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The Impact of Covid-19 On Migrants and Trafficked Persons in Malaysia

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ABSTRACT

The COVID-19 pandemic has significantly disrupted people's lives, economic status, and daily routine. The extensive scale of the virus has caused fear, confusion and panic throughout the globe spurring states to devise stringent procedures to manage the crisis. In Malaysia, A Movement Control Order (MCO) was implemented on 18 March 2020 as a preventive measure to control the spread of the virus. To enforce such restrictions, the government relies heavily on law enforcers, and the criminal justice system to ensure public safety and security. In light of such restrictive measures, those who are severely impacted by such repressive rules are the marginalized communities. This includes trafficked persons, migrants, refugees, and asylum seekers as law enforcers seek to use the pandemic to further control their movements and restrict their rights wherever possible. In this instance, xenophobia, anti-immigrant prejudice, intolerance, social exclusion, and discrimination exacerbates the vulnerability of migrants particularly undocumented migrants and trafficked victims. According to human rights activists, these groups are exposed to regular insults, verbal abuse, threat, public shaming and blame by citizens, employers, politicians, and enforcement agencies. Therefore, this article highlights two main points. They are: xenophobia between the dominant populations and the migrant community in Malaysia; state's policing of migrants and the conditions of the detention centres and shelters in Malaysia. The article concludes by arguing that the policing and 'protection' of migrants during the pandemic have resulted in irreparable harm, mistrust, and stress among the migrants which undermines the positive development outcomes of migration.

Contribution/Originality: This study contributes to the existing literature on migrant policing in times of the pandemic. The study documents the human rights concerns posed by the coronavirus outbreak by drawing on examples of the Malaysian government responses towards the xenophobic attitudes of the society and the conditions of the detention and shelters in Malaysia.

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1. Introduction

The COVID-19 pandemic has significantly disrupted people's lives, economic status, and daily routine. The extensive scale of the virus has caused fear, confusion and panic throughout the globe spurring states to devise stringent procedures to manage the crisis. Among the actions taken by states to flatten the infection curve includes proclamation of emergency, quarantine, lockdowns, travel restrictions, and limitations on economic activities and public life which are aimed at flattening the infection curve include which aims to protect citizens of the country (UNODC, 2020). Lockdown enforcement around the world has ranged from partial or night-time curfew to complete lockdown (Ketchell, 2020).

Malaysia, a country with progressive healthcare and dynamic commercial sectors has also been gravely affected by this pandemic. A Movement Control Order (MCO) was implemented on 18 March 2020 as a preventive measure to control the spread of the virus. The severity of local COVID-19 cases recorded in an area are highlighted through classification of zones (Kementerian Kesihatan Malaysia, 2021). A red zone (Mukim Merah) would mean that there have been 41 local COVID-19 recorded within the past 14 days. The yellow zones indicates one to 40 cases, while the green zone is considered covid-free (Kementerian Kesihatan Malaysia, 2021). Only businesses providing essential services and items such as manufacturers, suppliers, retailers, and food outlets are allowed to operate (Prime Minister's Office of Malaysia, 2021). Mass movements and gatherings including religious services are prohibited nationwide (Tang, 2020). Travel restrictions were put in place for all Malaysians travelling overseas while returning Malaysians from overseas are required to undergo continued medical screening and 14-days quarantine which has now been reduced to seven (7) days (Tang, 2020; Ullah, Haji-Othman, & Daud, 2021) for unvaccinated individuals or those who are found positive with Covid-19. To ensure conformity of the MCO, anyone found violating the rules would be subject to a fine of RM10,000 and a maximum term of six months imprisonment (Babulal, 2020; Prime Minister's Office of Malaysia, 2021).

To enforce such restrictions, the government relies heavily on law enforcers, and the criminal justice system to ensure public safety and security (Tang, 2020). Hence, police are granted additional powers to enforce the MCO and keep the public isolated. Although using the police force may not be a popular option, some observers have claimed that their role has been critical in enforcing mitigation measures (Djalante et al., 2020). However, the manner on how those additional powers and policies are being carried out by the police have become a major point of discussion among human rights advocates. Hundreds of police road-blocks have been set up to curb the movement of public and more than 29,000 people have been arrested for violating MCO (Daim, 2020a) including 2,766 migrants, making the country the fourth toughest law enforcement action in Southeast Asia after Laos, Vietnam, and the Philippines according to the Oxford Covid-19 Government Response Tracker (University of Oxford, 2020).

In light of such restrictive measures, those who are severely impacted by such repressive rules are the marginalized communities which includes trafficked persons, undocumented migrants, refugees, and asylum seekers as law enforcers seek to use the pandemic to further control their movements and restrict their rights wherever possible (UNESCWA, 2020). Although Malaysia is not a party to the Refugee Convention and its 1967 protocol, the government generally respects the grant of refugee status by the United Nations High Commission for Refugees (UNHCR) and has been hosting refugees

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particularly Rohingya refugees since the 1990s (Todd et al, 2019). However, refugees are considered 'undocumented migrants' and are not afforded any legal rights including the right to work in Malaysia (Todd et al., 2019).

In response to their perilous position, the UNHCR issues a UNHCR card to refugees which provides them with a level of protection and reduces the risk of arrest (UNHCR Malaysia, 2021b). This card allows limited access to health services, education, and other essential support services from UNHCR, its partner organisations or other actors (UNHCR Malaysia, 2021b). However, this card does not have any formal legal value in Malaysia, and refugees are only allowed to remain in Malaysia if they have a place to stay and can obtain work passes from the UNHCR (UNHCR Malaysia, 2021a). These passes which need to renewed yearly, do not qualify them to work officially but given the desperation to work and earn money, many of them are often employed in the 3D sectors (dangerous, dirty, difficult) such as plantation and construction or in low paying jobs which puts them at risk of being exploited (Todd et al., 2019).

However, given the rapid spread of corona virus in Malaysia since 2020, migrants particularly undocumented migrants from the low-skilled sectors, trafficked persons and refugees are often blamed for the spread of coronavirus (Idrus, 2020). Public anger accused them as being a burden on government resources, spiking the covid-19 infection curve, and prolonging the MCO which has severely impacted businesses, the economy and employment (Latiff & Ananthalakshmi, 2020). Such accusations lack credibility given that many migrants including those who are undocumented have lost their jobs and are deprived of healthcare, housing, and social services benefits. Many of them are also stranded in Malaysia and are unable to return home because of border restrictions and fewer flights (UNODC, 2020).

Therefore, this study contributes to the existing literature on migrant policing in times of the pandemic. The study documents the human rights concerns posed by the coronavirus outbreak, drawing on examples of the Malaysian government responses and calls for the adoption of new action plans to address the wave of Covid-19 racism and bigotry towards the migrant community in Malaysia. In view of such objectives, the study will highlight two main factors. First, the xenophobia between the dominant populations and the migrant community in Malaysia. Second, the state's policing of migrants in order to control the outbreak, and the conditions of the detention centres, and shelters in Malaysia. The article concludes by arguing that the policing and 'protection' of migrants during the pandemic have resulted in irreparable harm, mistrust, and stress among the migrants which undermines the positive development outcomes of migration. The article also urges the government to re-assess its migrant policing policies and adopt new strategies to address the upsurge of Covid-19 xenophobia. For the purpose of this article, only undocumented migrants and female trafficked victims will be discussed at length although refugees and asylum seekers are equally affected by the coronavirus and restrictions imposed by the state.

'Undocumented migrants' in the context of this article would refer to individuals who are residing in Malaysia without proper travel documents or work permit. while victims would refer to trafficked women who were exploited in the sex trade in Malaysia. The reasons for focusing on these two groups is attributed to two main factors. First, the tendency for traffickers to target marginalized groups or those who are in precarious positions such as those without passport or valid work permit (Yea, 2015). This group of people are often in desperate need of money and employment, and often fall prey to

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traffickers who often exploit them in construction sites, domestic servitude, plantations, farming and factories (International Labour Organization, 2021). Second, the vast media attention directed towards undocumented migrants given that many of them live in slums and cramped spaces with poor sanitation in congested areas (Ehmer & Kothari, 2021). Their living conditions have sparked concerns among the public causing massive raids to be conducted by law enforces at their worksites and dwellings to contain the spread of the pandemic (Wahab, 2020). The aggressive measures taken by law enforcers on migrants and trafficked victims have sparked concerns over the safety and security of migrants and trafficked victims in Malaysia.

2. Literature Review

2.1. Migrants in Malaysia

According to the World Bank (2019), there are about three million foreign workers in Malaysia which makes Malaysia the sixth-largest migrant-receiving countries in East Asia. Most migrant workers originate from Indonesia (40%), Nepal (22%), Bangladesh (14%), and other countries (World Bank, 2019). These workers who are categorized as low-to-medium skilled workers are highly sought by employers to work in six sectors such as agriculture, services, plantation, construction, manufacturing, and domestic work (Dewanto, 2020). This is attributed to several factors such as the shortage of unskilled workers, the high demand for labour, and the successful economic performance of Malaysia in the developing world (The World Bank, 2013).

Despite the need for foreign labour, the process of hiring foreign workers appears to be long, tedious and bureaucratic (World Bank, 2019). As a result, many employers resort to hiring undocumented migrants or termed "illegal immigrants" who do not have proper documentation or work permits (World Bank, 2019). To prevent such practices, the government frequently conduct law enforcement operations against undocumented migrant workers and their employers. For example, more than 27,000 undocumented migrants was arrested in an law enforcement operation code named Ops 6P Bersepadu (Integrated Operations) in January 2014 (World Bank, 2019). The enforcement team comprised of 10,000 officers from the Royal Malaysian Police Force, People's Volunteer Corps (RELA, Volunteer Corp), Malaysian Armed Forces, Malaysia Civil Defence Force, National Registration Department and local councils (World Bank, 2019). Subsequent law enforcement operations were carried out in 2018 through Ops Mega 3.0 where enforcement officers arrested 5,065 irregular migrants and a further 45,499 in 2018 (World Bank, 2019).

In the wake of Covid-19, discourses revolving public 'safety' and migrants as 'vectors of infection' have dominated the media and public sphere (Chew, Phillips et al., 2020). Such discourses have prompted the state to carry out massive raids and detain migrants in an effort to curb the spread of Covid-19 (Chew, Phillips et al., 2020). Such discourse however is nothing new as migrants have historically been accused of spreading disease, based on the idea that disease arrives with 'others' from 'elsewhere' (Crush & Ramachandran, 2009; Kraut, 2010). For example, the Irish immigrants were blamed for bringing cholera to the United States and the Italians were accused of spreading polio to the country in the 1800s (Shams, 2020). The blaming and shaming of migrants continued in the 1900s when the Jews were blamed for spreading tuberculosis while the Chinese immigrants were accused of spreading bubonic plague (Shams, 2020). Further examples include the Haitians and Africans refugees who were blamed for spreading

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AIDS because their arrival happen to coincide with the disease (Shams, 2020). Similarly in Malaysia, undocumented migrants are frequently blamed for spreading the novel coronavirus even though they are disproportionately impacted by the spread of the pandemic (Reuters, 2020; Shams, 2020). The most rational claim among the populists is the working and living condition that foreign workers live in (Dewanto, 2020). In this respect, many migrant workers are forced to live in cramped and unsanitary conditions. This makes it difficult for social distancing and good hygienic practice to be observed among the workers (Wahab, 2020). The rooms or houses provided by their employers are sometimes unfit for occupation (Wahab, 2020). Many do not have proper bedding, ventilation, or adequate space (International Labour Organization, 2019). As a result, many migrant workers are deprived from proper sleep and healthy living which affects their ability to work and well-being (International Labour Organization, 2019).

With the administrative hurdles and language barriers, access to health care and insurance are also difficult to attain (Wahab, 2020). Furthermore, it is a common practice for some employers to keep their workers' passports to ensure that their workers to do not abscond (International Labour Organization, 2019). Although such practices contravenes the Malaysian law, some employers argue that such practices are needed to ensure the safety and security of the workers documents given the lack of security in the workers accommodation (International Labour Organization, 2019). Such reasoning corroborates the fact that workers may be placed in overcrowded and overpopulated premises which had led to the quick transmission of Covid-19 among migrant workers.

2.2. Trafficked Persons

For trafficked persons, the ongoing quarantines, curfews, and border closures to stem the escalation of coronavirus have resulted in prolonged victimisation of trafficked women. Such concerns are based on the increased levels of domestic violence reported in many countries which serves as an indicator for women in domestic servitude and sex work (UNODC, 2020). Although such situations indicates that trafficked women are in dire need of assistance, they seem to be forgotten, overlooked, and are at risk of contracting the virus. This is because many trafficking rings operates unlicensed massage parlours and secret brothels which implies the lack of safety measures such as social distancing and sanitation protocol. This puts trafficked women at risk of contracting the virus as they continue to be exploited by their traffickers (Giammarinaro, 2020). However, many trafficked women are reluctant to seek help or assistance from NGOs or government agencies because current victim-protection policies entails victims to be detained in shelters between three to six months (or more) before being repatriated to their home countries. This makes them hesitant to seek assistance from the authorities for fear of being arrested and detained (Haynes, 2004). This would lead to greater problems of identifying trafficked victims and their chances to be removed from exploitative situations are reduced drastically.

According to the US Annual Trafficking in Persons Report, female victims are mostly exploited for sexual purposes while male victims are often exploited for forced labour and child victims for forced begging (U.S Department of State, 2018, 2020). Most victims rescued originate from Vietnam, Thailand, China, Indonesia, and the Philippines (Basri, 2018; U.S Department of State, 2020). From 2019 to February 2020, the Malaysian government identified 2,229 potential victims and confirmed 82 victims of trafficking, an increase compared to 1,305 potential victims and confirmed 97 victims in 2019 (U.S

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Department of State, 2020). The number of potential trafficked victims have however dropped in 2021 where only 487 potential victims were identified (U.S Department of State, 2021). This is mainly attributed to the pandemic although it does not mean that trafficking activities have been reduced. This is because the data collected is based on the number or persons rescued by law enforcers while the 'true figure' of trafficked victims in Malaysia is unlikely to be known given that sex trafficking operates underground.

Although the enforced quarantine, curfews and lockdowns, travel restrictions, and limitations on economic activities and public life may seem to dissuade crime, the United Nations reports that there has been an increase on online sexual exploitation through online material and pornography which has become harder to trace and detect (UNODC, 2020). In Malaysia, sexual services are now being offered by syndicates using chat platforms such as Telegram and We Chat (Jayamanogaran, 2020). For example, a complete package of sexual services which includes sexual arousement, intercourse, and oral sex are available between the price range of RM180 (USD43) to RM225 (USD53) (Aminnuraliff, 2021). There are also syndicates that offers packages known as '6 for 1' (Mokhtar, 2020). For this package, customers are required to make a one-time payment of RM235 (USD56) and given a 'loyalty' card (Aminnuraliff, 2021). Those cards will be stamped during each visit and the customer (Aminnuraliff, 2021) will be entitled to a free service for the seventh visit.

Although Malaysia's 'Communications and Multimedia Act 1988' (CAMA), and the 'Personal Data Protection Act 2010 (PDPA)' are used to monitor and prevent criminal and commercial sexual activities over the internet, the sex industry continues to thrive, and traffickers advertise and exploit women with impunity using these platforms. In this context, the UNODC suggest that human traffickers are altering their trade techniques to circumvent the various restrictions imposed by the government by using advanced communications innovations (UNODC, 2020). In response, law enforces continue to conduct massive raids on premises believe to be offering sexual services (Aminnuraliff, 2021; Mokhtar, 2020). While such form of raids are often necessary to remove victims from harm, it can also push victims into hiding as rescues are always followed by 'forced' detention in shelters. Furthermore, rescue operations often entails human rights violations which may result in physical and emotional harm of trafficked women. Such practices defeats the whole purpose of rescuing and saving victims from harm.

3. Methodology

Given the nature of the study which focuses on migrants and governmental policies, the use of secondary data analysis is thought to be a viable method to utilize in this study (Johnston, 2014a). Secondary analysis is a structured approach with procedural and evaluative steps that explains how a researcher gathers, analyses, and interprets data in a report (Creswell, 2009). It involves the re-analysis of qualitative and quantitative data that are available and used by a different researcher who normally wishes to address a new research question (Payne & Payne, 2004). These vast amounts of data has been collected, compiled, and archived through technological advances and is easily accessible for research (Johnston, 2014b). Therefore, the use of existing data using secondary data analysis has become a viable method of research and it also allows data to be analysed through multiple readings and interpretations and expands the body of knowledge.

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As there was vast amount of trafficking literature available on the internet, sources used were derived from primary sources and secondary sources which includes Malaysian statutes, books, journal articles, legislations, published reports, newspaper and magazine articles, websites of non-governmental organizations (NGOs) and of governments including the U.S Department of State covering the period from 2003 to 2021. These documents are also analysed repeatedly reviewed, examined, and finally interpreted in order to corroborate or refute existing findings or data (Frey, 2018). The most common keywords used for this analysis are terms and phrases which include: 'migrant', 'foreign workers', 'Malaysia', 'pandemic', 'shelter', 'detention', 'trafficked victims', 'policing', 'migrants', 'Covid-19', 'xenophobia', 'blame', 'policing', 'MCO' and a combination of or two or more of those terms. These terms were identified as keywords because of two main factors. First, the nature of this research which delves into the problematic views on migrants as well as the blame cast upon migrants on the spread of the pandemic. Second, official enforcement and punitive policing carried out towards migrants to curb the spread of Covid-19. Although, this article acknowledges the problems, hardship and challenges faced by other facets of the society, the article does not include works on refugees, asylum seekers and stateless persons and smuggled migrants for reasons that have been explained earlier.

Most of the statistics in this article are taken from local and international newspaper reports, as well as non-governmental institution reports which provided extensive coverage on the condition of migrants during Covid-19. Statistics are also taken from the U.S Department of State website which provides a comprehensive report on countries annually and the data obtained is based on information given by the United States embassy in Malaysia, state agencies and officials, NGOs and international organizations, fieldwork conducted in Malaysia, research, published reports, news and online articles, academic studies, and information submitted to their official email address.

4. Findings

Based on the prevailing literature and analysis made on multiple documents, statutes, articles, books, newspaper clippings and NGO reports, the research identified three emerging themes. They are: Blame and xenophobia, policing and shelters. These three themes are identified as the source of harm and victimisation endured by migrants. In addition, these three themes are repeatedly used by the law enforcers to assert control over migrants and trafficked victims.

4.1. Blame and Xenophobia

Despite the precarious situations faced by migrants and trafficked persons, they have been continuously slurred and blamed in media reports, political speeches, and social media platforms (Human Rights Watch, 2020a). These avenues have become a platform to incite fear and panic to the public on the spread of the pandemic (Human Rights Watch, 2020a). For instance, local newspapers reported that the Prime Minister, Muhyiddin Yassin was concerned about the spike in coronavirus infections in Sabah region which was said to be caused by undocumented migrants entering the country without permission (Daim, 2020b). One Senior Minister who oversees the Security Cluster had even warned that all undocumented migrants found in Covid-19 "red zones" would be detained from May 1, 2020 (Jayamanogaran, 2020). Further warning was given by the Home Minister Dato' Seri Hamzah Zainuddin in June 2021 who threatened

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to 'round up' illegal migrants in an effort to 'help' them and 'protect' Malaysians (Krishnan, 2021).

Such type of orders according to Iman Research are not guided by science and compassion and will endanger the country and delay the country's exit from the pandemic (Krishnan, 2021). Instead, public will become angry over the presence of migrants and accuse them of spiking the infection rate (Latiff & Ananthalakshmi, 2020). It also exacerbates the vulnerability of migrant groups, exposing them to regular harassment, blame, intimidation, and abuse by citizens, employers, politicians, and enforcement agencies (Crush & Ramachandran, 2009). Thus, human rights groups argue that migrants are being scapegoated, stigmatized, and discriminated which violates their dignity and rights as human beings (Human Rights Watch, 2020b; Reuters, 2020). According to them, the government has an ethical duty in defending migrants' rights through both individual and collective action (Human Rights Watch, 2020b). In this context, Iman Research suggests that a substantial portion of the population needs to be vaccinated, which includes migrant workers to safely achieve the herd immunity (Krishnan, 2021). Therefore, it would be imperative for the government to outline a strategy and discuss practical obstacles that are being faced by the migrants during the MCO.

4.2. Policing

Massive raids continue to be carried out by the police and immigration in areas that house a large number of migrants. During these raids, many are detained, loaded into police trucks, and transported to detention centres. For example, hundreds of undocumented migrant workers and refugees were arrested in a massive raid operation carried out near Jalan Masjid India Kuala Lumpur on eve of May 1, 2020 (South China Morning Post, May 2020). The raid was carried out in spite of the assurance given by the government that undocumented migrants and refugees will not be detained if they wish to be tested for Covid-19 (Wahab, 2020). Similar type of raid operations was also carried out in several areas in Klang Valley such as Kuala Lumpur Wholesale Market, Selayang and Gombak.

During these raids, thousands of undocumented workers, and refugees, including women and children, were arrested, and later detained in immigration detention centres (Malay Mail, May 14, 2020). Those who tested positive for Covid-19 will be transported to Covid-19 quarantine centres for further medical checks while the rest will be detained in immigration depots and detention centres (Zolkepli & Camoens, 2020). According to reports from local newspapers, all migrants will be handcuffed while receiving treatment in the quarantine centres (Human Rights Watch, 2020c). Such practices came to fore following the escape of a Bangladeshi worker from a Covid quarantine centre based in Serdang, Selangor (Chung, 2020; Zolkepli & Camoens, 2020). Such practices have been severely criticized by Human Rights Watch and other non-organizational groups in Malaysia by calling it distressing, appalling and discriminatory (Human Rights Watch, 2020a).

International media such as Al Jazeera, have also exposed Malaysia's treatment of migrants during the Covid-19 pandemic through a documentary entitled "Locked Up in Malaysia's Lockdown" (Human Rights Watch, 2020c). The documentary exposed the repressive treatment of migrants during police raids (Human Rights Watch, 2020c). In response to such exposure, the police raided Al-Jazeera's office and questioned six of its

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organization's staff members. Al-Jazeera was also charged for committing acts of sedition, defamation, and violating the CAMA. Permission to remain in Malaysia for two of Al-Jazeera's journalists who were based in Malaysia was also declined on the grounds of security (Human Rights Watch, 2020c). The work permit for Mohammed Rayhan Kabir, a migrant worker from Bangladesh, who was featured in the documentary was also revoked by the immigration department (Human Rights Watch, 2020c). He was arrested on July 24, 2020 for investigation and deported back to Bangladesh on August 21, 2020 (Human Rights Watch, 2020c).

Children are also not spared in this series of raids. Out of the thousands that are detained, 756 were children who originated from various countries across the globe. This includes 326 children from Myanmar who were separated from their parents and guardians (Human Rights Watch, 2020b). The detainees (including women and children) are forced to live in squalid and overcrowded conditions until they are deported (SUHAKAM, May 28, 2020). Most of them do not have adequate access to health care or clean water, and have to live in squalid and unsanitary conditions (Amnesty International, 2019). This facilitates the spread of illness and diseases such as leptospirosis which occurred in 2009 and lead to the death of several individuals (Amnesty International, 2019).

Therefore, Malaysian human rights commission, SUHAKAM as well as health and rights group such as Doctors Without Borders have warned the government of the risks and danger of detaining migrants in overcrowded facilities (Fishbein & Hkawng, 2020). They also argue that the raids under the pretence of stopping the spread of COVID-19 have only exacerbated the spread of the virus (Fishbein & Hkawng, 2020). Their concerns were well founded when the Deputy Minister of Home Affairs, Datuk Seri Dr Ismail Mohamed Said stated that 789 migrants out of 15,531 in the immigration depots were infected with coronavirus as at 29 July, 2020 (Idris, Halid, & Muzamir, 2020). The Health director-general of Malaysia, Dr Noor Hisham Abdullah have also confirmed that as of November 3, 2020, a total of 1,054 new Covid-19 cases has been detected in the country (Human Rights Watch, 2020b) with 310 cases originating from prison clusters and temporary detention centres (Lawyers for Liberty, 2020). This accounts for almost 29.4 percent of all local cases. These statistics exhibits the severity of the health conditions in Malaysian detention centres. However, individuals who exposes the poor living conditions in immigration detention centres are at risk of being arrested for transmitting offensive communication to the public. This can be seen in the recent case of Heidy Quah who was charged under the CAMA for circulating false or offensive content because of her allegations on mistreatment of refugees in the immigration detention centres (Hamdan, 2021). Such scare tactics hampers any initiatives to improve the detention conditions and treatment towards migrants.

4.3. Shelters

For trafficked victims who have been rescued, the detention in shelters are compulsory. According to the Anti-Trafficking in Persons and Migrant Smuggling Act 2007 (ATIP), trafficked women are given an initial 21-day interim protection order followed by a subsequent 90-day protection order under from the court (see s. 51ATIP)(Hamid, 2019c). The period of detention may also be extended by the Court to facilitate the prosecution's case against the traffickers, since the prosecutors mainly rely on the cooperation and testimony of the women (U.S Department of State, 2016). However, given the prolonged MCO and reduced court operations, many cases have been

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postponed for a considerable amount of time including trafficking cases (Ali, 2020). This have resulted in the protection orders being extended and victims would have no other option than to remain in the shelters for six months or more (U.S Department of State, 2021). The length of stay could also be further extended if countries border remains closed as repatriation cannot be carried out as planned.

According to researchers, the trafficking shelters in Malaysia are armed with high levels of security such as barbed wire fences and security guards, which are intended to prevent women from escaping rather than to protect them from harm (Hamid, 2019a; United Nations Human Rights Council, 2015). Victims are not allowed to leave the shelter grounds, do not have access to mobile phones, unable to receive any visitors, or communicate with anyone outside of the shelter. This is because the shelter staff limits their communication, including with family members in their home countries (Hamid, 2019b). Thus, Gallagher and Lee (2010) describe these shelters as resembling immigration detention centres and not complying with the guidelines contained in the 'Recommended Principles and Guidelines on Human Rights and Human Trafficking' (United Nations High Commissioner For Human Rights, 2003). This situation has only worsened in the midst of the pandemic as further restrictions have been imposed by the shelter officials to avoid contact with people and language barriers becomes a significant barrier for women to communicate with shelter officials and law enforcers (U.S Department of State, 2020). Such rigid and strict conditions could cause inconsiderable psychological, emotional stress and even suicidal among the women (Hamid, Aziz, & Amin, 2018; Silove, Ventevogel, & Rees, 2017; Werthern et al., 2018).

Therefore, migrant activists and non-governmental organisations have imposed pressure on the government to improve its treatment towards trafficked victims by addressing issues of discrimination and unequal treatment and adhering to the guidelines contained in the United Nations Recommended Principles and Guidelines on Human Rights and Human Trafficking. Yet, unless there is an ideological shift in Malaysian politics and media, the pressure from these sectors may remain unsuccessful.

5. Conclusion

Since May 4, 2021, Malaysia has relaxed the MCO rules and opened up its economic sector to relieve its geographical, political, and economic burden (Hashim, Adman, Hashim, Mohd Radi, & Kwan, 2021; Ullah et al., 2021). This relaxation has eventually led to the opening of borders effective from 13 January 2022 to foreign travellers who have been fully vaccinated and is able to produce a Covid-19 negative results after taking the RTK Antigen (Ag) test at the international checkpoint (Hashim et al., 2021; Ullah et al., 2021). While the move to open the borders have drawn mixed reaction from various quarters, the policing of migrants and trafficked victims continue to be carried out with the aim of curbing the spread of the virus.

Therefore, the article argues that the impact of the pandemic and related controls on migrant detainees, trafficked victims and others involved in the criminal justice system demand special handling from a rights-based perspective. Adequate steps need to be taken to address the plight of migrants and trafficked victims to ensure their safety and security in the country in the wake of the mutating Covid-19 variants. Furthermore, the spread of the pandemic does not only pose a risk to the migrants but also to their families, custodian, enforcement officers, shelter staffs, criminal justice service providers, and the surrounding community. Therefore, recommendations have been

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made by human rights activists and NGOs to include migrants in the national recovery plan and state policies.

However, the punitive actions taken (as earlier discussed), clearly shows that the state tend to view undocumented migrant workers as a separate community who do not contribute to the strategic interest of the country. As a result, state practices are carried out in an aggressive and punitive manner with the aim of curbing the spread of the pandemic. By using the pandemic to justify policing and repressive practices, migrants are arrested, detained, removed, and blamed for the spread of covid-19. Therefore, NGOs have urged state institutions not to discriminate migrants as its impact poisons social interactions between locals and foreigners and undermine the positive development outcomes of migration.

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