



LAWS OF MALAYSIA

Act A1644

**ANTI-TRAFFICKING IN PERSONS AND
ANTI-SMUGGLING OF MIGRANTS
(AMENDMENT) ACT 2022**

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LAWS OF MALAYSIA

Act A1644

ANTI-TRAFFICKING IN PERSONS AND ANTI-SMUGGLING OF MIGRANTS (AMENDMENT) ACT 2022

An Act to amend the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Amendment) Act 2022.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of section 2

2. The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 [*Act 670*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) in the English language text, in the definition of “exploitation”, by substituting for the word “means” the word “includes”;

- (b) by deleting the definition of “coercion”;
- (c) in the definition of “enforcement officer”, by substituting for the words “section 27” the words “subsection 27(1) or any public officer appointed under subsection 27(1A)”;
- and
- (d) by substituting for the definition of “trafficking in persons” the following definition:

‘ “trafficking in persons” means all actions of recruiting, conveying, transferring, acquiring, maintaining, harbouring, providing or receiving, a person, for the purpose of exploitation, by the following means:

- (a) threat or use of force or other forms of coercion;
- (b) abduction;
- (c) fraud;
- (d) deception;
- (e) abuse of power;
- (f) abuse of the position of vulnerability of a person to an act of trafficking in persons; or
- (g) the giving or receiving of payments or benefits to obtain the consent of a person having control over the trafficked person;”.

Amendment of section 6

3. Subsection 6(2) of the principal Act is amended—

- (a) in paragraph (n), by substituting for the word “three” the word “five”; and
- (b) in paragraph (o), by substituting for the word “two” the word “three”.

Amendment of section 12

4. Section 12 of the principal Act is amended—

- (a) by substituting for the words “a child” the words “a child or not being a person who is unable to fully take care of or protect himself because of a physical or mental disability or condition”;
- (b) by deleting the words “for the purpose of exploitation,”; and
- (c) by substituting for the words “fifteen years” the words “twenty years”.

Substitution of section 13

5. The principal Act is amended by substituting for section 13 the following section:

“Aggravated offence of trafficking in persons

13. Any person who commits an offence of trafficking in persons, where the trafficked person not being a child or not being a person who is unable to fully take care of or protect himself because of a physical or mental disability or condition where any of the following applies:

- (a) in committing the offence, the person caused grievous hurt to the trafficked person or to any other person;
- (b) in committing the offence, the person caused death to the trafficked person or to any other person;
- (c) in committing the offence, where caused by or at the time the person was trafficked, the trafficked person committed suicide;
- (d) in committing the offence, the person exposed the trafficked person to life threatening diseases, including the Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS);