

Internet: The Double-Edged Sword of Trafficking of Women in Malaysia

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ABSTRACT

Trafficking in persons is a major concern for global nations. The technology, growth, and usage of information and communication technologies (ICTs) have been accompanied by an increase in exploitation and abuse of technology for criminal activities. With regards to cyberspace, the Internet is increasingly used as a tool and medium by transnational organized crime. Trafficking in women is an obvious form of organized crime that has been affected by the globalised revolution in ICT. This illegal trafficking is not exclusive to sexual exploitation with respect to women or child trafficking, but also covers indentured servitude and child labour. This new form of crime violates fundamental and basic human rights and freedom, and transcends national boundaries and territories to negatively impact on numerous countries across the world. It is estimated that over 900,000 people are being trafficked every year¹. This paper seeks to discuss, address and analyze the impact of Information Communication Technologies (ICTs) on trafficking in women for sexual exploitation. Such trafficking is a major criminal activity and a blatant evil that should be effectively tackled on all levels. An analysis of the existing legislative and regulatory framework and their efficiency in the Asian region to combat this form of cross-border organized crime was made and the difference between trafficking and smuggling as stated in the Anti-Trafficking of Persons Act 2007 in Malaysia was discussed. The methodology for this research is qualitative research based on case-study and secondary data collected from government agencies. The paper concludes by discussing the steps that should be taken to

protect human rights and minimize the risk of using ICTs in illegal criminal activities, especially with respect to trafficking in persons.

Keywords: Trafficking of women, Information Communication Technologies, Abuse of technology

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INTRODUCTION

Trafficking in persons is a major concern for the global nation². The growth and usage of information and communication technologies (ICTs) have been accompanied by an increase in exploitation and abuse of technology for criminal activities. With regards to cyberspace, the Internet is increasingly used as a tool and medium by transnational organized crime. Trafficking in persons is an obvious form of organized crime that has been affected by the global revolution in ICT. Internet access is borderless and therefore transnational crime is growing faster than before the ICTs era. Despite new techniques that are constantly being implemented and rules being adopted to combat and eliminate diverse forms of trafficking in persons, yet ICTs are also providing new means and tools that facilitate human trafficking, especially for sexual exploitation. The researcher studied the impact of these technologies on trafficking in the case of girls and women and also analysed the current state of legislation in this area whilst examining the role Malaysian laws could play in preventing the new technologies' potentially harmful effects.

This research aims to study the trafficking of women for the purposes of sexual exploitation especially in the human rights context; a comprehensive term encompassing child pornography, enforced prostitution and other forms of sexual exploitation in order to create awareness within the global community and also tighten the current enforcement process in Malaysia.

METHODOLOGY

Globalization³ is the key issue of higher usage in using the internet in the Asian region. ICTs is the means of daily communication to enhance economics, political and social links between the countries in the Asian region. The culprits involved in human trafficking are using this chance to organize their crimes within the region by making use of the ICTs to their advantage. Trafficking in persons is one of the oldest and most lucrative criminal activities after drug trafficking. There are many different definitions of trafficking in persons that have been suggested by scholars, domestic law, and international agreements⁴. The most influential definition, is the one offered by the United Nations protocol⁵ to prevent, suppress, and punish trafficking in persons especially women and children. The United Nations convention⁶ against transnational organized crime takes the term trafficking in human beings to mean :

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the

prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.⁷

Smuggling is not trafficking⁸. It is generally voluntary, whereby a person agrees to be transported, across the border. The relationship between the smuggler and the person being smuggled ends when the border is crossed. Smuggling fees are paid up front or perhaps usually upon arrival of the victims, whereas trafficking is not voluntary. Trafficked victims are lied to, tricked and may be forced into crossing a border. The relationship between the transporter and the victim continues well after they reach the destination. The trafficker keeps the victim's documents, threatens them or their family if they do disobey the traffickers. Traffickers impose large debts on the trafficked victims for 'transportation' and force the victims to work to pay off the debts. Smuggling can turn into trafficking when the smuggler uses threats of harm or force against the person smuggled or 'sells' the person and the transport debt to a trafficker⁹.

This research sets out to show the various ways in which victims are recruited via internet. Given the internet usage boom in Asia, the researcher anticipates possible future techniques. The researcher will specifically list down the means used to recruit victims of trafficking via internet; identify the legal, judicial, administrative and technical means used by various countries to combat the misuse of internet;

and make recommendations on legal, judicial, administrative and technical means of eliminating the use of internet to recruit victims of women trafficking.

Researchers conducted interviews with officers and secretaries of Non-Governmental Organizations in Malaysia. They gathered reports on computer crimes through Malaysia Communication and Multimedia Commission (MCMC) and the Human Rights Organization in Malaysia especially on statistics on women trafficked through the internet.

THE USAGE OF INTERNET IN THE WORLD (SHOWING COUNTRIES IN ASIA AS THE HIGHEST INTERNET USERS)¹⁰

Fig.1 shows that Asia (which clearly includes Malaysia) is the top internet user by geographic regions in Year 2011 followed by Europe and North America. This shows that ICTs usage has grown in Asia since the year 2000. The use of ICTs in human trafficking involves the usage of technologies and / or networks. As sophisticated as the technology has become and as fascinating as the science of artificial intelligence (AI) might be, we are not yet at the point where computers can by themselves engage in criminal activity. The machines are wonderfully compliant and totally amoral hence, trafficking in persons by the use of ICTs always involves at least one human being who becomes the master mind of the criminal activities and initiates the criminal act¹¹.

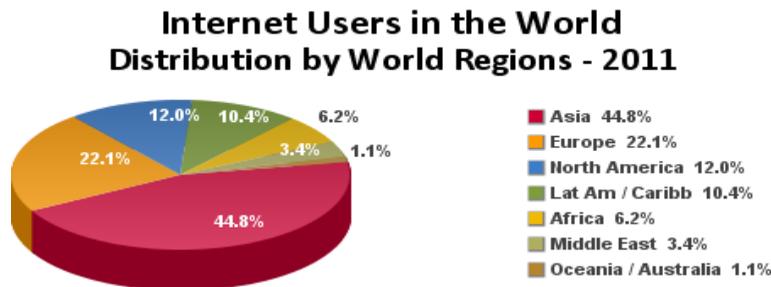
In Malaysia employment through several channels, formal and informal, seems to be the main issue. The internet

offers a wide variety of possible approaches to recruitment such as employment abroad through the use of search engines publishing tempting offers, all the way to spaces such as chat-rooms, spam mail and internet dating, where victims can be recruited. The use of internet to recruit victims is not a new tool of trafficking but simply a new weapon in the traffickers' armory. Categorizing the potential internet users in Malaysia, recently the Norton Cybercrime Report 2011¹² stated, although Malaysia was not in the list of countries studied in the report, national cyberspace police Cybersecurity Malaysia said the findings are representative of the Malaysian threat landscape¹³. Malaysian cyber threat landscape is no less alarming with over 10,000 cases reported every month up till August 2011. Last year, Cybersecurity Malaysia received over 8,000 reports about cybercrime via its cyber999 hotline and Cyber Early Warning System has also detected over 5,000,000 security threats up until August. The increasing amount of cyber threats here warrants a

further need for more stringent measures to prevent more Internet users from becoming cybercrime victims and to review and improve the current cybersecurity laws¹⁴.

THE TRAFFICKERS MINDSET AND THE VICTIMS IN ICTS

Traffickers can be freelancers or members of a criminal network. They recruit and search for potential victims through advertisements in local newspapers offering good jobs in cities, use fraudulent travel, modeling and matchmaking agencies to lure innocent young women into trafficking business. A trafficker may be a family friend or someone familiar within the community who is able to convince the families that their children will be safer and better taken care of in a new place¹⁵. Traffickers usually mislead parents into believing that their children will be taught a useful skill or trade but in actual fact the children end up enslaved in small shops, on farms, or in domestic servitude. Many traffickers depend on the use of a computer network to accomplish



Source: Internet World Stats - www.internetworldstats.com/stats.htm
Basis: 2,267,233,742 Internet users on December 31, 2011

Fig.1: Internet Users in the World Distribution by World Regions-2011

the criminal act. In such cases, technology is directly or indirectly used to commit this organized crime.

The victims include men, women and children, although most agree that women and children are more often the victims of trafficking. Traffickers prey on those vulnerable people who are very poor, who have disabilities, the very young or old, people who have low educational levels, or people who are ignorant. Women are lured by promises of employment as shopkeepers, maids, nannies, or waitresses but then find themselves forced into prostitution or become sex slaves upon arrival at their destination. Many victims are unaware that their travel documents will be confiscated, that they will have to pay an enormous debt, or that they will be subject to physical abuse if their earnings are unsatisfactory¹⁶. These victims do not know how to escape the abuse or where to seek help. The victims generally avoid enforcement authorities out of fear of being jailed or deported, especially if they have forged documents¹⁷. Traffickers often transport the victims from their home communities to other areas within their country or to foreign countries where the victim is often isolated, unable to speak the language and is unfamiliar with the culture. Most of the victims lose their support network of family and friends, thus making them more vulnerable to the traffickers' demands and abuse.

Amending the current existing laws takes time and is a slow and laborious process. In the meantime, human trafficking continues to escalate at an alarming rate.

Malaysia needs to intensify education and awareness efforts to educate users on Internet risks. Currently, Cybersecurity Malaysia is open to the idea of working with security solution providers like Symantec to come up with cybersecurity awareness programmes. Cybersecurity Malaysia already has a list of home made security tools such as DontPhishMe, DNSwatch and MyPHPiPs that protects users from cybercriminals which can be downloaded for free. It is also working on establishing a Cyber Clinic which will offer an extensive list of cybersecurity services to computer users.

THE ASIAN GOVERNMENTS' EFFORTS IN COMBATING TRAFFICKING OF HUMANS THROUGH INTERNET (LAW, JUDICIAL AND ADMINISTRATIVE EFFORTS)

Governments from other countries in Asia such as Malaysia, Singapore, Philippines, Thailand, and Brunei have enacted various legislations to prevent this heinous crime from spreading through the use of internet. In Malaysia for instance, the government has enacted the Computer Crime Act 1997 to combat misuse of computer technology. The Communications and Multimedia Act 1988 (CMA 1988) and also Malaysian Communication and Multimedia Commission Act 1998 serve to oversee and regulate telecommunications in Malaysia. Recently, the Malaysian government gazetted the Personal Data Protection Act 2010 to curb misuse of data to prevent criminal activities.

In 1993, Singapore passed the Computer Misuse Act (Chapter 50A of the Singapore Statutes), which it has amended numerous times. This Act addresses computer crimes and provides for stiff penalties for violation of the law. It has applied its existing Penal Code provisions for activities that are deemed cyber crime such as the release of a virus. This would fall under the jurisdiction of the Computer Misuse Act, whereas an economic crime such as fraud would fall under the the Penal Code. Singapore has created new law enforcement agencies with specially trained personnel to keep pace with the rapid advances in technology and the resulting proliferation of computer crimes. Singapore has given its police force additional powers, including extra-territorial jurisdiction to aid in their efforts at apprehending computer-based criminals.

As for Thailand, Computer-related Crimes Act 2007 was enacted to prevent unauthorized applications and access made to other people's computers; as well as alteration, deletion or destruction of the information of others. Impostors using others' identities to send slanderous messages or those who flood information on discussion forums are also subject to criminal penalties under the law. This was proposed and drafted by the National Electronics and Computer Technology Centre (Nectec) and enforced by the Information and Communications Technology Ministry. The Act also subjects those circulating pornographic material or libelous content through e-mails to hefty fines. The Act originated from anti-hacking efforts a few

years ago when Nectec began its fight against the practice and later studied online intrusions. Other online crimes have also been included in the law. The Act also requires Internet service providers (ISPs) to keep log files of bandwidth usage and Internet traffic and records of individual users for 90 days.

Table 1 showing the development and scope of ICT Legislations in the Asian region

FINDINGS

International Organization of Migration (IOM) stated that “ the majority of these victims come from Asia, with more than 225,000 arriving annually from Southeast Asia and more than 150,000 from South Asia. The former Soviet Union has become the largest new source of sex slaves with 100,000 trafficked each year from the New Independent States. Largely, more than 75,000 are trafficked from Eastern Europe; 100,000 from Latin America and the Caribbean; and over 50,000 from Africa.” The majority of victims are sent to cities, vacation or tourist areas, or military bases in Asia, the Middle East, Western Europe, and North America. The most common means by which sexual predators contact children over the Internet is through chat rooms, instant messages and email¹⁸.

Interviews that were conducted by researchers on the Human Rights Organization in Malaysia and NGOs¹⁹ reveal that there are no proper statistics for trafficking on women through internet except for statistics gathered by MCMC

TABLE 1
Scope and Development of ICT Legislations in some Asia regions

Issues	Laws	National Actions	International Actions
Harmful sites or contents	Penal law or legislation	China, HK, India, Japan, Malaysia, Philippines, Singapore	N.A
Hacking & Virus	E-Commerce Act	Philippines	NA
Data Protection & privacy	Personal data Law Privacy Law	HK, S.Korea, Malaysia, Singapore	OECD Guidelines on Trans-border Data Barriers & The Protection of Privacy
Security	Electronic Transactions Act Digital Signature Law Computer Crime Act Computer Misuse Act	Malaysia, Singapore, Thailand, Philippines, HK, China	
Spam	Spam Act		

and CyberSecurity Malaysia in respect of computer crimes such as credit card fraud, hacking, malware, phishing, etc. Some officers mentioned that they have no knowledge of trafficking of women through internet in Malaysia and are aware only of trafficking of humans in general.²⁰

In furtherance to this, a total of 15,218 cybercrimes were reported by CyberSecurity Malaysia last year -in sharp contrast to only 8,090 in 2010. CyberSecurity Malaysia is the government department in charge of monitoring and preventing online crime. The majority of cases were online fraud (5,328 cases); followed by intrusion or attempted intrusion (4,433 cases), and cyber harassment (459 cases). It is estimated that more than 17 million of the country's 28 million people use the Internet daily, with Malaysians spending an average of 20 hours online every week.²¹ Cybercrime in Malaysia rose by 88 percent in 2011²².

Cyber crime²³ has the following characteristics:-

- It is easily committed
- It is cheap for the criminal
- It is anonymous, since the criminal does not have to reveal his identity
- It is fast and leaves only digital traces
- It cannot be committed by just anyone, since it requires a thorough grasp of the technology involved
- The criminal does not have to leave his place, while the crime itself can produce consequences in various countries simultaneously and affect numerous victims
- It can be hard to locate. To cover their traces, criminals operate in various countries, making it hard for national police agencies to determine the crime committed.

In other words, the internet is an efficient tool in the hands of the perpetrators of all kinds of crime (especially organized crime like Human Trafficking). The two prevalent methods used by traffickers to recruit victims via the internet are advertisements for employment, marriage, dating agencies and chat-rooms.

In a random Google search, there were more than 100,000 suspect sites advertising marriage, escort services, dating, modeling services etc. Researchers can only have a high level of suspicion as there is no actual evidence that women offer sexual services or marriage online or are actually potential trafficked victims.

The common sites used by traffickers are:

- a. marriage agency sites (such as mail-order bribe agencies or dating clubs);
- b. escort services sites;
- c. dating clubs;
- d. employment sites eg:-²⁴
 - home helps
 - waitress/bartenders

- au pairs/carers
- models
- dancers/hostesses
- models
- people to work in the building trade/factories/agriculture
- people to take educational courses
- people to work in tourism
- sex workers (it should be noted that the fact of already being a prostitute does not exempt a woman from being trafficked)

RECOMMENDATIONS

The numbers are staggering in Asia. It is estimated that from one to two million women and children are trafficked each year. In the year 1991, at a conference of Southeast Asian women's organizations, it was estimated that 30 million women have been sold worldwide since the mid-70s. More than 100,000 women are shipped each year to Japan to serve in local bars and brothels. Thousands of young women and

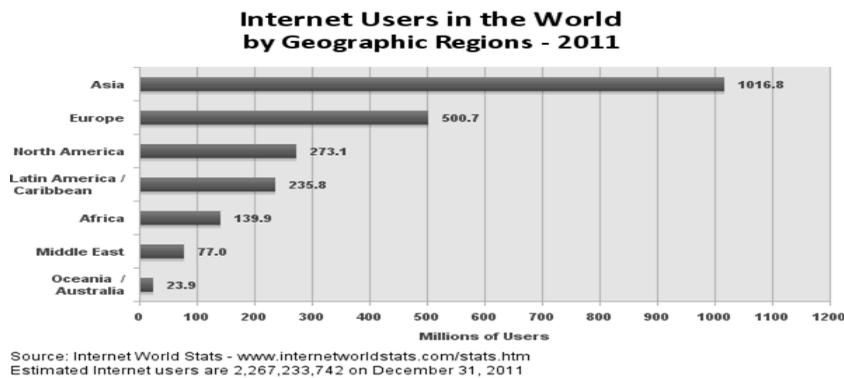


Fig.2: Internet Users in the World by Geographic Regions-2011

girls are sent from Nepal to India and from Burma to Thailand and Malaysia. These numbers mostly exclude the issue of internal trafficking for “domestic consumption.”²⁵

With heightened awareness that the crime of human trafficking is growing rapidly during this ICT era, the stakeholders of each country have a part to play in order to combat this heinous crime at national and international levels such as:-

- a. Raise awareness of the serious nature of abuse of internet usage for Trafficking of Humans. It must be stressed that links between the Internet and Trafficking can take several forms ie the victims may fall prey to traffickers via web sites and other internet services, trafficked victims may be traded or their services advertised to clients via internet and victims recruited in traditional ways may be forced to contact clients online.
- b. Revise, amend and enforce national and international laws specifying various substantive and procedural aspects pertaining to internet usage.
- c. Harmonize the different national laws to regulate and police the crime.
- d. Cooperation between and among the law enforcements of one’s own country as well as other countries concerned should be enhanced.
- e. Endeavour to establish an international tribunal to regulate the increase of trafficking in persons crimes through internet usage.

- f. Each stakeholder should be aware and be involved actively in preventing and eradicating the negative side of internet usage.

CONCLUSION

The trafficking of women is an ongoing international evil that spans national boundaries in a manner that renders this form of organized crime a global concern. Trafficking in women may take several forms including trafficking for forced labour, servitude, and organ removal. It is noted that trafficking for the purposes of sexual exploitation is a major criminal activity and a gross evil that should be effectively tackled on all levels. It has been seen that the major problems that facilitate trafficking are various unfavourable aspects of economic, educational, and social conditions in each country. Usually the source countries are mainly in the low income category and are developing and/or under developed States. Globalization of technology and the revolutionary advancement of internet usage have impacted on criminal activity, especially trafficking in persons for the purpose of sexual exploitation. Information technology communications, video digitizers, Internet applications and services, and software and file transfer protocols are amongst the methods utilized by traffickers to commit their crime activities.. The increasing usage of technology assisted criminal activity and trafficking warrants further attention from global nations who need to

enact the necessary legislative provisions and implement effective technological and enforcement tools that will reduce internet criminal activities²⁶. The governments from Malaysia and the Asian region should not take this matter lightly as technology is an ever growing tool and it is a double-edged sword.

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