

**A STUDY ON THE ADEQUACY OF THE
ANTI-TRAFFICKING IN PERSONS ACT 2007
IN PROTECTING TRAFFICKED CHILDREN IN MALAYSIA**

By

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The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the work of others.

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ABSTRACT

This study attempts to analyze the adequacy of the Anti-Trafficking in Persons Act 2007 in giving protection to trafficked children.

Provisions of the Anti-Trafficking in Persons Act 2007 with regards to the trafficked children are discussed and scrutinized in order to identify weaknesses that are apparent. Its adequacy in protecting the trafficked children and the sufficiency of the punishments provided to those involved in the trafficking of children are examined thoroughly. The study would emphasise certain treaties such as the Convention on the Rights of the Child, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children Supplementing the United Nations Convention Against Transnational Organized Crime and the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children 2004, all relating to children trafficking, which Malaysia has acceded. It is the objective of this study to analyze and scrutinize existing laws and efforts that has been made by the Government, to ensure that they comply with the treaties acceded by them. The study would also discuss the efficacy and efficiency of the enforcement officers dealing with the trafficking of children. Methods such as semi-structured interviews, library research and online researches were carried out in order to complete the research.

Upon completion of doing so, this study will propose suggestions and reformations where it deemed necessary.

CHAPTER ONE: INTRODUCTION

1.0 INTRODUCTION

Human trafficking is one of the many of criminal actions and violations against the human rights. There are many types of trafficking against human, but the main group that is usually connected to trafficking is actually the children. Recently, the demand has increased from certain groups that have forced more children to be trafficked into and outside of Malaysia.

To prove it, in May 2008, four infants were rescued while 23 people including a doctor and a government registrar were caught during an attempt of baby-selling racket in southern Johor.¹ In December 2009, a mother and her two daughters were caught for arranging to illegally sell babies in Klang district.² In April 2010, a single mother was charged with trafficking a baby girl for RM7,000³, and the latest incident repeated on 19 July 2010, eight children between 23 days old and 12 years old has been rescued in just one week.⁴

“Trafficking in persons” or “traffics in persons” can be defined as recruiting, transporting, transferring, harboring, providing or receiving of a person for the purpose of exploitation⁵. As for children, they can be defined, according to the United Nations

¹ http://afp.google.com/article/ALeqM5jkRG4cO8M_6uM-16uIt7699kJY2g, accessed on 24 June 2010.

² <http://klews.net/blog/2009/12/15/charged-for-baby-trafficking-involvement/>, accessed on 24 June 2010.

³ <http://thestar.com.my/news/story.asp?file=/2010/4/21/courts/6095811&sec=courts>, accessed on 24 June 2010.

⁴ <http://gadget.lcdmonitorrepair.net/man-held-over-baby-trafficking-malaysia-star/>, accessed on 10 August 2010.

⁵ Malaysia, Anti-Trafficking in Persons Act 2007 at s 2.