

Conflating Voluntary Sex Work and Trafficked Sex Work in Malaysia

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Abstract : This article will explore the conflation between voluntary sex work and trafficked sex work. In doing so, the article will analyse the meaning of trafficking according to the United Nations 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' and the Malaysian Anti-Trafficking in Persons and Anti-Migrant Smuggling Act, 2007 (ATIP), and discuss the ambiguities that may arise in understanding the term. While the law on human trafficking has long been understood by scholars, key stakeholders, and enforcement officers, identifying a victim of trafficking is far from being straight forward. This is because of the diverse understanding on sex trafficking and sex work, and the fact that 'consent' by trafficked persons remains irrelevant in cases of trafficking. As a result, women who voluntarily engage in sex work are sometimes categorised as 'trafficked' and are 'rescued' by the authorities in the name of 'protection', while those who insist of having agency can be charged for violating the immigration laws. In light of such circumstances, this article aims to explore the conflation between voluntary sex work and trafficked sex work and how such conflation have succeeded in fostering distrust between sex workers and authorities.

Keywords : voluntary sex work, trafficked sex work, sex work, coercion, protection

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