



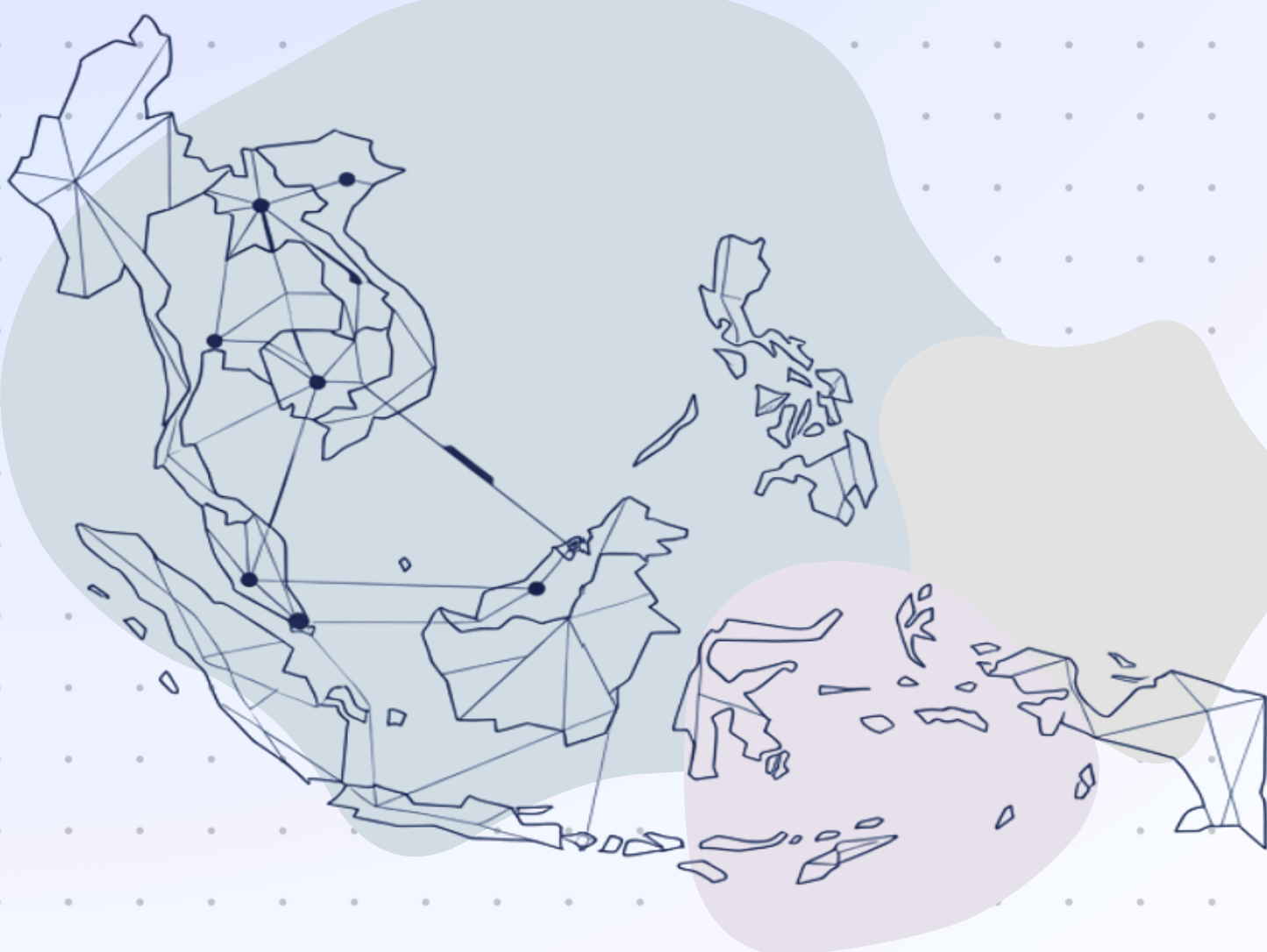
REGIONAL SUPPORT OFFICE
THE BALI PROCESS



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ASSESSMENT OF THE RESPONSIVENESS OF NATIONAL LEGAL AND INSTITUTIONAL FRAMEWORKS TO EMERGING FORMS OF TRAFFICKING IN PERSONS

EVIDENCE FROM CAMBODIA, INDONESIA, LAO PEOPLE'S
DEMOCRATIC REPUBLIC, AND MALAYSIA





The Regional Support Office of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (RSO) extends its gratitude to the Australian Government Department of Home Affairs, which has provided primary funding for the RSO since its establishment in 2012, and to the International Organization for Migration (IOM), which hosts the RSO in Bangkok, Thailand and supports its administration.

The RSO thanks the Royal Thai Government for its ongoing support for the RSO operations in Thailand. The work of the RSO would not be possible without the support and commitment of Bali Process members, each of whom contributes time, resources, and personnel to work with the RSO.

The current Policy Brief was developed with the technical support of IOM.

The RSO also wishes to acknowledge the cooperation and support of national authorities in Cambodia, Indonesia, Lao People's Democratic Republic, and Malaysia, whose engagement enabled a nuanced assessment of legal frameworks, victim protection measures, and cooperation mechanisms. The contributions of participants reflect a shared commitment to strengthening regional responses to trafficking in persons.

Special appreciation is extended to colleagues in IOM country offices and the RSO team who supported coordination, facilitated consultations, and provided technical inputs throughout the research and drafting process.

Published by the Regional Support Office of the Bali Process (RSO)
Published in June 2026

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Cite as: Regional Support Office of the Bali Process, & International Organization for Migration. (2026). *Assessment of the responsiveness of national legal and institutional frameworks to emerging forms of trafficking in persons: Evidence from Cambodia, Indonesia, Lao People's Democratic Republic, and Malaysia*. Regional Support Office of the Bali Process.

This report was produced by the RSO and IOM.

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EVIDENCE FROM CAMBODIA, INDONESIA, LAO PEOPLE'S
DEMOCRATIC REPUBLIC, AND MALAYSIA | *JUNE 2026*



REGIONAL SUPPORT OFFICE
THE BALI PROCESS



FOREWORD

Trafficking in persons (TIP) remains a complex and evolving challenge across Southeast Asia. Although existing legal and institutional frameworks provide an essential foundation for addressing TIP, emerging patterns of exploitation—most notably trafficking for forced criminality—pose ongoing challenges for national authorities in terms of identification, legal classification, and victim protection.

In recognition of these challenges, the RSO and IOM prepared this assessment to support efforts to strengthen preparedness and cooperation in responding to emerging forms of TIP.

The study examines how existing legal definitions, safeguards related to the non-punishment of victims, and inter-agency and cross-border cooperation mechanisms operate in practice in the context of emerging forms of TIP. Focusing on Cambodia, Indonesia, Lao People’s Democratic Republic, and Malaysia, the analysis draws on a legal review and consultations with government institutions and practitioners to identify areas of strength and opportunities for further development. While the findings are grounded in the four focus countries, the analysis and recommendations may also be relevant to other contexts across the Bali Process member states.

The RSO and the IOM extend its sincere appreciation to the government counterparts, practitioners, and stakeholders in the four countries who contributed their time and expertise to this study. The RSO and the IOM expect this report to serve as a practical resource for policymakers, practitioners, and partners, informing legal, policy, and operational responses to TIP, and advancing continued cooperation at national and regional levels.



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Ben Reeves
RSO Co-Manager (Australia)
Regional Support Office of
the Bali Process



A handwritten signature in blue ink, appearing to be 'Fuad'.

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A handwritten signature in black ink, appearing to be 'TPacifico'.

Tanja Pacifico
Chief of Mission
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EXECUTIVE SUMMARY

This report presents an assessment of the agility of selected legal and policy frameworks related to TIP in four Southeast Asian countries—Cambodia, Indonesia, Lao People's Democratic Republic, and Malaysia—to address emerging forms of TIP, with a specific focus on trafficking for forced criminality in cyber-scam operations.

Commissioned by the RSO and IOM, the assessment was conducted between December 2023 and September 2024.

The assessment finds that all four countries have established legal frameworks addressing TIP that broadly reflect international and regional standards. Existing legal definitions generally contain the constituent elements necessary to capture a wide range of exploitative practices. However, as also observed in wider regional and global analyses^[1], the practical effectiveness of these frameworks depends on interpretation, evidentiary approaches, and institutional practice. Challenges persist in the application of trafficking definitions in cases that do not align with more familiar trafficking profiles, including situations involving forced involvement in criminal activity. These complexities may affect the timely identification of victims and the consistent application of available legal protections. With respect to the non-punishment principle, the assessment identifies variation across the four countries in terms of legal recognition, scope, and operationalisation. Where provisions exist, they are often limited to specific categories of offences, and there is limited evidence of consistent application in practice. Stakeholder consultations highlighted the importance of clearer guidance and a stronger institutional understanding to support the effective application of non-punishment protections, particularly in the early stages of contact with authorities and across different components of the criminal justice system.

The assessment further finds that mechanisms for inter-agency coordination and cooperation on TIP are in place at national and regional levels across the four countries. These mechanisms provide an important foundation for coordinated responses. At the same time, stakeholders identified ongoing constraints related to systematic information sharing, data management, coordination between central and sub-national actors, and operational cross-border cooperation. Addressing these constraints is important to strengthening victim-centred approaches and supporting effective responses to complex and transnational trafficking cases.

Overall, the assessment underscores the importance of strengthening the practical implementation of existing legal and policy frameworks. It highlights the need to enhance shared understanding of emerging trafficking patterns, support the effective operationalisation of the non-punishment principle, and reinforce coordination and data-informed cooperation among relevant authorities.

^[1] UNODC, Application of Counter-Trafficking Legislation (2025), chapters on institutional coordination and cross-border cooperation.

1. INTRODUCTION

1.1. Research questions

The assessment is guided by three interrelated questions:



Research Question 1

To what extent do existing legal definitions of trafficking in persons provide sufficient scope to address emerging forms of TIP, including TIP for forced criminality linked to cyber-scam operations?



Research Question 2

How do domestic legal frameworks and national responses address the non-punishment of victims for unlawful acts committed as a direct consequence of trafficking in persons, particularly in situations involving forced criminality in cyber-scam operations?



Research Question 3

How effectively do current inter-agency and cross-border cooperation mechanisms support responses to complex and transnational trafficking in persons cases?

These questions are examined with attention to both formal legal provisions and their practical application.

1.2. Scope and countries covered

The study focuses on four Southeast Asian countries—Cambodia, Indonesia, Lao People's Democratic Republic, and Malaysia. These countries participated in the assessment after taking part in an earlier IOM programme, which provided an initial platform for collaboration. The original plan envisaged the inclusion of additional countries; however, due to time and resource constraints, the assessment was limited to the four countries that were ready and able to participate during the research period.

The four countries included in this assessment remain highly relevant to current trafficking dynamics. Each plays a significant role in regional mobility patterns, is exposed to cross-border trafficking flows, and is affected by emerging forms of exploitation, including those linked to cyber-scam centres.

The assessment does not seek to provide an exhaustive review of all aspects of national anti-trafficking efforts—such as raid and rescue operation protocol or the comprehensive aspect of do no harm principles—due primarily to constraints in time and resources. Rather, it concentrates on selected legal and institutional dimensions that are particularly relevant to the responsiveness of existing frameworks to evolving trafficking patterns.

1.3. Analytical framework and relevance

The analysis is anchored in internationally and regionally agreed standards, in particular the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol 2000)^[1] and the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP 2015)^[2]. These instruments provide the principal benchmarks for assessing legal definitions, victim protection measures—including the non-punishment principle—and cooperation mechanisms.

By examining national legislation and responses against these benchmarks, the report contributes to a clearer understanding of how existing frameworks function in practice and where opportunities for improvement may exist. The findings are intended to support ongoing regional efforts to strengthen coherent, victim-centered, and adaptive responses to TIP and related forms of exploitation in Southeast Asia.

2. METHODOLOGY

This assessment employed a qualitative research design to examine national legislation and implementation practices related to emerging trends of TIP in the four countries. The analysis considered both the content of legal and policy frameworks alongside their practical application, drawing on documentary review, focus group discussions (FGDs), and semi-structured interviews. The aim of this approach was to understand how existing frameworks operate in practice in the context of evolving trafficking patterns.

2.1. Data collection

Data was collected through three primary methods:

Legal and policy review

National legislation, regulations, policies, and publicly available guidance relevant to TIP and forced labour were reviewed for each of the four focus countries. The review examined legal definitions, victim protection provisions, coordination mechanisms, and institutional mandates.

Stakeholder consultations

Stakeholder consultations were conducted through different modalities:

^[2] United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, 2000.

^[3] Association of Southeast Asian Nations (ASEAN), ASEAN Convention Against Trafficking in Persons, Especially Women and Children, adopted 2015, entered into force 2017.

Focus group discussions (FGDs)

Three FGDs were organised with participants designated by national authorities. These discussions brought together officials involved in policy development, law enforcement, victim protection, and inter-agency coordination. FGDs explored shared experiences with the interpretation and application of TIP legislation, victim identification processes, non-punishment considerations, cooperation mechanisms, and observations on emerging trafficking patterns, including those linked to cyber-scam operations.

Semi-structured individual interviews

Five individual interviews were conducted with specialised practitioners whose roles required deeper discussion on particular aspects of TIP responses. Interviews examined operational practices, institutional challenges, and specific experiences related to victim identification, case handling, and cross-border cooperation.

Validation exercise

Preliminary findings were reviewed during a closed, in-person validation exercise held in Bangkok in August 2024, involving representatives from the four focus countries. The exercise provided an opportunity to verify emerging themes, clarify interpretations, and ensure that the analysis reflected operational realities.

Qualitative data from the consultations and validation exercise were analysed using thematic analysis. Findings were organised around the research questions, with attention to recurring patterns, points of divergence, and practical challenges across countries. The analysis emphasised aggregated findings rather than individual statements or case-specific examples.

2.2. Limitations

Stakeholder participation varied by country and depended on national designation processes, resulting in differences in the composition of consultation groups. In some contexts, participation was limited primarily to government representatives. To mitigate these limitations, findings were triangulated across legal review, consultations, validation discussions, and existing literature.

3. KEY FINDINGS

3.1. Overview of Key Findings

Table 1 summarises the main findings. Sections 3.2 to 3.4 present the detailed findings by research question.

Table 1. Summary of key findings

Legal definition of trafficking in persons	Safeguards for non-punishment of victims	Inter-agency and cross-border cooperation
Cambodia		
<p>TIP is addressed through multiple offence-based provisions rather than a single consolidated definition. Several offences relate to sexual exploitation and recruitment/removal for exploitation. Some provisions use open-ended exploitation language, but the law does not include “abuse of vulnerability” or “payment or benefits” as coercive means. In practice, authorities use a Palermo Protocol-aligned definition for training, although it is not codified.</p>	<p>No explicit non-punishment clause in the TIP legislation. The application depends on the interpretation of offence-specific provisions. Consultations noted concerns that the absence of an express safeguard increases the risk that victims—particularly in cyber-scam related contexts—will be treated as offenders when they attempt to leave or seek help.</p>	<p>Coordination is led by the National Committee for Counter Trafficking in Persons (NCCT) through thematic Technical Working Groups (TWGs). Stakeholders' consultations highlight regular coordination meetings and note differences in capacity and resources across provinces. Cross-border cooperation is facilitated through MoUs within the Greater Mekong Subregion (GMS), established diplomatic channels, and return and repatriation practices referenced during stakeholder consultations.</p>
Lao People’s Democratic Republic		
<p>A consolidated definition aligned with the act-means-purpose structure. The definition includes coercive means and exploitative practices such as debt bondage and forced or concealed marriage. However, it does not explicitly include abuse of vulnerability. Stakeholders' consultations also note varying interpretive capacity across central and provincial levels.</p>	<p>Protection is offence-specific, provided under Article 39 of the 2015 Anti-TIP Law (prostitution, immigration offences) and Article 25 of the 2004 Law on Development and Protection of Women (limited personal scope). These do not cover other unlawful acts victims may be compelled to commit, such as forced cyber scams. Consultations confirmed variability in understanding among institutions.</p>	<p>National coordination is led by Lao’s anti-trafficking structures, with participation from the justice, foreign affairs, and social sectors. Stakeholders' consultations note the need for streamlined referrals and improved coordination across levels. Cross-border cooperation occurs mainly through GMS MoUs and bilateral arrangements but is constrained by resource limitations and procedural complexity.</p>

Legal definition of trafficking in persons	Safeguards for non-punishment of victims	Inter-agency and cross-border cooperation
Indonesia		
<p>A comprehensive, consolidated definition aligned with the Palermo Protocol. The legislation explicitly includes deception, coercion, debt bondage, and abuse of vulnerability. Exploitation is framed non-exhaustively, allowing flexibility in complex cases. Consultations note that standard operating procedures (SOPs) and regulations help guide interpretation across institutions.</p>	<p>Article 18 of Law No. 21/2007 provides exemption from criminal liability for offences committed under coercion. The safeguard applies only to criminal offences, not administrative or immigration matters. Consultations reflected some uncertainty around consistent operational triggering, especially in cases involving cyber-scams centres. Additionally, Article 86 of Law No. 6/2011 highlights the non-punishment principle in noting that victims of trafficking in persons and people smuggling are protected against administrative immigration measures.</p>	<p>Coordination takes place through the National Anti-TIP Task Force, present at national and sub-national levels. Consultations report varying levels of implementation and data systems across ministries. Coordination is also experienced within local communities, with an initiative in rural areas that provides support to government agencies. Cross-border cooperation relies on diplomatic channels, law enforcement cooperation, and coordination among embassies for victim returns.</p>
Malaysia		
<p>The Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM) contains a consolidated definition of TIP. The 2022 amendment expanded the understanding of coercion beyond physical restraint. Exploitation is defined through a closed list, including “any illegal activity”, which provides a basis for applying TIP law in cases involving compelled participation in unlawful acts.</p>	<p>Section 25 of ATIPSOM provides non-punishment for immigration-related offences (entry, stay, or documentation). The protection does not extend to other categories of unlawful acts that victims may be compelled to commit. Consultations noted differing interpretations among frontline institutions.</p>	<p>Coordination is organised under the Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (MAPO), with the July 2024 introduction of the MAPO Integrated Data System (MIDS) highlighted in consultations as a step toward more consistent, multi-agency data sharing. Cross-border cooperation is facilitated through police-to-police links and designated focal points, as described during consultations.</p>

3.2. Findings: Research Question 1

To what extent do existing legal definitions of TIP provide sufficient scope to address emerging forms of TIP, including TIP for forced criminality associated with cyber-scam centres?

The table below lists the legal instruments reviewed for this assessment. The desk review of these instruments was complemented by data collected through consultations, which examined their practical implementation, effectiveness, and barriers to enforcement.

Table 2. Legal instruments reviewed

Country	Primary legislation / legal instruments reviewed in this report section
 <p>CAMBODIA</p>	<p>Law on the Suppression of Human Trafficking and Sexual Exploitation (2008). The report reviews the offence-based provisions: Unlawful Removal (Arts. 8–11); Unlawful Recruitment for Exploitation (Art. 12); Selling/Buying/Exchanging a Person (Arts. 13–16); Transportation (Arts. 17–18); Receipt of a Person with Purpose (Arts. 19–20); Abduction/Detention/Confinement (Art. 21); Soliciting of Prostitution (Art. 24); Procurement of Prostitution (Arts. 25–29); Management of Prostitution (Arts. 30–31); Provision of Premises for Prostitution (Art. 32); Child Prostitution (Arts. 33–37); Pornography (Arts. 38–41); Indecency Against Minors Under 15 (Arts. 42–44).</p>
 <p>LAO PEOPLE'S DEMOCRATIC REPUBLIC</p>	<p>Law on Anti-Trafficking in Persons (2015) (including Article 2 definition and Article 4 key terms as referenced); Penal Code (2005), Article 134 (noted as superseded by 2015 law); Survey response from Ministry of Foreign Affairs, Department of Treaty and Law (noting a planned update—used as context, while analysis relies on current law).</p>
 <p>INDONESIA</p>	<p>Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons (definition in Article 1 and exploitation definition in Article 1(7); child-related issue discussed with reference to Article 6; victim safeguard highlighted with Article 54); Law No. 14 of 2009 (enactment of the Palermo Protocol); Law No. 12 of 2022 on Sexual Violence Criminal Act; Presidential Regulation No. 49 of 2023 (Second Amendment to Presidential Regulation No. 69 of 2008 on the National Anti-Trafficking Task Force); Presidential Regulation No. 19 of 2023 (National Action Plan for Prevention and Handling of TIP for 2020–2024); Government Regulation No. 9 of 2008 (integrated services for witnesses/victims); MoWECP Regulation No. 8 of 2021 (SOP for integrated services); MoWECP Regulation No. 2 of 2024 (community-based prevention and handling).</p>
 <p>MALAYSIA</p>	<p>Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act (ATIPSOM) (2007) (as referenced, including the updated definition described in the report and the definition of exploitation); National Action Plan 2021–2025 (third edition, referenced as accompanying framework); Amendment in 2022 (referenced in the report as strengthening the definition and broadening coercion beyond physical restraint).</p>

Legal definitions of trafficking in persons

The assessment finds that Cambodia, Indonesia, Lao People's Democratic Republic, and Malaysia have enacted legislation that incorporates the key elements of the Palermo Protocol's definition of TIP. At the same time, differences in legal structure, the articulation of coercive means, and the framing of exploitation influence how readily these frameworks can be applied to emerging forms of trafficking.

Indonesia's definition reflects the act-means-purpose structure of the Protocol and identifies a broad range of acts, coercive means, and exploitative purposes. The definition is non-exhaustive, and accompanying regulations and SOPs reinforce consistency in interpretation.

Lao People's Democratic Republic also adopts a consolidated definition that is generally consistent with the Protocol and includes various coercive means and exploitative purposes such as debt bondage. However, it does not explicitly include "abuse of vulnerability", which can be relevant in cases where traffickers manipulate economic or migration-related precarity. Stakeholder consultations also highlight differences in implementation capacity across central and provincial authorities.

Malaysia's definition under ATIPSOM likewise contains the core elements of the Protocol. It uses a closed list of exploitative purposes, including "any illegal activity," which may cover situations involving compelled participation in cyber fraud and online deceptive practices. Amendments to the Act strengthen recognition of coercion beyond physical force.

Cambodia takes a different approach, addressing trafficking through separate offence-based provisions rather than a single consolidated definition. These offences cover conduct associated with trafficking, but the fragmented structure may require reference to multiple provisions in complex cases. Cambodia's legislation also does not include "abuse of vulnerability", which can limit the scope for establishing the "means" element in situations where pressure is applied through economic dependence or promises of gain. National officials noted that a consolidated, Protocol-based definition is used in training and practice, although it is not codified in law. Stakeholder consultations also highlighted challenges in implementing existing legal and operational frameworks in cases involving emerging exploitation patterns linked to cyber-scam centres, including language barriers and difficulties in verifying information.

Recognition of non-physical coercion and vulnerability

Trafficking for forced criminality, including those linked to cyber-scam operations, often relies on deception, online manipulation, debt-based control, intimidation, and restrictions on movement or communication rather than overt physical force. The four countries recognise these forms of coercion to varying degrees; however, consistent interpretation and greater operational clarity are required to determine when such situations meet the legal threshold of TIP.

Indonesia and Malaysia explicitly recognise abuse of vulnerability alongside deception and coercion, which supports application in cases where consent is undermined by precarious

economic conditions or misleading recruitment. Lao People's Democratic Republic recognises several non-physical forms of coercion but does not explicitly include abuse of vulnerability, which may require interpretive guidance in practice. Cambodia captures deception and coercion across different offences, and some provisions use broad wording such as “any form of exploitation,” but the absence of a consolidated definition and the omission of vulnerability from the means element can affect the consistency of interpretation.

Implications for trafficking for forced criminality in cyber-scam centres

None of the four countries explicitly lists forced criminality as a specific exploitative purpose in their anti-trafficking legislation. However, their existing frameworks provide potential legal entry points. Malaysia's inclusion of “any illegal activity” may cover cases in which individuals are compelled to commit online fraud. Indonesia's non-exhaustive definition of exploitation and Lao People's Democratic Republic's reference to other unlawful conduct offers a similar scope. Cambodia's various offence-based provisions capture exploitation through recruitment, removal, and abuse of a person for gain, although compelled unlawful conduct is not expressly listed.

3.3. Findings: Research Question 2

How do domestic legal frameworks and national responses address the non-punishment of victims for unlawful acts committed as a direct consequence of trafficking?

While the Palermo Protocol does not expressly codify a non-punishment provision, ACTIP recognises the principle in Article 14(7), calling on States Parties—subject to domestic laws, rules, regulations and policies, and in appropriate cases—to consider not holding victims of TIP criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking.^[4]

Regional guidance further emphasises that the non-punishment principle is a core component of a human-rights-based and victim-centred response to TIP and should be applied as early as possible, rather than being contingent on formal victim identification or the outcome of criminal proceedings.

The ASEAN Multi-Sectoral Work Plan Against Trafficking in Persons 2023–2028 further reinforces the principle as part of victim-centred responses. Similar causation-based approaches are reflected in the 2014 Protocol to the Forced Labour Convention (No. 29), regarding victims compelled to engage in unlawful activities as a direct consequence of forced labour.^[5]

Against this normative context, this assessment reviews how the principle is reflected in





^[4] ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP 2015), Article 14(7). “Each Party shall, subject to its domestic laws, rules, regulations and policies, and in appropriate cases, consider not holding victims of trafficking in persons criminally or administratively liable, for unlawful acts committed by them, if such acts are directly related to the acts of trafficking.”

^[5] Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), Article 4(2).

domestic law and how it is understood and operationalised in practice across the four focus countries.

Timing note: This analysis was conducted prior to the adoption of the ASEAN Guidelines on the Implementation of the Non-Punishment Principle and therefore does not assess alignment with those Guidelines, though the findings are broadly consistent with the challenges they identify.^[6]

Table 3. Non-punishment provisions in existing laws

Country	Legal recognition (as reflected in laws reviewed)	Scope of protection	Key observations
 CAMBODIA	No explicit non-punishment provision identified in laws reviewed	Not specified	Absence of an explicit safeguard may increase the risk that victims are treated as offenders for acts linked to trafficking.
 LAO PEOPLE'S DEMOCRATIC REPUBLIC	Article 39, Law on Anti-Trafficking in Persons (2015); Article 25, Law on Development and Protection of Women (2004)	Prostitution and illegal immigration (and limited personal scope in the 2004 law- only applies to trafficking of women and children)	Protection is offence-specific; other compelled offences are not clearly addressed.
 INDONESIA	Article 18, Law No. 21/2007 (TIP); Article 86, Law No. 6/2011 (Immigration)	Criminal offences committed under coercion	Application requires proof of coercion and has reportedly been rarely invoked in practice; the provision of article 18, law No. 21/2007 does not expressly address status-related immigration violations.
 MALAYSIA	Section 25, ATIPSOM (2007)	Immigration-related offences (entry, residence, document offences)	Narrow framing; other compelled offences fall outside the express scope.

Across the four focus countries, legal recognition of the non-punishment principle remains uneven and generally narrow in scope. The legal formulations across the four countries reflect different approaches to establishing the link between trafficking and the unlawful act.

^[6] ASEAN-ACT. (2024). ASEAN Guidelines on the Implementation of the Non-Punishment Principle for Protection of Victims of Trafficking in Persons. Jakarta: ASEAN-ACT.

In Indonesia, protection is framed around offences committed under coercion. In Lao People's Democratic Republic and Malaysia, protection is generally linked to unlawful acts committed as a direct consequence of trafficking. Cambodia does not include an explicit non-punishment provision in the legislation reviewed. These differences in formulation influence how and when protection may be triggered in practice.

Indonesia provides protection from criminal liability for offences committed under coercion, as set out in Article 18 of the 2007 anti-trafficking law. The safeguard is framed generally rather than being limited to specific offences; however, its application depends on demonstrating coercion. In practice, this evidentiary requirement may present challenges, particularly where coercion takes non-physical forms such as deception, psychological pressure, or abuse of vulnerability. Consultations indicated that Article 18 has rarely been invoked in practice. In addition, the provision focuses on criminal liability and does not expressly address status-related offences, such as illegal entry or illegal stay, which may be treated as immigration violations rather than as consequences of trafficking. Article 86 of the 2011 immigration law seeks to address the non-punishment principle in highlighting that victims of trafficking in persons and people smuggling are protected against administrative immigration measures. This article reflects a victim-centred approach in granting victims an exemption from disciplinary immigration measures.

In Lao People's Democratic Republic, exemptions exist in relation to prostitution and immigration offences under the 2015 Anti-Trafficking Law and the 2004 Law on Development and Protection of Women. While these provisions reflect an important recognition of the principle, they do not extend to other unlawful acts victims may be compelled to commit. Country discussions also highlighted practical challenges in ensuring a consistent understanding of the provision across agencies.

Malaysia's non-punishment clause under Section 25 of ATIPSOM applies to immigration-related offences, including issues of entry, stay, and documentation. Its limited scope means that other acts carried out under coercion fall outside the explicit protection.

Cambodia has no explicit non-punishment provision in the anti-trafficking legislation reviewed. Consultations highlighted risks that, in the absence of a clear legal safeguard, victims of trafficking for forced criminality may face criminalisation.

Across all four countries, the application of non-punishment protections is influenced by early and accurate victim identification. Where screening is delayed or inconsistent, victims may face detention, administrative penalties, or prosecution before protective mechanisms can be applied. Participants in consultations also noted that enforcement approaches remain offence-centred in some contexts, making it more difficult to assess coercion-based conduct as part of a trafficking situation. Consultations also highlighted the importance of applying non-punishment protections at the earliest reasonable stage of contact with authorities.

The assessment found no systematically used national guidance dedicated to the interpretation or operationalisation of non-punishment provisions, and no consolidated national data on when such protections are invoked in practice. This limits consistency across agencies and reduces opportunities to monitor implementation.

Overall, while elements of the non-punishment principle exist in the domestic frameworks of Indonesia, Lao People's Democratic Republic, and Malaysia, they remain narrow, offence-specific, and unevenly applied, and Cambodia lacks an explicit safeguard altogether. The limited and offence-specific framing of existing provisions may not fully reflect the range of unlawful activities that victims of TIP may be compelled to undertake, including online fraud or technology-facilitated criminal conduct. As a result, current legal and institutional arrangements do not consistently ensure that victims are protected from criminalisation for acts committed under coercion or as a direct consequence of their trafficking situation.

3.4. Findings: Research Question 3

How effectively do current inter-agency and cross-border cooperation mechanisms support responses to complex and transnational trafficking cases?

Cooperation is a core component of national and regional responses to TIP. All four focus countries in this assessment have established formal structures that bring together multiple government agencies with responsibilities for investigation, prosecution, victim protection, migration management, and international coordination.

At the same time, the assessment identifies differences in institutional capacity, information-sharing practices, and operational procedures that affect the consistency and effectiveness of cooperation, particularly in cases involving cross-border movement or complex forms of exploitation such as those linked to cyber-scam centres.

National inter-agency coordination

All four countries have formal mechanisms for coordinating anti-trafficking responses, reflecting shared recognition that TIP requires multi-sector engagement.

Cambodia coordinates through the National Committee for Counter Trafficking (NCCT) and its thematic TWGs. These groups convene relevant ministries—law enforcement, foreign affairs, labour, education and social affairs—and support prevention materials, legislative reviews, operational planning, and information exchange. Country discussions noted differences in capacity across provinces and administrative delays that may affect timely coordination.

Indonesia operates a National Anti-Trafficking Task Force (NATTF) spanning central, provincial, and district levels. The structure includes sub-groups on law enforcement, legal norms, social services, and cooperation. Stakeholders reported that these mechanisms support responsiveness, though communication flows and role clarity vary across levels. Differences in data systems across ministries were highlighted as affecting coordination. Coordination is also seen at the community level, with information collection and dissemination taking place with rural communities, in partnership with government actors. DBI (Desa Binaan Imigrasi / Immigration Foster Village) and PIMPASA (Petugas Imigrasi Pembina Desa / Immigration Foster Officer) are examples of a community-based intelligence network. These support national anti-trafficking initiatives as local communities are able to fill a gap that government actors cannot reach.

Lao People's Democratic Republic uses a multi-sector, multi-level coordination system involving law enforcement, social welfare, foreign affairs, and labour authorities. Stakeholders recognised the importance of these mechanisms but noted differences in implementation capacity, overlapping mandates, and referral processes that can be lengthy or procedurally complex. Malaysia coordinates through MAPO, which brings together key ministries and agencies. Stakeholders noted that coordination is well established, and the introduction of the MAPO Integrated Data System (MIDS) in July 2024 aims at strengthening shared case tracking and information flow. Coordination remains dependent on internal processes within individual agencies.

Across all four countries, inter-agency structures function as important platforms, although stakeholders emphasised the need to continue improving clarity of roles, communication, and aligned procedures.

Information-sharing and data coordination

Cooperation relies on accurate, timely, and secure information-sharing. Stakeholders across the four countries identified challenges related to:

- fragmented data systems held by different institutions;
- variations in case classification and data collection methods;
- limited integration of trafficking-related datasets; and
- repeated interviews with victims due to unaligned procedures.

Malaysia's MIDS provides the most recent example of progress toward integrated data management.

Indonesia, Cambodia, and Lao People's Democratic Republic maintain separate institutional datasets, many of which remain paper-based or governed by differing internal protocols. Country presentations highlighted opportunities to align data to support coordinated case analysis and reduce duplication in information collection.

Coordination between central and sub-national levels

Effective anti-trafficking responses depend on strong cooperation between central authorities and provincial or district-level actors responsible for identification, referral, investigation, and service delivery.

- In Lao People's Democratic Republic, stakeholders stressed the need to streamline referral pathways to support timely victim assistance.
- In Cambodia, differences in resourcing and capacity at the provincial level affect consistency in victim identification and coordination.
- In Indonesia, regular coordination meetings help maintain alignment across institutions and levels.
- In Malaysia, sub-national coordination relies on local police, immigration, and social welfare authorities, and stakeholders noted variations linked to workload and resources.

Across all countries, cooperation between central and sub-national actors would benefit from clearer procedures, strengthened communication, and continued resources and training.

Capacity-building and partnerships

Training is a central component of institutional cooperation across all four countries. Stakeholders highlighted:

- the value of sustained training programmes;
- the challenges of maintaining capacity due to staff turnover;
- the usefulness of train-the-trainer approaches and accessible materials.

Consultations also noted partnerships beyond government institutions—for example, Lao People’s Democratic Republic’s cooperation with private-sector actors in supporting reintegration—which were viewed as positive practices complementing public-sector roles.

Cross-border and regional cooperation

All four countries participate in bilateral and regional frameworks relevant to TIP, including case-specific cooperation through diplomatic channels.

Stakeholders noted that:

- Cambodia, Lao People’s Democratic Republic, and neighbouring countries use GMS MoUs for referrals and safe returns;
- Malaysia uses police-to-police cooperation and focal points to facilitate information exchange in cases involving foreign nationals;
- Indonesia relies on established diplomatic channels and law enforcement cooperation mechanisms.

Cross-border cooperation in investigations or prosecutions tends to occur selectively and remains resource-intensive. Stakeholders noted challenges in verifying information and coordinating actions in cyber-centre-related cases.

Regional mechanisms, including ASEAN platforms and Bali Process activities, provide avenues for dialogue and shared understanding, although operational cooperation remains dependent on bilateral channels.

Alignment of legal concepts and approaches

Differences in legal definitions and case classification can affect cooperation in transnational cases. Stakeholders across the four countries highlighted the value of a consistent understanding of trafficking concepts to facilitate more effective cooperation, even without formal harmonisation.

4. RECOMMENDATIONS

The following recommendations are based on the findings of this study and aim to support Member States in addressing TIP, including emerging forms, and in strengthening the responsiveness of legal, policy, and operational frameworks. They are structured around

the three research questions examined in this report and are intended to complement existing international and regional guidance.

RQ1 – Addressing emerging forms of TIP

- **Issue operational guidance on applying trafficking definitions to cyber-scam centre contexts**

Develop or update practical interpretive guidance for investigators, prosecutors, and judges that clarifies how the existing act–means–purpose elements apply in cases involving cyber-scam centres. Guidance should include illustrative scenarios addressing deception, debt-based control, restricted communication, psychological coercion, and multi-national victim groups.

- **Clarify recognition of non-physical coercion and vulnerability**

Ensure that training materials, investigative manuals, and internal procedures explicitly address non-physical forms of coercion and exploitation of vulnerability. Where legislation does not expressly refer to abuse of vulnerability, develop interpretive guidance to support consistent evidentiary reasoning in such cases.

- **Strengthen evidentiary articulation in complex cases**

Encourage structured documentation of how each legal element of TIP is satisfied in cases involving forced criminality, including analysis of coercion, control, and exploitative purpose. Clear articulation supports consistency across institutions and strengthens cross-border cooperation.

- **Integrate forced criminality indicators into screening tools**

Update and/or develop trauma-informed operational screening checklists and indicators for use in forced criminality cases; these tools may include guidance on how cyber-scam centres operate, patterns of coercion, and victim–perpetrator typologies. These tools should be based on available operational information and informed by people with lived experience.

RQ2 – Strengthening protection against criminalisation through the non-punishment principle^[7]

- **Clarify the operational trigger for non-punishment**

Establish clear internal procedures that require assessing non-punishment when there are reasonable grounds to believe that TIP may have occurred, including during early screening and prior to detention, prosecution, or administrative penalties.

- **Review the scope of existing non-punishment provisions**

Assess whether current offence-specific protections adequately reflect the range of

^[7] This analysis was conducted prior to the adoption of the ASEAN Guidelines on the Implementation of the Non-Punishment Principle. The findings and recommendations in this section are intended to be read as complementary to, and consistent with, that guidance.

unlawful activities that victims may be compelled to undertake in forced criminality contexts, including online fraud and technology-facilitated criminal conduct.

- **Embed non-punishment assessment into screening protocols**

Require that frontline authorities document consideration of coercion and trafficking indicators when encountering individuals suspected of unlawful conduct in cyber-scams centre cases. This reduces the risk of premature criminalisation before victim status is assessed.

- **Develop practical guidance for multi-agency applications**

Prepare inter-agency guidance clarifying the respective roles of police, prosecutors, immigration authorities, and social protection actors in applying non-punishment safeguards and do no harm practices. Guidance should address coordination at both central and sub-national levels.

- **Improve data collection on non-punishment decisions**

Introduce mechanisms to record when non-punishment provisions are invoked, the stage at which they are applied, and the authorities involved. Consolidated information supports monitoring, institutional learning, and consistency.

RQ3 – Enhancing inter-agency and cross-border cooperation —

- **Standardise screening and referral formats for cross-border cases**

Develop a shared bilateral or multilateral screening and case documentation template for cyber-scams centre cases involving multiple nationalities. A standardised format reduces duplication, supports consistent classification, and facilitates cross-border coordination.

- **Explore mutual recognition of preliminary victim status**

Where appropriate and consistent with domestic law, consider mechanisms to recognise victim status determinations made by partner authorities. This can reduce repeated interviews, minimise re-traumatisation, and enhance efficiency in return and reintegration processes.

- **Clarify communication pathways between central and sub-national levels**

Document clear referral procedures, decision-making authority, and information-sharing protocols between national and provincial actors to address capacity differences and procedural delays identified in consultations and country materials.

- **Strengthen secure data-sharing and case-tracking systems**

Improve coordination between agencies by enhancing secure, role-based data access systems —incorporating victim consent where applicable—and aligning data definitions across institutions. This reduces fragmented reporting and supports coordinated operational responses.

^[7] This analysis was conducted prior to the adoption of the ASEAN Guidelines on the Implementation of the Non-Punishment Principle. The findings and recommendations in this section are intended to be read as complementary to, and consistent with, that guidance.

- **Promote joint operational planning in transnational cases**

Use existing bilateral and regional cooperation frameworks to support earlier coordination in complex cyber-scam centre investigations, including structured communication through focal points and return coordination between countries of origin and destination.

- **Facilitate regional–national translation of lessons learned**

Systematically integrate lessons from regional discussions and cooperation mechanisms into national procedures, training curricula, and operational guidance. This supports practical alignment between regional standards and domestic implementation without requiring legislative harmonisation.

These recommendations build on existing legal frameworks and coordination structures identified across the four focus countries. The assessment indicates that foundational mechanisms are in place. The priority is therefore not legislative overhaul, but strengthening operational clarity, interpretive consistency, screening practices, and structured cooperation in response to increasingly complex trafficking patterns linked to cyber-scam centres.

LIST OF ACRONYMS AND ABBREVIATIONS

ACTIP	ASEAN Convention Against Trafficking in Persons, Especially Women and Children
ASEAN	Association of Southeast Asian Nations
ASEAN-ACT	ASEAN–Australia Counter Trafficking Program
BPMS	Bali Process Member States
FGD	Focus Group Discussion
GMS	Greater Mekong Subregion
ILO	International Labour Organization
IOM	International Organization for Migration
JIT	Joint Investigation Team
MAPO	Council for Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Malaysia)
MIDS	MAPO Integrated Data System
MoU	Memorandum of Understanding
NAP	National Action Plan
NATTF	National Anti-Trafficking Task Force (Indonesia)
NCCT	National Committee for Counter Trafficking in Persons (Cambodia)
NRM	National Referral Mechanism

LIST OF ACRONYMS AND ABBREVIATIONS

NPP	Non-Punishment Principle
RSO	Regional Support Office of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime
SOP	Standard Operating Procedure
TIP	Trafficking in Persons
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime

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