



From Criminalisation to Protection: Strengthening the Non-Punishment Principle in Cases of Forced Criminality

— Victim Protection and Applying NPP —

The Victims and Their Challenges



Recognition Challenges

- Interpreting contradictory legal frameworks and elements leading to conviction and/or victimhood (i.e. drugs vs human trafficking)
- Siloed by design of the law, institutional structures and stakeholder approaches'

Rapidly Changing Dynamics

Trafficking Patterns:

- Shifting countries of origin and destination
- Changing purposes for trafficking

Diversification of Organized Crime:

- Expanding from scam centers into sex work
- Transitioning from gambling centers to drug involvement

Asih's Release from Prison in Malaysia: The Importance of Recognizing Women's Vulnerability

Women are vulnerable to becoming victims of violence in any form, including victims of human trafficking networks. However, the protection of women who are victims is often overlooked.

Case Reference: Asih's Release

Jane Veloso's lawyers: Needs to keep her in custody

- Reporter / @kdevillaINQ INQUIRER.net / 09:19 PM November 14, 2025

Case Reference: Mary Jane Veloso

The Legal Framework and its Gaps



National Mechanisms Challenges

Heavy reliance on national systems

- **Malaysia & Singapore:** Drug legislations rely on presumption and strict liabilities. Critical victim recognition elements under NPP are not applicable, even though identified
- **'Silo' Approach:** Enforcement agencies and legal practitioners operate in isolation, creating hurdles in applying NPP

International/Regional Gaps

Limited access for local law enforcement

- **ASEAN MLAT:** In force but not widely applied across the region
- **Limited Cooperation:** Sparse bilateral/multilateral efforts to combat trafficking with forced criminality
- **Communication Gaps:** Lack of clear channels between various enforcement agencies

Opportunities and Alternatives



Growing Awareness & Recognitions

- **Transnational Scam Centers:**
Nature of centers in Myanmar and Cambodia affecting the global population.

Providing new opportunity for mitigation and prevention through public education.

- **Legal Recognition:**
Successful cases recognizing intersection between drug and human trafficking.

I.e. Mary Jane Veloso (Indonesia-Philippines), Asih (Malaysia-Indonesia), Pannir (Singapore-Malaysia)

A Need for New Approaches

- **'Low-Level' Communication:**
Direct channels between authorities (e.g., airport police) for evidence collection.
- **Cross-Border Recognition:**
Reducing thresholds for cases involving possible forced criminality.

She was a month pregnant when police caught her arriving at the airport with two plastic bags of cocaine in colourful wrappers inside four chocolate tins, on Dec 31, 2015.

Klavdiia ran from the second floor courtroom with an official from the Ukrainian embassy immediately after being acquitted. But she only got as far as the ground floor.

A group of immigration officers surrounded them because her visa had expired while she was waiting for her trial.