



Advancing the Non-Punishment Principle (NPP) in ASEAN: **From Policy into Practice**

The Non-Punishment Principle Is a State Obligation

The principle

Victims of trafficking should not be prosecuted or otherwise punished for offences they commit as a direct consequence of being trafficked.

The purpose

To protect the rights of victims and prevent their revictimisation
(primary)

To encourage victims to report and act as witnesses against traffickers
(secondary)



Snapshot Study findings: NPP Implementation in ASEAN

Country	Explicit provision	Limitations to protection	Causation model	Compulsion model
Brunei Darussalam	Article 47, Anti-TIP law	Yes. Illegal entry and residence, documents.	✓	
Cambodia	None	N/A	N/A	N/A
Indonesia	Article 18, Law No. 21	No.		✓
Lao	Article 39, Anti-TIP law	Yes. Prostitution and illegal immigration.	✓	
	Article 25, Law on Women	Yes. Women and children, for TIP, prostitution, illegal immigration.	✓	
Malaysia	Article 25, ATIPSOM	Yes. Illegal entry residence, documents.	✓	
Myanmar	Article 25, Anti-TIP law	Yes. Offences in TIP law.	✓	
Philippines	Art 17, Anti-TIP law	No.	✓	
Singapore	None	N/A	N/A	N/A
Thailand	Section 41, Anti-TIP law	Yes. Illegal entry or stay, documents, prostitution, work-related offences but written permission can be sought to take proceedings for these offences	✓	
Viet Nam	Article 4	Yes (depending on specific cases and according to relevant legal provisions”	✓	

Why a Regional ASEAN Approach is Needed

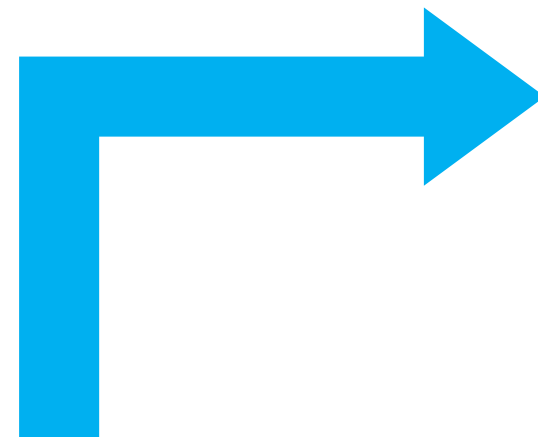
Evolving nature of trafficking

- **Sector:** expansion from traditional labour/sexual exploitation to cyber fraud & online scams (forced criminality)
- **Exploitation & Recruitment:** from in-person recruitment to digital recruitment for fake online jobs
- **Victim profiles: profile victims are challenging** older assumptions of “traditional vulnerable groups”, as now digitally skilled young adults, men and women are also vulnerable
- **Geography:** Some origin countries are now also destinations and transit hubs
- **Legal framework:** Inconsistent legal framework (victim ID, NPP)

The new wave of trafficking into online scam operations targets a very different profile — digitally skilled young adults, not only those traditionally seen as vulnerable

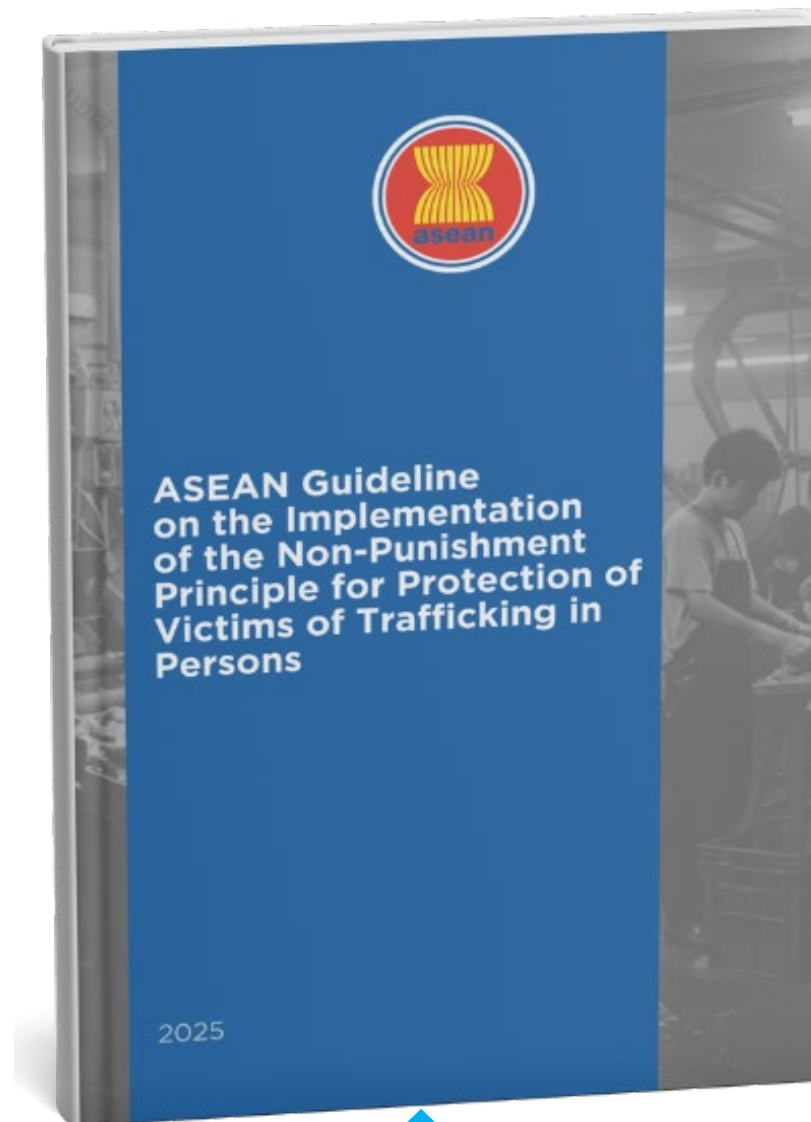
ASEAN SOMTC

ASEAN Senior Officials Meeting
on Transnational Crime (SOMTC)



Anchored in ASEAN
context, legal frameworks
and experiences, including
those shared for the ASEAN-
ACT non-punishment study

A

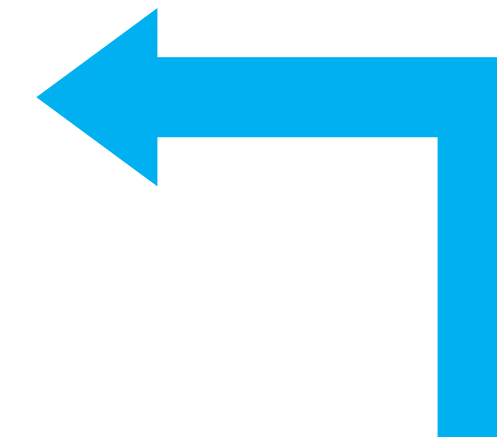


Good practices
from ASEAN and from
elsewhere, including Special
Rapporteur and international
expert insights

B

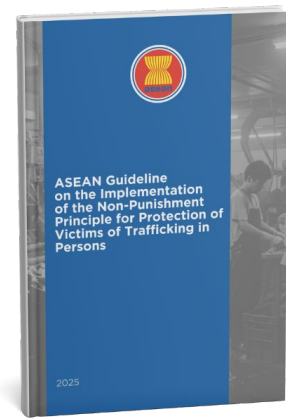
ASEAN AICHR

ASEAN Intergovernmental Commission on
Human Rights (AICHR)



**A series of consultations and
over 6 months Review by AMS:**
shared insights and experiences
during the development process

C



What the ASEAN Guidelines Offer

Six (6) Sections and 15 Guidelines

Section 1. Understanding the non-punishment principle

Section 2. Strengthening legislation to uphold the non-punishment principles

Section 3: Applying the non-punishment principle in victim identification

Section 4. Applying the non-punishment principle when victims are on trial

Section 5. Applying the non-punishment principle when victims are convicted

Section 6. Monitoring implementation of the non-punishment principle

Answers five questions

- What is the non-punishment principle?
- Why is the non-punishment principle important?
- Where does the non-punishment principle come from?
- When and how should the non-punishment principle be applied?
- Who is responsible for implementing the non-punishment principle?

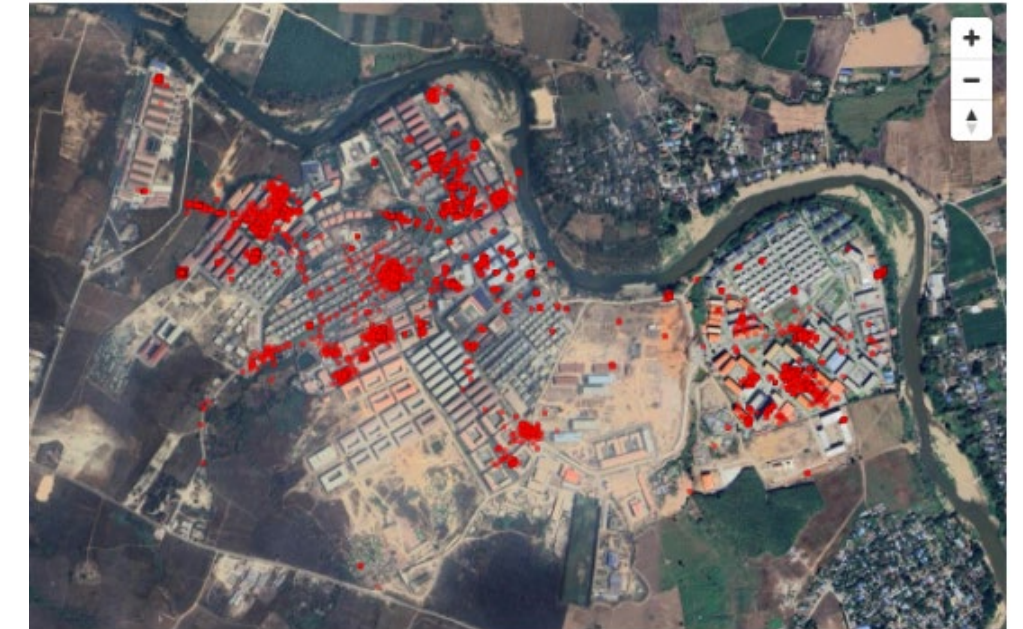


Responding to New Trends of TIP for Forced Criminality

- Growing complexity of trafficking cases, including **forced criminality** (e.g. online scams, illegal activities under coercion)
- Persistent gap between **policy commitments and practical implementation** of the NPP
- Victims continue to be **misidentified and penalised** for acts committed as a result of trafficking

Starlink Use at KK Park Scam Compound

Each dot represents a mobile phone record of a Starlink connection. At KK Park, 24,000 records from 127 devices were collected between November 2024 and February 2025.



Source: Satellite imagery from Google. Location data from WIRED source

WIRED

Industrial scale – hidden in plain sight

- Potential victims of exploitation for forced criminality: **500,000 people from 70+ countries**
- **US\$43.8 billion+ annually** in the Mekong countries from pig-butchering and evolving scams
- Crime as a service model through platforms

REGULATION | Local and Chinese Nationals Arrested by Namibia Police in 'Pig Butchering' Crypto Scheme

Young Namibian males and females, mostly students, were recruited by the suspected foreign nationals and trained to create fake profiles on Facebook and Instagram to lure unsuspecting United States of America citizens into a scheme that started with building trust with the victims and ultimately introducing them to cryptocurrency investments which all show quick profits and gains, enticing them to invest more.

AP/WIDE WORLD | COURTESY OF THE POLICE



Dozens of Malaysians rescued in Peru after being trafficked to commit online fraud

Malaysian foreign ministry says 43 of its citizens were freed in Lima after being forced to take part in 'Macau scam'



Some of the Malaysians rescued after being held by the Red Dragon Taiwanese crime group in Lima. Photograph: Peruvian Ministry of Interior/AFP/Getty Images

The Spread of Cyber-Scam Centres

Pakistan police arrest 149 people in 'scam call centre' raid

10 September

Lary Clarke-Ridings
49 views

Share & Save



The suspects appear in court on 11/9

China: 77 Telecom and Online Fraud Suspects Arrested in Fiji and Flown to China

NEWS

Chinese authorities said Sunday that 77 people who were recently arrested in Fiji were flown last week to China where they are accused of massive online and telecom fraud.



海外招聘求职用人 (菲马迪拜来...)

4,505 members | 2023-11-16

<https://t.me/weilining> 群链接欢迎...

查看

Overseas hiring, job hunting and people dumping, the Philippines (菲律宾), Malaysia (马), Dubai (迪).



菲东迪/甩人/曝光频道

23 members | 2023-02-11

🟢 曝光甩人联系 @wusu11 @xd921...

查看

The Philippines (菲律宾), Cambodia (柬), Dubai (迪) / Dumping People / Exposing Channel.



(柬迪菲) 甩人/曝光/求职/商...

49 members | 2022-06-08

🔥 欢迎订阅清酒甩人求职频道 🔥 ?...

查看

Cambodia (柬), Dubai (迪), the Philippines (菲律宾) / Dumping People / Exposing / job Hunting.



迪拜 菲律宾 人事甩人 求职 闲聊

19,069 members | 2023-11-16

华人社导航目录: ...

查看

Dubai, the Philippines, Human Resources Dumping People, Job Hunting, Chatting.

Operationalising the ASEAN NPP Guidelines: Joint Next Step between AICHR and SOMTC

- Mutually agreed to develop ASEAN Indicators on TIP for Forced Criminality → *to strengthen victim identification and screening*
- Develop ASEAN Training Materials on TIP for Forced Criminality → *to enhance the practical application of NPP*

Intended Impact:

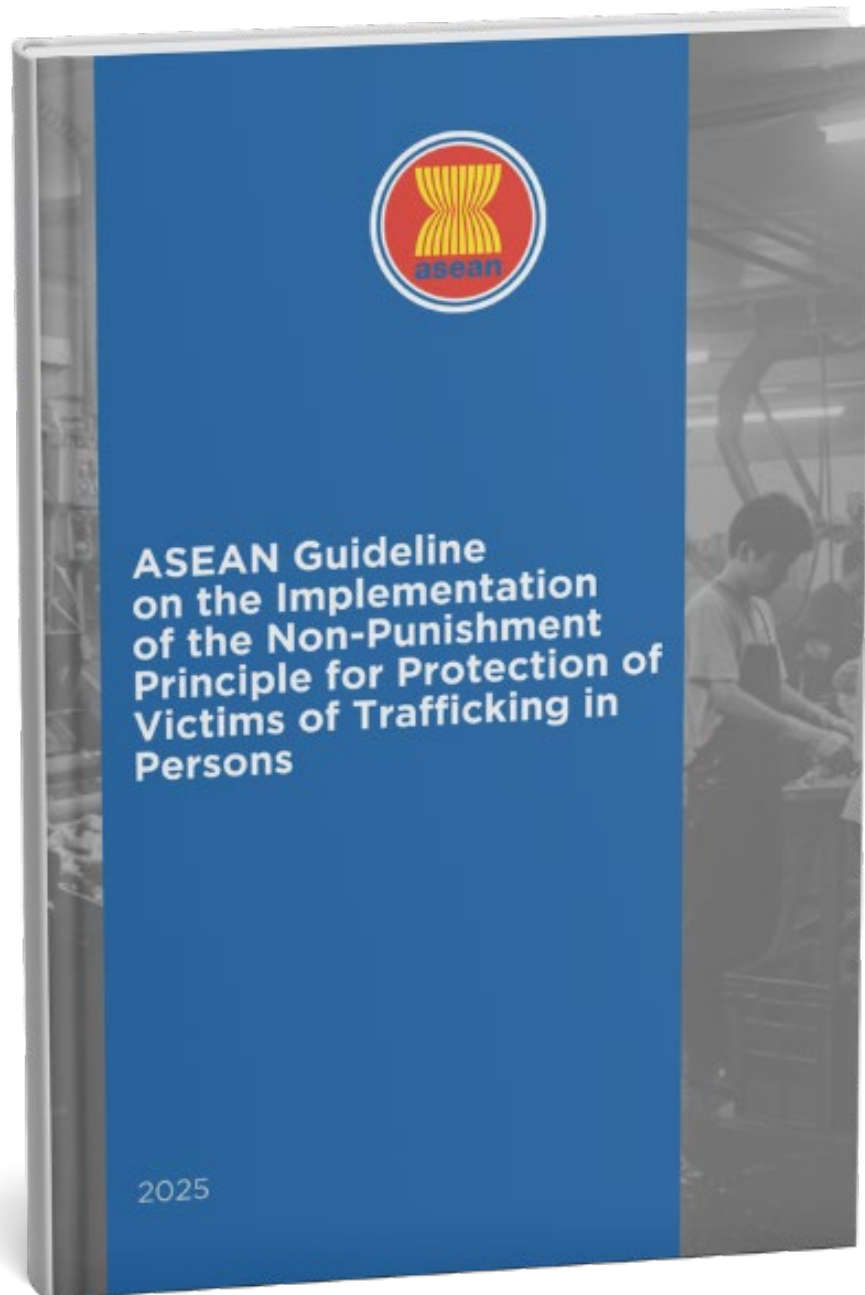
- More consistent and victim-centred application of NPP across ASEAN
- Improved identification of victims, especially in forced criminality cases
- Stronger regional coherence, accountability, and cooperation

Reminder of the complexity of non-punishment in practice

*The Non-Punishment Principle does not provide **blanket immunity**, but ensures victims **are not penalised** for unlawful acts **directly linked to their exploitation**.*



ASEAN Guideline on the Implementation of the Non-Punishment Principle for Protection of Victims of Trafficking in Persons



English



bit.ly/NPP-Eng

Unofficial Translation
(ASEAN-ACT website)



bit.ly/NPP-Non-Eng





THANK YOU!