

**HUMAN RIGHTS PROTECTION BEYOND STATE BORDERS:
A STUDY OF NATIONAL LAWS ON ANTI-TRAFFICKING IN
WOMEN IN THE PHILIPPINES AND IN MALAYSIA**

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**A THESIS SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR
THE DEGREE OF MASTER OF ARTS
(HUMAN RIGHTS)
FACULTY OF GRADUATE STUDIES
MAHIDOL UNIVERSITY**

2007

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ABSTRACT

Trafficking in persons is a violation of the individual human rights of the victim, as stipulated in the Palermo Protocol, with its comprehensive definition of human trafficking. The thesis focuses on two Southeast Asian countries, the Philippines, a sending country and the world's largest exporter of human labor, and Malaysia, a receiving country and a major destination area for Filipino migrant workers. Trafficking as a transnational crime poses challenges to Philippine and Malaysian laws which operate within territorial limits and political boundaries. Thesis objectives aim to identify challenges confronting national laws in combating trafficking and the extent to which these laws can encompass within their jurisdiction, the transnational aspects of trafficking, and to identify venues by which the principles of universality in international human rights law can be translated into legal frameworks with enforceability and render the victim's individual rights as justiciable.

Documentary research and interviews of government officials and NGO officers handling trafficking cases are the research methods used. The major findings of the study confirm both legal compliance and compliance in implementation of the Philippine Anti- Trafficking in Persons Act to the Palermo Protocol, to which it is a State Party. The Malaysian Constitution and Penal Code criminalize the offense and provide for the protection of trafficked victims. Gaps exist in implementing mechanisms in both countries due to legal limitations or resource limitations. Malaysia has not ratified the Palermo Protocol, and has no comprehensive law to combat trafficking, a move advocated by the Malaysian Human Rights Commission.

Collaborative interventions of non government organizations and civil society are proposed toward formulations of new jurisprudence through laboratory court proceedings, initially on a regional level. The end in view is to overcome the impasse encountered by the limitations of territoriality and jurisdiction of courts in transnational crimes.

KEY WORDS : **TRAFFICKING IN WOMEN/ INTERNATIONAL LAW/
NATIONAL LEGISLATION/ PHILIPPINES/ MALAYSIA/
COMPLIANCE**

118 pp.