Praise be to Allah, the launching of the National Action Plan Against Trafficking in Persons reflects the national commitment and aspiration to combating the crime of trafficking in persons. This is the crime that involves human rights violations which could be perceive as modern day slavery. The National Action Plan complements the Anti-Trafficking in Persons 2007 [Act 670] to ensure smooth and effective implementation of the national initiatives for the next five years (2010-2015). I fully welcome and support this plan as the problem of trafficking in persons has become very complex and challenging.

Trafficking in persons is a complex crime that would commonly involved crime syndicates which operate in organised, structured and well established networks. Hence, comprehensive and coordinated approach is of essence to sternly address this inhumane criminal act. In addition, cooperation and collaboration at national, regional and international level would be crucial to ensure its success.

I am confident that the guiding principles, strategic goals and programme areas that have been set in this National Action Plan, would be the driving force for the nation in its mission to deal with this heinous crime.

Y.B. DATO’ SERI HISHAMMUDDIN BIN TUN HUSSEIN
MINISTER OF HOME AFFAIRS, MALAYSIA
The National Action Plan Against Trafficking in Persons is a public document that outlines the national efforts in combating trafficking in persons in line with the concept of 1Malaysia. The Action Plans acts as a guidance in addressing the problem of trafficking in persons while complementing the existing Anti-Trafficking in Persons Act 2007 [Act 670].

As the Chairman of the Council for Anti-Trafficking in Persons, I would like to record my appreciation and gratitude to the Council members and the drafting committee who has worked tirelessly and committed in contributing valuable ideas and expertise to produce this Action Plan. The preparation of this Action Plan is a cooperative effort that involves many parties. I strongly believed that this Action Plan would be of immense benefit to the Council in particular so as to be more focused, dedicated and well driven in fulfilling its roles and responsibilities in addressing this crime.

Finally, our ultimate aim is to ensure that the problems associated with trafficking in persons can be contained and eliminated thus enhancing our nation's credibility and integrity.

DATO' SRI MAHMOOD ADAM
Chairman
Council for the Anti-Trafficking in Persons
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INTRODUCTION

Background

The problem of trafficking in persons is rapidly gaining attention as a serious transnational crime globally similar to arms smuggling and drugs trafficking. It is estimated that the profit generated from this crime is in the range of USD38 billion annually. Due to the significant profits of this immoral activities, large number of trafficking victims especially women and children are robbed of their dignity, freedom and basic human rights.

There are many contributing factors to this problem, among them poverty, illiteracy, economic crisis, domestic and regional conflicts, political instability and displacement. The aspect of migration is also closely linked to trafficking in persons. This issue should be given serious consideration since migration is on the rise and it is estimated that total global migration is around 240 million. Migration leads to labour trafficking due to exploitation by unscrupulous individuals and syndicates.

With this backdrop, the Government of Malaysia realized the importance of promulgating the Anti-Trafficking in Persons Act 2007 [Act 670] and the National Action Plan as instruments to address the issue of trafficking in persons, particularly in the areas of prevention, rehabilitation and protection as well as prosecution.

The main source of reference for the Anti-Trafficking in Persons Act 2007 is based on the international instruments i.e. Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (TIP Protocol) and the Protocol Against the Smuggling of Migrants by Land, Sea and Air. Both these protocols are supplements to the United Nations Convention Against Transnational Organized Crime (UNTOC). Malaysia has signed and ratified the UNTOC and acceded to the TIP Protocol.

In addition, Malaysia's initiatives to deal with this heinous crime is also in accordance with regional and international instruments, namely ASEAN Declaration against Trafficking in Persons Particularly Women and Children, United Nations Declaration on Human Right [UDHR] 1949, Convention of the Elimination of All Forms of Discrimination against Women [CEDAW] 1979 and Convention on the Rights of the Child [CRC] 1989.

Objectives of the National Action Plan

The National Action Plan is developed to clearly determine the direction and focus on efforts towards achieving the national goal to prevent and suppress the problem of trafficking in persons.

The National Action Plan outlines the following:

a) Strategic direction for the next five years;

b) Strategic goals that will drive and steer national efforts to combat trafficking in persons; and

c) Programme areas to support and ensure effective implementations of the strategic goals.
Establishment and Membership

Part II of the Anti-Trafficking in Persons Act 2007 provides for the establishment of a Council for Anti-Trafficking in Persons besides outlining its roles and functions. The chart below illustrates the setup of the Council:
Roles and Functions

1. Formulate and oversee the implementation of a national action plan on the prevention and suppression of trafficking in persons including the support and protection of trafficked persons;

2. Make recommendations to the Minister on all aspects of prevention and suppression of trafficking in persons;

3. Monitor the immigration and emigration patterns in Malaysia for evidence of trafficking and to secure the prompt response of the relevant government agencies or bodies, and non-governmental organizations to problems on trafficking in persons brought to their attention;

4. Coordinate in the formulation of policies and monitor its implementation on issues of trafficking in persons with relevant government agencies or bodies and non-governmental organizations;

5. Formulate and coordinate measures to inform and educate the public, including potential trafficked persons, on the causes and consequences of trafficking in persons;

6. Cooperate and coordinate with international bodies and other similar regional bodies or committees in relation to the problems and issues of trafficking in persons including support and protection of trafficked persons;

7. Advise the government on the issues of trafficking in persons including developments at the international level against the act of trafficking in persons;

8. Collect and collate data and information, and authorise research, in relation to the prevention and suppression of trafficking in persons; and

9. Perform any other functions as functions as directed by Minister for the proper implementation of this Act.

The Council for Anti-Trafficking in Persons actively meets on a scheduled monthly basis to address policy and operational issues. The meeting enables coordination and interaction between the Committees under the Council.
VISION

The vision reflects collective national commitment to combat trafficking in persons in line with the concept of 1Malaysia espoused by the Honourable Prime Minister.

“1 malaysia collectively committed to combating trafficking in persons.”
GUIDING PRINCIPLES

Five principles have been identified as the fundamental guidance for the National Action Plan as outlined below:

1. Government ownership

The Government of Malaysia is seriously committed in addressing the problem of trafficking in persons which is high on the national agenda. In reflecting this, the modalities of the National Action Plan, the Anti-Trafficking in Persons Act 2007 [Act 670] and the Council for Anti-Trafficking in Persons will ensure the effective implementation of the outline measures in accordance with relevant international instruments while preserving and upholding the human right principles. Strategically, this holistic approach will also include linkages at the national, regional and international levels.

2. Civil society participation

Since the problem of trafficking in persons is relatively new in Malaysia, the public at large including government agencies, the private sector and non-government organizations (NGOs) are not fully aware of the seriousness of trafficking in persons and its implications on national security and human rights. Hence, public awareness campaigns need to be launched and information disseminated widely through all forms of communication. The efforts to combat and prevent trafficking in persons require the support and cooperation of all sectors including participation of civil society. It is also important for the awareness campaign to be coordinated while adopting a multi-sector approach between government agencies, NGOs, international organisations, and community groups in order to obtain collective and positive responses and actions.

3. Human rights based treatment of victims

The quality of protection and rehabilitation can be improved through the promotion of and in keeping with international standard of human
rights at all levels, regardless of gender, age and religion of the victims. In solidifying the efforts for victim protection and rehabilitation, collaboration with the NGOs shall be strengthened.

4 Interdisciplinary coordination at Governmental level and with international organisations and NGOs

It is pertinent to establish close cooperation and coordination among relevant ministries and agencies including the State Governments and local authorities to achieve positive results in addressing the problems of trafficking in persons. In addition, close engagements and interactions with NGOs, the private sector, interested parties including international organisations are equally important.

5. Systematic evaluation and sustainability

In ensuring the sustainability of the outlined measures, specific parameter and systematic evaluation approach is vital to assess the effectiveness of the efforts.
STRATEGIC GOALS

There are nine (9) main goals which will lead to the realisation of the national vision in combating trafficking in persons while ensuring effective implementation of the National Action Plan.

1) Improve the anti-trafficking response by strengthening legal framework.

2) Implement integrated action among enforcement agencies.

3) Raise public awareness through information dissemination to the public.

4) Provide protection and rehabilitation services that conform to international standards in collaborations with the NGOs.

5) Combating labour trafficking.


7) Develop information management system for government agencies involved in fighting trafficking in persons.

8) Develop local and international partnership.

9) Strengthen Governance.
PROGRAMME AREAS

The nine (9) programme areas that have been identified will correspond to the nine (9) strategic goals.

Strengthening the legal mechanism

The effective implementation of the enforced laws can be achieved by reviewing and improving the laws especially on investigation and prosecution. The existing Standard Operating Procedures (SOP) shall be reviewed when deemed necessary to facilitate better investigation, protection, and prosecution to be in line with the current needs. With the inclusion of trafficking in persons offences under the Anti Money Laundering and Anti Terrorism Financing Act 2001 [Act 613], it is hoped that it will be a deterrent to the potential perpetrators from committing the crime.

Integrated actions among enforcement agencies

Implementation of integrated action among enforcement agencies with respect to information sharing, entry point control, delimitation, prevention, investigation and prosecution so as to ensure the victims are given timely protection and the perpetrators are being punished. The implementation of integrated action shall focus on coordinated operation, ad-hoc raids and the use of modern equipment and logistics to locate various anti-trafficking acts, such as the use of Close Circuit Television (CCTV).

The enforcement agencies shall also make available system that simplifies the public to make timely reports for prompt action. The reporting system and hotline service should be user friendly and efficient. An integrated data and information shall be submitted to the Council by the enforcement agencies regularly including statistics and reports.

Public Awareness and Prevention

One of the most important strategies for prevention and combating trafficking in persons is public awareness in order to create an informed,
responsible and responsive society as trafficking in persons is a concern of all. A full scale publicity program will be carried out utilising all forms of mass communication to inform and educate the public about the seriousness and dangers of trafficking in persons, its implications to human rights and national security. Contribution of the public towards combating trafficking in persons will be emphasised. The public awareness program will also be geared to inform the public and all government agencies on the Anti Trafficking in Persons Act 2007 [Act 670], on the human rights and protection of victims and punishment to offenders.

Building capacity and obtaining the support of community leaders in shaping public opinion and actions to be taken in line with government commitment and efforts in combating trafficking in persons will be undertaken. It is important that the public awareness and prevention programs be coordinated and carried out effectively to combat trafficking in persons. Information will also be disseminated to the public in particular men, employers, employment and tourist agencies and entertainment outlets to reduce the demand for trafficking.

Protection and rehabilitation

There is a need to provide places of refuge and other necessary facilities conforming to the minimum international standards. Basic facilities and necessities must be made available for victims’ comfort where the victims should be made to feel safe, secure and protected.

Availability of victim friendly rehabilitation services based on best practices so to ensure the mental and emotional well being of the victims and to assist them in the recovery process. Thus the victim would also be in a better frame of mind and well prepared to assist in investigation and prosecution.

These places of refuge will provide user friendly rehabilitation services based on best practices to ensure the mental and emotional well being of the victims and to assist them in the recovery process.

In order to function effectively there is a need to collaborate with NGOs to provide training and capacity building in income generating skills, educational and recreational activities in order to empower victims and to enable them to earn while in the shelters.
Collaboration with NGOs, foreign missions and relevant authorities to ensure safe repatriation and reintegration of the victims to their place of origin so that they will not be re-trafficked.

**Combating Labour Trafficking**

Peace, prosperity and rapid economic development of this country attract foreigners, the majority of whom are looking for work opportunities, especially those from countries which are experiencing political and economic instability. At the same time, Malaysia needs foreign workers in certain sectors of work such as services, plantation, industrial, construction and manufacturing.

As of date, there are about 1.9 million foreign workers in the country. The influx of foreign workers could be one of the contributing factors for trafficking in persons. The existence of this Act supplemented by the Employment Act 1955 [Act 265] and other labour legislations would address the issue of labour exploitation.

In order to regulate the recruitment of foreign workforce, the Government of Malaysia has signed MoUs with at least 12 source countries including a specific MoU on the recruitment and placement of domestic workers. All the MoUs are aimed to equally benefit both employer and employee.

The Special Committee for Labour Trafficking under the Council is responsible to specifically deal with the issue of labor exploitation and trafficking.

**Capacity Building**

Capacity building is an essential element in ensuring that the personnel of all the agencies and NGOs involved in the efforts to combat trafficking in persons have the relevant knowledge and skills particularly in the areas of policy, prevention, protection, rehabilitation and prosecution.

Engagement and strategic alliance with foreign partners is of paramount importance to share knowledge and experience with the relevant experts on the professional development programmes for these personnel.
Information Management

Trafficking in persons is a complex crime that would commonly involve crime syndicates which operate in organised, structured and well established networks. Hence, systematic and effective information management is vital to ensure better coordination and integration among all relevant agencies. The relevant information can also be disseminated to the public to create awareness.

The information management system will enable the Government agencies to gather up-to-date, fast and reliable information for the purpose of intelligence sharing.

Smart Partnership

The Government of Malaysia is working with relevant stakeholders especially the NGOs, the civil society, private sector and the general public to address the crime of trafficking in persons.

Bilateral and multilateral cooperation at regional and international level between the Government of Malaysia and strategic partners including International Organisations will intensify the collaboration to address the issue of trafficking in persons. The working relationship will among others include the aspect of intelligence sharing, mutual legal assistance, extradition, capacity building and public awareness.

Measuring Performance and Sustainability

The measuring instrument to assess the effectiveness of the programme areas and activities detailed out by the National Action Plan will be evaluated based on the Key Performance Index (KPI) and Key Performance Target (KPT). These indicators will ensure an effective measurement and monitoring of the overall progress.
TIME FRAME

The National Action Plan covers a period of five years. For the short term (1 to 2 years), the focus will be on strengthening cooperation within Government agencies and with related parties, strengthening border security, and capacity building including training of trainers, setting up adequate numbers of shelter homes, rigorous public awareness campaigns and fostering strategic alliances with foreign partners. Subsequently, the medium term (3 to 4 years) plan would be on managing reduction of foreign workers and to further strengthen domestic legislations to support the Anti-Trafficking in Persons Act 2007 in deterring trafficking in persons offenders. Finally, the long term plan would be to continue with the short and medium term activities, reducing the number of trafficking in persons cases and producing knowledgeable personnel in areas related to this crime, namely policy, prevention, protection and rehabilitation including prosecution.
SUMMARY

The National Action Plan on Anti-trafficking in Persons is a national document to inform the public on the efforts made by the Government of Malaysia to combat trafficking in persons. The Action Plan which complements the Anti-Trafficking in Persons Act 2007, reflects the collective national efforts to address the problem encompassing the Government, civil society, private sector, NGOs and the general public. It illustrates the guiding principles, strategic goals and programme areas that will set the direction for the next five years.

The National Action Plan emphasises on the importance of smart partnership at all levels which requires full participation from the relevant stakeholders. In addition, a comprehensive and integrated approach among Government agencies is critical in effectively in tackling this crime. Trafficking in persons is a global phenomenon which involves transnational organised crime syndicates. Combating trafficking in persons requires close cooperation at national, regional and international level.

Finally, in order to ensure sustainability, consistency and success of the National Action Plan, the KPI and KPT would be the measuring instruments to monitor the overall progress of the programme areas.