambodia, and the Philippines.<sup>7</sup>

The influx of women from Southeast Asian countries is mainly attributed to the higher wages and better quality of life. In 2015, 40 per cent of Indonesians lived below the international poverty line (USD 1.90 per day), and the majority were

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<sup>3</sup> Baker.

<sup>4</sup> S Rodríguez-López, ‘(De)Constructing Stereotypes: Media representations, social perceptions, and legal responses to human trafficking’, *Journal of Human Trafficking*, vol. 4, issue 1, 2018, pp. 61–72, <https://doi.org/10.1080/23322705.2018.1423447>.

<sup>5</sup> J A Chuang, ‘Exploitation Creep and the Unmaking of Human Trafficking Law’, *The American Journal of International Law*, vol. 108, issue 4, 2014, pp. 609–649, <https://doi.org/10.5305/amerjintlaw.108.4.0609>.

<sup>6</sup> V Samarasinghe, *Female Sex Trafficking in Asia: The Resiliency of Patriarchy in a Changing World*, Routledge, New York, 2008.

<sup>7</sup> S Jha *et al.*, *Women Migrant Workers in The Asean Economic Community*, UN Women, Bangkok, 2017.

women living in rural areas.<sup>8</sup> Poverty and inequality in Indonesia are associated with both a lack of well-paying jobs and the low value of the Indonesian currency.<sup>9</sup> Factory workers in the manufacturing industry can only earn a monthly average of IDR 942,506.80 (USD 62.51),<sup>10</sup> compared to the minimum wage in Malaysia, which is USD 270 per month (since 1 January 2019).<sup>11</sup> Those in the sex trade are able to earn up to MYR 20,000 (USD 6,000) a month.<sup>12</sup> The International Labour Organization states that sex work is usually better paid than most of the options available to young, often uneducated women.<sup>13</sup> For single mothers with children, it is often a more flexible, remunerative, and less time-consuming option than factory or service work. Thus, heads of household in Indonesia have become aware of the income potential in overseas sex work and encourage their daughters to migrate to Malaysia for sex work.<sup>14</sup>

Similarly, in Thailand, daughters are expected to contribute financially to support their parents, and sex work provides relatively high economic rewards. Empower Foundation reports that sex workers in massage parlours could earn an average of USD 2,000 per month (including tips), and often send money back home to their families in rural areas.<sup>15</sup> In Malaysia, newspaper reports suggest that sex workers could earn between MYR 450 (USD 106) for 45 minutes to MYR 7,000 (USD 1,653) per night. The worker would be entitled to 60 per cent of the amount while the remaining 40 per cent would be paid to the employer.<sup>16</sup> Thus, women become attracted to the lucrative remuneration sex work offers to fulfil cultural

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<sup>8</sup> P P Aji, *Summary of Indonesia's Poverty Analysis*, ADB Papers on Indonesia, Asian Development Bank, Manila, 2015.

<sup>9</sup> *Ibid.*

<sup>10</sup> N.a., 'Indonesia Average Monthly Wages in Manufacturing', Trading Economics, 2019, retrieved 15 May 2019, <https://tradingeconomics.com/indonesia/wages-in-manufacturing>.

<sup>11</sup> *Ibid.* Before 1 January 2019, the minimum wage was MYR 900 (USD 221) in Peninsular Malaysia or an hourly rate of MYR 4.33 (USD 1.06). Foreign workers (other than domestic servants) are also entitled to the minimum wage.

<sup>12</sup> N Koswanage, 'Foreign Prostitutes Rent Malaysian Husbands for Visas', *Reuters*, 23 March 2010, <https://www.reuters.com/article/us-malaysia-prostitutes/foreign-prostitutes-rent-malaysian-husbands-for-visas-idUSTRE62M0MD20100323>.

<sup>13</sup> N.a., 'Sex Industry Assuming Massive Proportions in Southeast Asia', International Labour Organization (ILO), 19 August 1998, retrieved 16 May 2019, [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_007994/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_007994/lang-en/index.htm).

<sup>14</sup> R Elmhirst, 'Labour Politics in Migrant Communities: Ethnicity and women's activism in Tangerang, Indonesia', in R Elmhirst and R Saptari (eds.), *Labour in Southeast Asia: Local processes in a globalized world*, Routledge Curzon, London, 2004.

<sup>15</sup> ILO, 1998.

<sup>16</sup> N H Basri, 'Perangkap Seks Wanita Asing', *Kosmo Online*, 31 March 2018, <https://www.kosmo.com.my/jurnal/perangkap-seks-wanita-asing-1.638432>.

expectations of them as contributors and breadwinners for their families.

In addition to contributing to the household financially, women in the region are expected to maintain the traditional notion of the ‘good dutiful daughter’ or ‘self-sacrificing mother’ through acts of gifting and remittance.<sup>17</sup> They are expected to conform to strict moral codes while still being family breadwinners—an impossible paradox for many women. These circumstances often compel women to migrate within or outside the country for better economic opportunities. However, women are generally less able than men to secure legal migration as they are often unable to meet the administrative demands of receiving states—for instance, where qualifications and skill sets are concerned—which renders them especially vulnerable to irregular migration. Traffickers exploit women in this situation as irregular migrant women are considered low risk, able to generate lucrative profits, and less likely to raise alarm if they are deceived and exploited. Zimmerman and Watts note ‘not all women who have been trafficked are traumatised, consider themselves victims, detest their captors, or wish to escape or go home.’<sup>18</sup> Some may view their traffickers as ordinary individuals who are part of their workforce, and willingly work closely with them to make a living.

In this article, I analyse the accounts of trafficked women provided through qualitative interviews and compare them with existing literature. I demonstrate that women do not always view their traffickers as criminals or abusers but, instead, as helpers who allowed them to migrate and find work to support their families.

In the next section, I outline the context of sex work and human trafficking for sexual exploitation in Malaysia, including the most relevant legislation. Following that, I describe the methodology of my study and the main themes in the study participants’ accounts of their traffickers. Finally, I provide a brief discussion of these findings and a conclusion.

## Sex Work, Sexual Exploitation, and Trafficking

While there is no internationally accepted definition, a ‘migrant sex worker’ is generally a person who moves from one place to another, within or across state borders, and who engages in any form of sexual service in exchange for money, food, shelter, or resources. A trafficked sex worker is a person who has been

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<sup>17</sup> S Molland, “‘I am helping them’: “Traffickers”, “anti-traffickers” and economies of bad faith’, *The Australian Journal of Anthropology*, vol. 22, issue 2, 2011, pp. 236–254, <https://doi.org/10.1111/j.1757-6547.2011.00135.x>.

<sup>18</sup> C Zimmerman and C Watts, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*, World Health Organization, West Sussex, 2003, p. 3.

forced, coerced, or deceived for the purpose of commercial sexual exploitation.<sup>19</sup>

Exploitation has different meanings to different individuals but for the purpose of this article is understood as the wrongful use of a person in order to generate income or gratification.<sup>20</sup> According to Munro, exploitation also includes a person who is unfairly used, or whose position of vulnerability is taken advantage of in order to under-reward their role within a given transaction.<sup>21</sup> Therefore, sexual exploitation is ‘an actual or attempted abuse of a position of vulnerability, power, or trust, for sexual purposes, including (but not limited to) profiting monetarily, socially or politically from the sexual exploitation of another.’<sup>22</sup>

A trafficker is a person who has committed an offence of trafficking in persons as defined by article 3 of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Trafficking Protocol). In Malaysia, Section 12 of the *Anti-Trafficking in Persons and Migrant Smuggling Act 2007* (ATIPSOM) criminalises any act of trafficking in persons for the purpose of sexual exploitation, and section 16 treats the consent of trafficked persons as irrelevant.<sup>23</sup> The term trafficker refers to a person who traffics another by way of threat, force, coercion, abduction, fraud, deception, abuse of power, or of a position of a vulnerable individual for the purpose of sexual exploitation (see s.13 ATIPSOM). A trafficking victim is ‘any person who is the victim or object of an act of trafficking in persons’ (s.2 ATIPSOM). This broad definition gives enforcement officers significant discretion, which has led to the misidentification of victims and the conflation of voluntary sex work with trafficking. It also allows for significant conflation of trafficking with offences relating to ‘[e]xploiting any person for the purpose of prostitution’, captured in the Malaysian Penal Code.<sup>24</sup> Although there are several provisions available, authorities tend to apply the trafficking legislation as if sex workers were foreigners, arguably in a bid to lift its ranking in the US *Trafficking in Persons Report* (TIP Report). The TIP Report highlights the number of prosecutions and convictions of traffickers that states

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<sup>19</sup> W Chapkis, ‘Trafficking, Migration, and the Law: Protecting innocents, punishing immigrants’, *Gender & Society*, vol. 17, issue 6, 2003, pp. 923–937, <https://doi.org/10.1177/0891243203257477>.

<sup>20</sup> V E Munro, ‘Exploring Exploitation: Trafficking in sex, work and sex work’, in M Della Giusta and V E Munro (eds.), *Demanding Sex: Critical reflections on the regulation of prostitution*, Ashgate, UK, 2008, pp. 83–98.

<sup>21</sup> *Ibid.*, p. 85.

<sup>22</sup> World Health Organization, *WHO Sexual Exploitation and Abuse Prevention and Response: Policy and procedures*, WHO, 2017, retrieved 9 August 2021, [https://www.who.int/about/ethics/sexual-exploitation\\_abuse-prevention\\_response\\_policy.pdf](https://www.who.int/about/ethics/sexual-exploitation_abuse-prevention_response_policy.pdf), p. 4.

<sup>23</sup> *Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007*, Laws of Malaysia Act 670 (as at 15 April 2016).

<sup>24</sup> *Penal Code*, section 372

secure each year to determine if the country has effectively made efforts to combat human trafficking.

In terms of the legality of sex work in Malaysia, section 8 of the *Immigration Act* 1959/63 prohibits a visa or permit to be issued to any foreign sex worker, or those who intend to work in the sex trade.<sup>25</sup> Sex work is also illegal and criminalised under the Penal Code.<sup>26</sup> Despite prohibitions on sex work, the employment of migrant sex workers continues to flourish. As a result, the United Nations Office on Drugs and Crime and the US TIP Report categorise Malaysia as a destination, transit, and source country for ‘sex trafficking’ in Asia.<sup>27</sup>

In response to such categorisation, the police have intensified their raids on establishments that are suspected to offer sexual services with the aim of ‘rescuing’ women from the sex trade. Local media reported that 25,086 such raids had been conducted between June 2013 and June 2017. Within that period, 51,594 migrants were arrested for being involved with sex work. The highest number of arrests are of individuals who originated from Vietnam (19,342), Thailand (14,591), China (9,602), Indonesia (3,867) and the Philippines (1,126).<sup>28</sup> In contrast, the prosecution and conviction rates of traffickers in Malaysia have been relatively low over the years. In 2020, only 20 individuals were prosecuted and convicted out of 277 investigations conducted, compared against 2,229 ‘victims’ formally identified by the authorities. Conviction rates were also low in 2019, when only 50 individuals were convicted out of 281 investigations conducted (compared to 1,305 formally identified victims).<sup>29</sup>

## Methodology

This article uses a postcolonial feminist approach in the qualitative methods of semi-structured interviews and participant observation. A postcolonial feminist approach demonstrates the diversity of postcolonial subjects’ experiences and

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<sup>25</sup> *Immigration Act 1959/63*, Laws of Malaysia 155 (1959/63).

<sup>26</sup> *Penal Code, Act No. 574 as of 2015*.

<sup>27</sup> K Kangaspunta, *et al.*, *Global Report on Trafficking in Persons 2020*, United Nations Office on Drugs and Crime (UNODC), New York, 2020; US Department of State, *Trafficking in Persons Report 2021—Malaysia*, US Department of State, Washington, D.C., June 2021, retrieved 5 July 2021, <https://www.state.gov/reports/2020-trafficking-in-persons-report/malaysia>, pp. 369–373.

<sup>28</sup> Basti.

<sup>29</sup> US Department of State, 2020.

conditions under which they live.<sup>30</sup> Thus, it was important to acknowledge the traditional, patriarchal ideas about women's roles and male privilege in their countries, which are often reinforced through social practices, culture, and religious teachings. I understand these issues well, as I am myself a Malay Muslim woman who originates from and has lived in Malaysia for most of my life. For the greater part of my life, I was taught to believe that men were the superior sex, and that as a woman, I must adhere to patriarchal religious norms. I was also taught in schools and religious classes to prioritise my family's needs over my own. I am accustomed to religious practices, moral codes, and laws among Southeast Asian Muslim women.

To explore the characteristics and behaviour of traffickers, in this article, I analyse interviews I conducted with 29 migrant women who were held in a trafficking shelter in Kuala Lumpur, Malaysia, in 2016. For a person to be admitted to this shelter, a court must issue a protection order according to section 51 of ATIPSOM. In this study, all the women were given an initial 21-day protection order (suspected trafficking victims) and a subsequent 90-day protection order (certified trafficking victims) by the court. The women were categorised by the state as trafficked, and all had their cases pending in courts. Their recruiters, pimps, managers, and employers had been charged with committing trafficking offences under the ATIPSOM.<sup>31</sup>

I conducted the interviews with the women over a period of four weeks (15 April to 15 May 2016) and I had obtained ethics approval from Victoria University of Wellington, New Zealand to conduct this study. The women originated from Vietnam ( $n=12$ ), Thailand ( $n=5$ ), Indonesia ( $n=8$ ), Laos ( $n=1$ ), Myanmar ( $n=1$ ), Bangladesh ( $n=1$ ), and Nigeria ( $n=1$ ). Their ages ranged from 18 to 44 years, and all were 'rescued' by police and immigration officials from massage parlours, brothels, entertainment centres, and private dwellings throughout Peninsular Malaysia. To ensure confidentiality and anonymity, I use pseudonyms for the women, while I refer to the traffickers as 'Boss', 'Captain', *Ibu* (mother), *kakak* (big sister/sister) and *koko* (big brother)—the way the women referred to them.

I interviewed twelve participants in Malay, Indonesian, or English because they could converse in those languages, while the remaining 17, who spoke either Thai or Vietnamese, were interviewed with the use of interpreters. Interpreters were carefully selected to ensure that they could interpret idioms, nuances, and metaphors during the interviews. All three interpreters were women of dual nationality—Vietnamese/Malaysian or Thai/Malaysian—and each had experience

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<sup>30</sup> R K Mishra, 'Postcolonial Feminism: Looking into within-beyond-to difference', *International Journal of English and Literature*, vol. 4, issue 4, 2013, pp. 129–134.

<sup>31</sup> Some of these individuals are still at large and have not been arrested.

interpreting Vietnamese or Thai to English and Malay and vice versa in court proceedings. I found them through government agencies and NGOs that assist victims of trafficking.

The purpose of the interviews was to understand the women's experiences of being 'trafficked' and whether they identified as 'victims'. However, for the purpose of this article, only questions relating to traffickers and their relationships with their traffickers will be discussed. The women received a small gift in the form of a pen and notebook after the interview as a gesture of appreciation. I transcribed the interviews using NVivo and coded and categorised the data into themes and sub-themes.<sup>32</sup> The codes were framed around meanings of choice, coercion, deception, exploitation, trafficking, traffickers, and harms. I retrieved all the text coded with the same label to understand women's migration experience. After retrieving the text codes, I proceeded to analyse the data. Coffey and Atkinson recommend three steps in analysing the codes: 'noticing relevant phenomena, collecting examples of those phenomena, and analysing those phenomena in order to find commonalities.'<sup>33</sup> I used this method to examine the perspectives of different research participants while highlighting the similarities and differences in their experiences. I divided the participants into two categories: those who were deceived or coerced into migrating to Malaysia to work in the sex trade, and those who made their own choices and were willing to become sex workers.

## Friend Not Foe

The recruitment process normally involves the initial invitation to migrate by a friend, acquaintance, partner, or family member ('recruiters'). Some of the women in my study arranged their own passports and travel tickets, while others were assisted by friends, neighbours, relatives, or work agents before travel. Twenty-seven out of the 29 participants entered Malaysia using a valid passport and were given a one-month 'social visit pass' or a 'tourist visa', which do not allow them to work. All twenty-seven were unaware of these restrictions and were not informed by their recruiters of the risk they faced if they engaged in sex work or any other gainful employment in Malaysia. The remaining two women entered Malaysia using different channels. One participant, Mon, had a student visa, while another, Fon, did not have a passport and entered Malaysia through the jungle bordering Thailand and Malaysia, guided by a friend of her trafficker.

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<sup>32</sup> V Braun and V Clarke, 'Using Thematic Analysis in Psychology', *Qualitative Research in Psychology*, vol. 3, issue 2, 2006, pp. 77–101, <https://doi.org/10.1191/1478088706qp0630a>.

<sup>33</sup> A Coffey and P Atkinson, *Making Sense of Qualitative Data. Complimentary research strategies*, Sage, Thousand Oaks, 1996.



Twenty-eight women were recruited in their hometowns by friends or acquaintances (14), boyfriends (2), sisters (2), neighbours (4), cousins (1), work agents (3) and social media acquaintances (2). Most recruiters were from their hometown or were residing in the same country, but those who recruited the women through social media claimed to be working in Malaysia.

Thirteen of the women stated that they voluntarily migrated to Malaysia to engage in sex work, and did not indicate any form of deceit, threat, coercion, or harm during migration or at work; fourteen women shared that they had been coerced or deceived and subjected to exploitative working conditions once they started working. This was established through questions that asked the women whether they voluntarily migrated and wanted to engage in sex work. The remaining two participants (Da and Mon) were trafficked for different purposes: Da from Vietnam was trafficked for the purpose of domestic labour. She worked as a cleaner and cook at a massage parlour and was not involved in sex work. Mon was trafficked by an agent who promised to enrol her in a nursing programme in a private college in Malaysia. According to Mon, her agent charged her exorbitant fees in exchange for a student visa and placement at a Malaysian college. She travelled from Bangladesh using a student visa but failed to secure a place for the programme. Mon was arrested at a brothel while she was visiting a friend who worked there, and Da was arrested together with the sex workers at the massage parlour.<sup>34</sup>

In some cases, debt bondage became a method of control, and the participants had no choice but to engage in sex work. In other cases, participants cooperated with their traffickers because they were more concerned about sending money back home to their families. For example, Fon said:

*My Boss allows me to go out during my off days, but I didn't run away from the brothel because I do not have a passport and I am scared of being arrested. I needed to work to pay my debt and support my family.*<sup>35</sup>

In fact, poverty, irregular immigration status in Malaysia, and dependency on their traffickers made all the women vulnerable to exploitation; they also had very limited knowledge of their rights, employment status, and what assistance they might be able to access in Malaysia. However, the women did not seem perturbed with such factors when they were allowed to keep their passports, had freedom of movement, and had some control over their working conditions. However, the

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<sup>34</sup> Women found working in establishments that provide sexual services are generally categorised by police as sex workers even if they were not engaged in sex work. Both Mon and Da were categorised as trafficking victims by the police because they were arrested at a massage parlour and a brothel as sex workers.

<sup>35</sup> Interview, Fon, 30 April 2016.

women were officially viewed as needing to be ‘rescued’ because they worked in massage parlours, brothels, or nightclubs. For example, Mickey from Laos said:

*I used to earn about MYR 400 [USD 94] to MYR 500 [USD 118] per week working as a masseuse and could send remittance money to my family. I was allowed to keep my passport and move about freely. I was ‘living my life’ and was happy working in the massage parlour until I was rescued by the police. The Captain was kind to me and buys me food all the time. He let me do what I want. I don’t understand why they [police] needed to rescue me from my workplace.<sup>36</sup>*

Kim had a similar story. When asked if she felt victimised in any way, or if she wanted to be rescued, Kim laughed and said:

*I do massage and sex work and the massage centre pays me well. I don’t want to be rescued. I don’t know who my Boss is. I only spoke to one Chinese man whom I called Captain. When the police raided my workplace, I gave them my passport, but they still arrested me. They also arrested Captain and my other friends.<sup>37</sup>*

For Putri, migrating to Singapore and later to Malaysia was the only way to earn enough money to support her family in Indonesia. When asked if she was trafficked, she replied:

*I don’t have a boss but my kakak (a friend she works with and refers to as her ‘big sister’) has done this job for a long time and recommended me to some of her customers. The customers will call my sister and she will make arrangements for me to meet the customer. I used to get SGD 90 [USD 66] per shot. That was good money.<sup>38</sup>*

In this instance, it was clear that her friend whom she referred to as her ‘big sister’ was also connecting her with the clients, but there was no indication that she was forced to do the job or had to pay any amount of money to her friend. When asked about her migration to Malaysia, Putri said:

*I worked in Johor, in a hotel... There’s a Chinese man who would help find customers for me. I could earn MYR 80 [USD 19] for a single shot. The Boss [Chinese man] would deduct the rental for the room before giving me my cut. For example...if I get 5 customers, I will get about MYR 300 [USD 71] after deducting MYR 100 [USD 24] for the room rent. Lucky he can*

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<sup>36</sup> Interview, Mickey, 30 April 2016.

<sup>37</sup> Interview, Kim, 19 April 2016.

<sup>38</sup> Interview, Putri, 20 April 2016.

*find customers for me, otherwise, I don't know how to find any.*<sup>39</sup>

Here, Putri used the term 'help' as she regards her Boss as someone who is helping her to earn money by soliciting for sex. When asked if she was being forced to do sex work, she replied:

*No, I consider myself a freelance sex worker although I have a Boss who finds customers for me. When I was working in Kuala Lumpur, I could get between 7 to 10 customers per day. I think the customer pays MYR 148 [USD 35] for my services and MYR 50 [USD 12] will be deducted by the Captain for each customer I get. I am not sure if the deduction is for my lodging in the massage parlour or to pay the police.*<sup>40</sup>

When asked about her payment and if she was under any debt bondage, she said:

*No, I am not. The customer pays to the Captain, I just write the days that I work and the times. The Captain is nice to me, and he works at the counter. I am allowed to borrow money. For example, if I have worked for a week, I am allowed to remit money to my family, otherwise he will give me my salary once a week or when I want to return home.*<sup>41</sup>

When asked about her Boss at her Kuala Lumpur workplace, she said:

*I do not know who the Boss is as the Captain speaks to him on the phone. I do not need to work when I have my period and they allow me to go back to Batam, Indonesia during that time. I could also keep my own passport.*<sup>42</sup>

Putri identifies as a voluntary freelance sex worker and said she was in complete control of her life and able to leave her workplace and job anytime she wanted to. In fact, neither Putri, nor Fon, Mickey, or Kim indicated that they were victimised. They did not report having suffered any form of coercion, force, fraud, deceit, or exploitation. However, they were still categorised as victims of trafficking because of the nature of their work, which is presumed to include sexual intimacy with customers. Since trafficked women's consent is irrelevant under law (see s.16 ATIPSOM), enforcement officers tend to regard all sex workers as potential trafficking victims and carry out massive raid operations to 'rescue' them from their workplaces. Given this, persons whom the women regard as 'Bosses' will likely be charged with trafficking them for the purpose of sexual exploitation.

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<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

*The Relationship with the Trafficker*

Out of the 29 women I interviewed, 21 narrated no negative feelings towards their traffickers, while the remaining eight described some harmful experiences which made them fearful of their traffickers. Despite the differences in experience and perceptions, the fact that most of the women are foreigners, dependant on their traffickers for work and income, and are socially and linguistically isolated makes them situationally vulnerable and easy to manipulate. This situational vulnerability together with pre-existing vulnerabilities such as poverty, unemployment, and family problems in their home countries makes it easier for traffickers to control and subjugate women.<sup>43</sup>

The Trafficking Protocol definition requires an ‘act’, via a set of ‘means’ for the purpose of exploitation. Means such as force or deceit were not used against most of these women, but it is likely that traffickers abused their position of vulnerability to traffic them. To prove trafficking by means of ‘abuse of a position of vulnerability’, there should be credible evidence that establishes the existence of a position of vulnerability on the part of the victim, and an abuse of that position by the trafficker for the purpose of exploiting the victim.<sup>44</sup> Although the study did not interview traffickers, the accounts of the women demonstrate the relationship between the women and their traffickers, and whether they identify their traffickers as dangerous or harmful individuals. For example, Tammi said:

*My neighbour in Indonesia offered me a job as a waitress in a restaurant in Klang. I needed the money because my family was poor. However, I was shocked to discover that I had to work as a prostitute when I arrived in Malaysia. My bosses were Ah Kong and Ibu. Their house was used as a brothel. Ibu is Ah Kong's girlfriend. Ah Kong is nice and did not force me to work but Ibu was very strict. I had to work from 10 am to 1 am next morning every day. I wanted to run away on the first day I arrived in their house, but Ibu kept the door and iron door grill locked at all times. Ibu was unsympathetic with me even though I was bleeding from my vagina and anus after having intercourse with multiple clients. She keeps reminding me that I needed to work to settle my debts amounting to MYR 5,000 [USD 1,179]. I need to serve at least 75 customers before I am allowed to return home. I was supposed to get MYR 50 [USD 12] per customer, but I was not paid a single cent while I was working. However, she [Ibu] is okay with food and does not restrict me from eating anything I want. She also made sure that I applied a soothing*

<sup>43</sup> A T Gallagher and M McAdam, *Issue Paper: Abuse of a position of vulnerability and other ‘means’ within the definition of trafficking in persons*, UNODC, 2013, [https://www.unodc.org/documents/human-trafficking/2012/UNODC\\_2012\\_Issue\\_Paper\\_-\\_Abuse\\_of\\_a\\_Position\\_of\\_Vulnerability.pdf](https://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf).

<sup>44</sup> *Ibid.*

*balm on my vagina before and after having intercourse to reduce the pain.*<sup>45</sup>

Mei-Mei from Indonesia, however, revered her trafficker and suspected that her friend reported them to the police. She said:

*I was offered to work in Malaysia by a friend who knows a work agent in Jakarta, Indonesia. The agent is a married couple, but I liaised more with the kakak [the woman whom she calls big sister]. I was told that I was going to work in a massage parlour, but I only learnt that I had to engage in sex work when I arrived in Malaysia. I was told that I would receive MYR 60 [USD 14] per customer, but I only received MYR 30 [USD 7] per customer. It's okay as long as I get paid. Koko [the trafficker whom she calls big brother] is a nice guy. He is my agent here. I can reject clients if I don't feel comfortable with them, and I can ask to be transferred to another outlet if I am not happy with my workplace. Koko is married and has a son. He takes me to stay in his house when I have my period.*<sup>46</sup>

When asked about what she does in Koko's home, she said:

*Well, like any normal family, I cook, clean, and watch TV. Sometimes I watch TV together with Koko's family and I like playing with his little son. I can't go out on my own because Koko is afraid that the police will arrest me because I don't have a work permit. I think it is my friend Lala who reported us to the police, otherwise I could still have continued working. Koko is very understanding. I can reject customers if I want, and he takes me to the clinic whenever I am sick. I can also ask to be transferred to another outlet if I don't have enough customers.*<sup>47</sup>

Nisa from Indonesia also describes one of her traffickers as being soft-spoken and kind. She said:

*I didn't like Ibu [the female trafficker], but her boyfriend was kind and soft-spoken. He would take me out to the shopping mall and buy me cosmetics and clothes.*<sup>48</sup>

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<sup>45</sup> Interview, Tammi, 9 May 2016.

<sup>46</sup> Interview, Mei-Mei, 11 May 2016.

<sup>47</sup> *Ibid.*

<sup>48</sup> Interview, Nisa, 9 May 2016.

Tang Mo from Thailand only had positive things to say about her employer too:

*I used to work at a restaurant in Sg Petani and I only got paid MYR 1,000 [USD 236] per month. It was too little. I was offered to work at a club by a Thai lady who happens to be my Boss's wife. She is my friend and I treat her like my sister. I was happy working at this club as my salary was MYR 2,500 [USD 590] per month. My Boss did not deduct anything. He was really nice. He doesn't disturb me or order me around. My Boss is a Chinese Malaysian, but he can speak Thai well. It is up to us if we want to work or not. If we do not want to work, he will not scold us. I could keep my passport, but I do not have a work permit. I used to commute to the Malaysian-Thai border every month to get my tourist visa renewed. I heard that he got beaten up by someone. I hope he is okay.<sup>49</sup>*

In the case of Emi, she felt thankful to her friend for introducing her to the job in Malaysia. She said:

*I am a divorcee and have three children back in Indonesia who are being looked after by my neighbour. I was working at Indomaret [Indonesian retail convenience store] and I could only earn MYR 300 [USD 71] per month, which is too little and could not cover my expenses. A friend of mine had a difficult life like me but managed to improve her financial status after working in Malaysia. She offered me to work in Malaysia and paid for my travel expenses. I arrived in Malaysia and worked at a massage parlour where I could earn MYR 45 [USD 11] per customer.<sup>50</sup>*

When asked if she had to repay her friend, she quickly said:

*No! We are best of friends! She is like my kakak. We had a hard life together way back, very hard life. I have to accept this [present condition] as my fate. My best friend never asked me to repay her expenses. She was just trying to help me get a job and earn good money. It doesn't matter that she does not work at the massage parlour anymore.<sup>51</sup>*

When asked about her employers, she replied:

*The Boss is quite a nice man. He is a Chinese man, and there is also a woman. They are husband and wife and own the massage parlour. They allow me to rest when I am tired. I have no complaints about them.<sup>52</sup>*

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<sup>49</sup> Interview, Tang Mo, 11 May 2016.

<sup>50</sup> Interview, Emi, 19 April 2016.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

The above examples demonstrate how women felt about their ‘traffickers’. Their accounts range from someone who is kind and helpful, to someone who is strict, possessive, and unsympathetic. Even the traffickers who were described as unsympathetic, however, were still seen as having some good values and characteristics. Many described their traffickers as ‘helpers’ rather than criminals. In any case, the women’s accounts challenged the stereotypical perception of an ‘ideal’ trafficker by showcasing the variety in traffickers’ behaviour and demeanour.

## Conclusion

This article contributes to the limited, but growing, literature, which shows how people convicted of trafficking or prosecuted as traffickers can play the role of ‘helpers’ to women who migrate in search of a better life. Most of the women in the study viewed their traffickers as ordinary individuals who were part of their professional network and assessed them in accordance with their behaviours. Some of them mentioned acts of kindness and generosity even though they may have suffered some harm too.<sup>53</sup> Many considered that their traffickers provided them with access to a type of work that generates far more income than other waged labour available to them in their home country. The complexities, costs, and bureaucracy involved in regular migration and work in another country mean that traffickers may be the only people who can assist poor people trying to improve their lives by working abroad.

Further, studies have shown that sex workers often reside on the premises they work in, or in some cases, adjacent to the trafficker’s family home. Here, traffickers and sex workers live together over short and sometimes extended periods of time. At times, sex workers take part in household activities which extend beyond their work duties, such as cooking, cleaning, and watching television together.<sup>54</sup> A ‘fictive family ethic’ is therefore created and reinforced in the women’s daily lives.<sup>55</sup> In my research too, many of the women lived in their workplace and had formed a type of attachment and familial relationship with their traffickers whom they normally referred to as *koko* (brother), *kakak* (big sister/sister) or *ibu* (mother). Therefore, they resented attempts by the authorities to prosecute their traffickers. Even in instances where women had agreed to a certain amount of deduction of their fee to be paid to their traffickers, they described these deductions as consensual, conscious, and voluntary. Some also saw their debt simply as an

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<sup>53</sup> In the case of Tammi and Nisa.

<sup>54</sup> As in the case of Mei. See also: Molland.

<sup>55</sup> Molland, p. 243.

upfront payment that had to be repaid.<sup>56</sup> After all, many of them might not have been able to afford their travel fare to Malaysia.

Despite the Penal Code containing a range of provisions against ‘exploiting any person for the purpose of prostitution’ (s. 372 (1) and (2)), law enforcers tend to charge actors as traffickers, or as responsible for trafficking-related activities under ATIPSOM, particularly when such activities involve foreign women. This can be attributed to three factors. First, the stereotypes that position trafficking victims as foreign women who were forced or coerced to migrate and engage in the sex trade; second, the approach towards sex work in Malaysia that positions sex workers as victims; and third, the political pressure on the government due to the poor ranking in the US *Trafficking in Persons Report*,<sup>57</sup> which consistently places Malaysia in Tier 2, Tier 2 Watch List, or Tier 3. As a result, voluntary sex workers are transformed into ‘victims of trafficking’, and pimps and employers are transformed into ‘traffickers’ through state laws and policies.

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<sup>56</sup> For example, Tammi.

<sup>57</sup> J Schönhöfer, ‘Political Determinants of Efforts to Protect Victims of Human Trafficking’, *Crime, Law and Social Change*, vol. 67, issue 2, 2017, pp. 153–185, <https://doi.org/10.1007/s10611-016-9643-5>.