

Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the situation of human rights in Cambodia and the Special Rapporteur on trafficking in persons, especially women and children

Ref.: AL OTH 17/2025
(Please use this reference in your reply)

10 March 2025

Dear H.E. Kao Kim Hourn,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on the situation of human rights in Cambodia and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 51/15, 54/36 and 53/9.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention the following information we have received concerning the human rights of victims of trafficking of persons originating from all over the world, especially from the Association of Southeast Asian Nations (ASEAN) region (from Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam), East Asia (from China (including Hong Kong Special Administrative Region, Taiwan Province of the People's Republic of China), Japan and the Republic of Korea), South Asia (Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka), Africa, Middle East, North America and South America for the purposes of forced labour, forced criminality, sexual exploitation and other severe violations of human rights in scam centers and scam compounds in South East Asia. Many of them are held captive in prison-like conditions and forced to spend long hours scamming unsuspecting targets. It is reported that these human rights violations are perpetrated and facilitated by criminal groups, and other

Association of Southeast Asian Nations

entities/individuals of several nationalities, including those from Cambodia, China, Lao PDR and Myanmar.

According to the information received:

Trafficking for the purposes of online scam operations

People are recruited for online scam operations mainly through the internet. Many of them are fraudulently recruited through seemingly legitimate job advertisements on social media platforms like Facebook, Instagram, Tinder, Hinge, WeChat, TikTok, LinkedIn, and Jobs.com offering attractive conditions such as high salaries, regular bonuses, and free accommodation. The jobs are often said to be based in Bangkok or other regional hubs. Some victims have been targeted by recruiters in their countries of origin or from a third country while others were recruited when they were already present in the countries of destination. On arrival, victims are typically received by the traffickers who collect them from the airport or other port of entry and take them to temporary accommodations or transfer them directly to the gated compounds or centres where the scams operate, harboring them there, where they are watched over by security guards who are often heavily armed. It is also reported that a small number of victims are kidnapped from the street and sold to scam operations.

There are also cases where individuals understood they were being recruited to conduct online fraud but were deceived about the conditions in which they would be expected to live and work. Reportedly in certain communities, criminal networks have come to dominate the local economy and labor market, leaving rural residents with no choice but to work under these conditions. Whether they enter the industry willingly or unwillingly, it is common for people to be refused permission to leave even after they complete the contracted period.

Victims held in these scam operations are allegedly being exploited for the purpose of forced criminality to generate profit for the criminal actors that orchestrate the scams. Individuals are forced or coerced to perpetrate online fraud using a range of platforms including fake gambling websites and cryptocurrency investment platforms, as well as romantic and financial scams, whereby fake romantic relationships or friendships are used to defraud online users of significant amounts of money. It is reported that most trafficking victims are young men, often educated professionals. We understand that some presumed victims are middle aged, and others have completed secondary education and have knowledge of using social media.

According to the information received, victims of trafficking are deprived of their liberty. In some cases, they are unable even to move between different floors of the compound in which they are confined or chained to their desk. Many victims report that their passports were confiscated, often along with their mobile phones or they were otherwise prohibited from contacting friends or family. There seems to be limited food and drinking water and the living conditions can be cramped and unsanitary. Working hours are long and difficult. In addition, there is reportedly inadequate access to medical treatment with

some disturbing cases of victims dying as a result of mistreatment and lack of medical care.

Furthermore, people are allegedly subjected to torture, cruel and degrading treatment, and punishments, including threats or use of violence. Victims are allegedly forced to witness or commit violence against others, most commonly beatings, humiliation, electrocution, and solitary confinement, especially if they resist orders, disobey compound rules, or fail to meet expected scamming targets. Reports have also been received of sexual violence, including gang rape and trafficking into the sex industry, most often as punishment for not meeting their targets.

Traffickers allegedly hold an ever-increasing debt over the victims, which they are told they must pay off before being freed, creating a situation of debt bondage. Sometimes, victims are “sold” to another scam operation either within or outside the country. Traffickers may also demand debt ransom from victims’ families with photographic evidence of the individual suffering physical abuse. Attempts to escape from forced scamming centres often end unsuccessfully, either with death or severe punishment upon recapture. There are even reports of organ removal.

Online scam operations and relevant activities in Cambodia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Viet Nam

The information received indicates that cyber scam compounds are located in Cambodia, Lao PDR, Malaysia, Myanmar, and the Philippines. Viet Nam is identified as a trafficking hotspot and Thailand is reportedly increasingly serving as a hub for human trafficking. Cyber-enabled fraud operations in Southeast Asia have taken on industrial proportions using workforces comprised of trafficked victims and complicit individuals. It is reported that independent and scattered fraud gangs have been replaced by larger, consolidated criminal groups often operating under the guise of industrial and science and technology parks. Scam compounds are not confined to remote areas but can be anywhere, including Southeast Asian capitals. They are highly mobile, and multiple compounds and scam companies may operate from a single location.

Cambodia: It is alleged that the scale of online scam centres in Cambodia experienced tremendous growth over several years, especially since 2021. There are also reports suggesting that forced scam centers, when they are driven out from Southeast Asian countries like Myanmar, are relocating to Cambodia. Online scam centres are or were reportedly operating in Sihanoukville, Pailin, Anlong Veng O’Smach, Phnom Penh, Kandal, Pursat, Koh Kong, Bavet, Chrey Thom, Kampot, Preah Sihanouk, Oddar Meanchey, Poipet, Svay Rieng, Banteay Meanchey Province, Dara Sakor Special Economic Zone and Henge Thmorda Special Economic Zone, among others. In this regard we would like to refer to our previous communication on this matter AL [KHM 2/2022](#).

Myanmar: In Myanmar, forced scamming centres are or were allegedly primarily located along the China-Myanmar and Thailand-Myanmar borders.

Along the Thailand-Myanmar border, there has been a dramatic expansion of criminal compounds in areas of Myanmar's Kayin State (known as 'Karen State' among the ethnic-Karen population living there), controlled by the Karen Border Guard Force. In this area, hotspots have reportedly developed in Shwe Kokko, Myawaddy, Payathonzu, KK zone located on the Moei River and other locations in Kayin State on the Thailand-Myanmar border. Forced scamming centres are or were also located in Kokang Self-Administered Zone, Wanhai and Tangyan in Shan State and the Wa-administered city of Mong La on the Chinese border among others, but widespread conflict between the Myanmar army and ethnic armed organisations in these regions since late 2023 has largely driven those activities further South, especially to the locations mentioned earlier along the Thailand-Myanmar border. Because of widespread poverty as the conflict in the countries deepens, scamming activity has further gained momentum and is allegedly migrating to empty high rises in urban areas, for example in Yangon. In order to avoid forced conscription, which has been implemented by the Myanmar army since February 2024, Myanmar men and women between the ages of 18 and 35 have also been reportedly trafficked or recruited in increasing numbers into scam centers and related activities, including for purposes of sexual exploitation. According to recent reports, thousands of victims have recently been released from scam compounds in Myanmar, and will be sent back to their home countries over the next weeks. Hundreds have already cross into neighboring Thailand to be repatriated to their home countries. This reportedly follows increasing pressure and coordination from China and Thailand to crack down on scam operations at the border areas and facilitate the repatriation of victims.

Lao PDR: According to the information received, the Golden Triangle Special Economic Zone in northern Bokeo Province has become a focal point, hosting trafficked people from over 32 nationalities. The Golden Triangle Special Economic Zone is featured by extensive infrastructure development, including an international airport. It attracts mostly undocumented migrant workers, especially from Myanmar. With mounting law enforcement pressure in neighbouring countries in recent years, transnational organized crime groups have reportedly been increasingly targeting Lao PDR, particularly in the case of establishing cyber-enabled fraud operations and trafficking for forced criminality, with indication of possible spillover throughout parts of the country beyond the Golden Triangle Special Economic Zones.

Philippines: In the Philippines, scam centres are reportedly operating within some Philippine offshore gambling operators and in Special Economic Zones such as the Clark Free Port Zone. It is reported that the Philippines has been a recruitment hub for scam centres abroad, with many reports of individuals deceived into working in scam centres in Cambodia and Myanmar. There are also reports of other nationals being recruited into scam centres in the Philippines. It is reported that, with the departure of many Philippine offshore gambling operators from the Philippines because of the COVID-19 pandemic, the infrastructure has also been used for scam centres.

Malaysia: Online scams and fraud, and trafficking for forced criminality, are also occurring in Malaysia. The Malaysia case is somewhat different to

Cambodia, Lao PDR, and Myanmar, for example, because there is no specific location of organized crime activities. Organized crime operations are scattered across the country, in Langkawi, Johor, and various other locations.

Viet Nam: It is reported that Ho Chi Minh City and the provinces of Dak Lak, Dong Nai, Gia Lai, Ha Tinh, Lam Dong, Nghe An, Tay Ninh, Thai Nguyen, and Tuyen Quang are identified as trafficking hotspots for recruiting forced labor into scam compounds in Cambodia, Lao PDR, and Myanmar. Traffickers reportedly exploit the Bavet-Moc Bai and Ha Tien International Border Gates, as well as secretive jungle routes, with reports of border officials accepting bribes to facilitate victim transfers. Many Cambodian scam compounds are allegedly located along the Cambodia-Viet Nam border, housing a network of criminals with links to Myanmar, China, and Lao PDR.

Thailand: Sharing a long and porous border with Myanmar, Thailand is reportedly increasingly serving as a hub for human trafficking into Myanmar, Lao PDR, and Cambodia. It is reported that most trafficked victims held in scam centers – particularly along Thailand’s borders with Myanmar and Lao PDR – have been moved across the Thai border. Allegedly, Chinese criminal networks have established dozens of large scamming enclaves just inside Myanmar’s Kayin (Karen) State, along the Moei River marking the Thai border. These enclaves reportedly benefit from Thailand’s reliable energy supply, stable telecommunications, and proximity to a major financial center. In addition, thousands of trafficking victims are Thai nationals. Recent reports suggest Thailand has begun to crack down on scam centres operating across the border in Myanmar with China, including by shutting off energy supply. Reports also indicate that Thailand has received hundreds of victims rescued in recent raids from Myanmar to facilitate repatriation flights.

Identification, assistance and protection of victims of trafficking and repatriation

Several reports indicate a lack of proper identification of persons trafficked into these scam operations. In part, this may be due to underreporting by victims who fear reprisals from the traffickers and law enforcement actions by public authorities. Reports indicate that persons who are rescued, escape or otherwise released from the compounds are in many cases not treated as victims of trafficking and face serious human rights abuses. They are often treated as criminals and/or immigration offenders. Individuals who are rescued from the scam centers are often held in immigration detention, sometimes for prolonged periods, followed by deportation without effective access to protection, justice and remedies. Most countries have policies and procedures to screen for victims of trafficking, but in most cases, these are allegedly not applied in cases of trafficking into forced criminality. Other reports suggest that victims’ embassies or consulates are unable to provide adequate support and organize their repatriation or there is the lack of support services for victims of online scam trafficking, including the absence of shelters for male victims.

According to information received, some victims of trafficking face prosecution in their own countries for crimes related to the scamming, including money

laundering and conspiring to commit transnational organized crimes, as well as irregular re-entry into the country upon their return. Others are subject to significant bond payments and electronic tagging on return to their countries of origin. Some law enforcement authorities have reportedly interpreted the fact that some migrants in these scam centres had written contracts, albeit fraudulent, or that they received payment for the forced work in the centres, as evidence that they were not trafficked but rather engaged in labour migration. Moreover, we are informed that there are cases where the authorities are applying administrative penalties to returnees in the hope that this will act as a deterrent to irregular migration.

Lack of good governance, corruption and shrinking civic space

Organized crime groups reportedly operate in environments of large-scale corruption, including in border towns adjacent to their areas of operations, and especially in conflict-affected areas of Myanmar, form alliances with non-state armed groups. Collusion with senior government officials, politicians, local law enforcement, and influential businesspersons is also reported. We also note the lack of the freedom of expression and shrinking civic space in several countries in the region, which could impede whistleblowing and result in a lack of public exposure of such situations. Furthermore, advances in money laundering, online banking and underground banking systems in Southeast Asia, are reported to be driving and accelerating the rapid evolution of this exploitative illicit scam industry as well.

While we do not wish to prejudge the accuracy of these allegations, we express our serious concern that there may be a failure to take measures to prevent trafficking in persons, forced criminality, forced labour and sexual exploitation. We also reiterate your Member States' obligations to complete abolition of slavery in all its forms.

While we have been informed of positive actions being taken by the authorities, regional forum and other organisations, to identify, assist and protect victims and investigate allegations of trafficking for purposes of forced criminality and forced labour, we are concerned that efforts to identify, assist and protect victims of trafficking in persons in some of your member countries do not meet the States' obligations under international human rights law, and under the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol).

We highlight the obligations emanating from article 6 of the Palermo Protocol, concerning assistance to and protection of victims of trafficking in persons, as well as the effective implementation of the obligation of criminalization for trafficking in persons for all its purposes (article 5). We further highlight the obligation on States to establish comprehensive policies, programmes and other measures, to "prevent and combat trafficking in persons" (article 9(1)(a)), the obligation to ensure compliance with the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the principle of non-refoulement, and the obligation to ensure consistency with, "internationally recognized principles of non-discrimination" in all measures to prevent and combat trafficking in persons, and in implementation of the obligations arising under the Palermo Protocol, and international human rights law (as stated in the Annex

below).

We wish to highlight the importance of ensuring effective implementation of the non-punishment principle, and in particular the obligation to ensure the prompt and effective identification of victims of trafficking in order for the principle to be effectively applied. We also highlight the obligation to ensure that, “the principle of non-punishment is applied to: (a) All forms of trafficking, including for the purpose of sexual exploitation, labour exploitation and forced criminality, as well as to both cases of international trafficking and cases of internal trafficking; (b) Any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation regardless of the gravity or seriousness of the offence committed; (c) Criminal, civil, administrative and immigration offences, as well as other forms of punishment, [...] ; (d) Any situation of deprivation of liberty, including immigration detention and detention pending removal, transfer or return proceedings.” (A/HRC/47/34, para 57).

Further, we wish to highlight that any failure to provide assistance and protection to victims, would be a violation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children, notably article 14 regarding obligations of identification, assistance and protection of victims, especially article 14(7) regarding non-punishment principle, and article 16 on law enforcement and prosecution. Further, we highlight the obligations arising under article 16(2) of the ASEAN Convention, to detect, deter and punish corruption, that contributes to trafficking in persons. Further, any such failure to ensure assistance and protection to victims of trafficking, without discrimination, would be a violation of international human rights law, and international labour law, as outlined in the Annex.

We are also concerned that there may be a failure to undertake effective investigations into allegations of trafficking in persons, or to ensure that there is international cooperation in the investigation of trafficking in persons which leads to a lack of accountability for this serious human rights violation and serious crime, and continued impunity for trafficking in persons. Furthermore, we are concerned about the shrinking of civic space in some countries, where there is a serious risk of retaliations and intimidation for human rights defenders, journalists, and civil society organizations, further hindering efforts to effectively address issues of forced scamming and ensure the protection of victims.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please elaborate on the specific collaborative measures or joint initiatives currently being implemented among ASEAN member states to prevent forced scamming. Please also explain what outcomes have these efforts

achieved so far.

3. Please explain whether ASEAN is considering any policies or initiatives to strengthen the regulation and monitoring of online platforms as a preventive measure against forced scamming and its associated recruitment activities.
4. Please describe any concrete measures ASEAN has undertaken or planned to support and rehabilitate victims of forced scamming.

This communication and any response received from you will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with you to clarify the issue/s in question.

Please be informed that letters regarding this subject have also been sent to the governments of Armed Forces of Myanmar, Cambodia, China, Lao PDR, Malaysia, the Philippines, Thailand, and Viet Nam. Please also be informed that the copies of this letter have also been sent to the governments of Indonesia, Japan, Singapore, South Korea and ASEAN Intergovernmental Commission on Human Rights.

Please accept, the assurances of our highest consideration.

Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Vitit Muntarbhorn
Special Rapporteur on the situation of human rights in Cambodia

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, and without implying, in advance, a conclusion on the facts, we would like to draw the attention of you to the international standards and norms applicable to the matters set forth above.

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on 10 December 1948, is a key component of international standards regarding the elimination of all forms of slavery. Article 4 states that “no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms.” We also wish to underline the jus cogens nature of the prohibition of slavery enshrined in the UDHR. We would also like to draw your attention to article 8 of the International Covenant on Civil and Political Rights which prohibits slavery, the slave trade, servitude and forced labour.

We remind you of the importance of ensuring that journalists and human rights defenders can carry out their work without fear of retaliation, in accordance with article 19 of the Universal Declaration of Human Rights, which guarantees the right to freedom of expression, including the right to seek, receive, and impart information and ideas through any media. Furthermore, we refer to article 19 of the International Covenant on Civil and Political Rights (ICCPR), which protects the right to freedom of expression, but also sets forth that any restrictions on this right must be necessary and proportionate to achieve a legitimate aim, in strict accordance with international human rights law.

We remind you of the ILO Forced Labour Convention (1930) (No. 29), which defines forced labour as all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (art. 2) and by the ILO convention No. 182 on the worst forms of child labour (1999), which includes among worst forms of child labour, all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict (art. 3).

We would also like to draw your attention to the Palermo Protocol, which includes preventing and combating trafficking in persons, including for the purpose of forced labour or labour exploitation. In addition to the principles referred in the main text of this letter, the Protocol also recalls States’ obligations of cooperating with social actors, including civil society, to establish and implement programmes and policies to prevent trafficking in persons, and protect and assist victims of trafficking, when appropriate (articles 6 and 9).

We would also like to remind you of its obligations under articles 2 and 6 of the Convention on the Elimination of All Forms of Discrimination against Women, which requires States parties to take all appropriate measures, including legislation, to suppress all forms of trafficking in women. We also recall CEDAW general recommendation No. 38 on trafficking in women and girls in the context of global migration (CEDAW/C/GC/38).

With regard to children, the Convention on the Rights of the Child, in its article 32, obliges States parties to protect the child from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. States parties shall adopt legislative, administrative, social and educational measures to ensure the application of the present article. The Optional Protocol on the sale of children, child prostitution and child pornography also state that the State should amend the Law on the Suppression of Human Trafficking and Sexual Exploitation to explicitly criminalize all forms of the sale of children as defined in article 2, including all the acts listed in article 3(1)(a) of the Optional Protocol.

We would also like to highlight the right to life, protected under article 6 of the ICCPR, and recall general comment No 36 on the Right to Life (CCPR/C/GC/36), and the obligation of States parties to the ICCPR to “take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk because of specific threats or pre-existing patterns of violence” (CCPR/C/GC/36, para. 23), including victims of human trafficking. Further, we recall the committee affirmed that the Right to Life is an “entitlement of individuals to be free from acts and omissions that are intended or may be expected to cause their unnatural or premature death, as well as to enjoy a life with dignity.” Article 6 of the Covenant guarantees the right to life for all human beings, without distinction of any kind, including for persons suspected or convicted of even the most serious crimes (CCPR/C/GC/36, para. 3).

In this regard, we would like to highlight that the enjoyment of the rights guaranteed in the ICCPR is not limited to citizens of States parties but “must also be available to all individuals, regardless of their nationality or statelessness, such as asylum seekers, refugees, migrant workers and other persons, who may find themselves in the territory or subject to the jurisdiction of the State Party” (general comment No. 31, the Nature of the General Legal Obligation Imposed on States Parties to the Covenant, ICCPR/C/21/Rev.1/Add. 13, para. 10).

In connection with migrants, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in its article 11, obliges its States parties to ensure that no migrant worker or member of his or her family shall be held in slavery or servitude. We would also like to recall the Human Rights Council resolution 9/5, which addresses the issue of the human rights of migrants, "requests States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and the international instruments to which they are party" and "urge States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations, including persons with disabilities, and take into account, in conformity with their international commitments, the principle of the best interest of the child and family reunification". We would also like to draw the attention of you to the Principles and Guidelines on the Human Rights Protection of Migrants in Vulnerable Situations as well as the Recommended Principles and Guidelines on Human Rights at International Borders published by the Office of the High Commissioner for Human Rights.

The principle of non-refoulement forms an essential protection under international human rights, refugee, humanitarian and customary law. Non-refoulement prohibits all forms of removal and transfer of any individual, regardless of their status, when there are substantial grounds for believing that the individual would be at risk of irreparable harm, such as death, torture or cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance or other serious human rights violations, in the place to which they are to be transferred or removed. In this regard, we would like to draw the attention of you to general comment No. 31 of the Human Rights Committee, which specifies that State obligations under article 2 of the International Covenant on Civil and Political Rights entail “an obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm” (CCPR/C/21/Rev.1/Add.13, para. 12). The principle of non-refoulement under international human rights law is characterized by its absolute nature without any exception, applying to all persons, including all migrants, at all times, irrespective of their citizenship, nationality, statelessness or migration status.

We would also like to recall objective 6 of the Global Compact for Safe and Regular Migration to facilitate fair and ethical recruitment and safeguard conditions to ensure decent work, under which Members States committed to review existing recruitment mechanisms to guarantee that they are fair and ethical, and to protect all migrant workers against all forms of exploitation and abuse (A/RES/73/195).

We would also like to recall obligations under the Convention against Torture and Other Cruel Inhuman or Degrading Treatment. Regarding the obligation of non-refoulement, we wish to bring forward article 3 of the Convention, which calls States not to expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. Also in relation to the situation in the compounds, allegations of physical violence and psychological abuse, and allegations of the presence of police officers in the compounds, including acting as guards, we wish to recall article 1 of the Convention and obligations of the State to take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

We would like to highlight article 7 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes the "right of everyone to the enjoyment of just and favourable conditions of work". These conditions must guarantee, among other things, remuneration that provides all workers, at a minimum, a decent living for themselves and their families, safe and hygienic working conditions, rest, leisure and reasonable limitation of working hours and periodic vacations, as well as remuneration for public holidays. The rights set forth in the Covenant apply to all persons. In addition, ICESCR article 10 recognizes that special measures of protection and assistance should be adopted on behalf of all children and young people, who should be protected against economic and social exploitation. We wish to also recall article 12 of ICESCR, coupled with article 2.2 which recognizes the States' obligations to the right on everyone, to the enjoyment of the highest attainable standard of physical and mental health.

In addition, we would like to refer to the Recommended Principles and Guidelines on Human Rights and Human Trafficking, issued by the Office of the High

Commissioner for Human Rights in July 2002, complemented by an accompanying Commentary published in 2011. Principle 13 of the Principles and Guidelines states that "States shall effectively investigate, prosecute and adjudicate trafficking, including its component acts and related conduct, whether committed by governmental or non-State actors". Guideline 11 of this document also encourage Cooperation and coordination between States and regions.

We wish to remind you as well of obligations deriving from ASEAN Convention against trafficking in persons, and in particular article 14 on the identification and protection of victims, and in particular the implementation of the non-punishment principle for unlawful acts committed by victims, if such acts are directly related to the act of trafficking. We recall also article 16 on law enforcement and prosecution, which calls States to adopt measures to equip the competent authorities with skills and knowledge to combat trafficking and protect victims, as well as to detect, deter and punish corruption, money laundering, participation in an organized criminal group and obstruction of justice that contributes to trafficking in persons. We will also recall the ASEAN Human Rights Declaration, particularly article 13, which explicitly states that "No person shall be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for the purpose of trafficking in human organs." Other relevant provisions include article 3 on equality before the law, article 5 about access to remedy, article 12 on the right to personal liberty and security, and article 14 on the right to be free from torture and cruel, inhuman or degrading treatment.

Regarding the application of the principle of non-punishment, we bring to the attention of you the report of the Special Rapporteur on trafficking in persons, especially women and children to the Human Rights Council in 2021, on the implementation of the non-punishment principle, and in particular recommendations to States to ensure the prompt and effective identification of victims of trafficking in order for the principle to be effectively applied. It explained that "the principle of non-punishment is applied to: (a) All forms of trafficking, including for the purpose of sexual exploitation, labour exploitation and forced criminality, as well as to both cases of international trafficking and cases of internal trafficking; (b) Any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation, regardless of the gravity or seriousness of the offence committed; (c) Criminal, civil, administrative and immigration offences, as well as other forms of punishment, such as arbitrary deprivation of nationality, denial of consular assistance or repatriation, exclusion from refugee status or other forms of international protection and family separation; (d) Any situation of deprivation of liberty, including immigration detention and detention pending removal, transfer or return proceedings." (A/HRC/47/34, para 57).

The full texts of the human rights instruments and standards recalled above are available on UN Human Rights Office (ohchr.org) or can be provided upon request.