

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

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(Please use this reference in your reply)

10 March 2025

Excellency,

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

In this connection, we would like to bring to the attention of your Excellency's Government to 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 Asia 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 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 in Malaysia

The information received indicates that cyber scam compounds are located in several countries in Southeast Asia. It is reported that online scams and fraud, and trafficking for forced criminality, are also occurring in Malaysia. The Malaysia case is somewhat different from other countries and there is no specific location of organized crime activities. Organized crime operations are scattered across the country, in Langkawi, Johor, and various other locations.

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.

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 prevent trafficking in persons, forced criminality, forced labour and sexual exploitation. We also reiterate your obligations to complete abolition of slavery in all its form.

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 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.

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 provide information on the measures taken to ensure that effective investigations are undertaken into these allegations including the identification and protection of victims of trafficking in persons for the purpose of forced criminality, and what measures of international cooperation are being undertaken to investigate and prosecute those alleged to be responsible for trafficking in persons, and to trace missing persons who may be victims of trafficking.
3. Please list the activities taken to identify, investigate and shut down cyber scam centres operating in your country. Please also explain the measures taken to ensure that the investigation and prosecution of these activities is comprehensive, effectively addressing all scam operators at all levels, and is not selective or compromised by anyone. Please also share how you intensify such efforts in your country, to further address and resolve the activities of remaining criminal organizations, in line with international law.
4. Please explain what steps have been taken by your Excellency's Government to ensure gender-sensitive and child friendly identification and assistance of victims of trafficking in persons for forced criminality and other related labour and sexual exploitation.
5. Please provide information on measures taken to ensure that the returns of victims of trafficking to their home countries are voluntary and are undertaken with due regard to the safety and dignity of victims, and to ensure the principle of non-refoulement is effectively implemented.
6. Please provide information on measures taken to ensure effective implementation of the principle of non-punishment of victims of trafficking, including the non-punishment of violations of immigration and criminal laws or other offences committed as a direct result of being trafficked, and in ensuring that victims of trafficking are not subject to criminal or administrative penalties including immigration detention.
7. Please also provide information about the steps taken by your Excellency's Government to ensure an adequate legal framework to prosecute all perpetrators of trafficking in persons for the purposes of forced

criminality.

8. Please indicate what measures are being taken to ensure full access to consular assistance for all victims of trafficking who are not your citizens, or where relevant to permit victims of trafficking in persons to remain in your territory with a secure legal status, including on human rights or humanitarian pathways or access to refugee protection where this is required.
9. Please provide information on the steps taken by your Excellency's Government to provide effective access to remedies for victims of trafficking and related human rights violations, including through domestic judicial mechanisms.
10. Please provide information on measures taken by your Excellency's Government in order to ensure that media, human rights defenders and non-governmental organisations are able to carry out their legitimate work free from interference and in accordance with existing international human rights standards, in an enabling environment, and to support their work in countering trafficking in all aspects, including the provision of assistance to victims of trafficking.
11. Please advise on what other steps have been taken by your Excellency's Government to take meaningful or effective measures to address the forced scamming operations in your country.
12. Please provide information on the measures being taken to ensure that the investigation and prosecution of human trafficking crimes in forced scamming operations, as well as the identification and protection of victims, are impartial, non selective, and free from any prevention or hindrance.
13. Please explain what are the main challenges or barriers to the protection of victims of trafficking into forced criminality, such as the cross-border nature of such trafficking and the lack of international cooperation with other countries. Please also explain what forms of international cooperation you believe would be most effective in ensuring better protection for them.
14. Please highlight the steps that your Excellency's Government has taken, or is considering taking, to protect people from being recruited to online scam centres. Please include the measures for platform businesses who operate and/or domiciled in your territory to ensure that these business enterprises did not contribute to this criminal activity.

This communication and any response received from your Excellency's Government 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 your Excellency's Government's 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, ASEAN, Cambodia, China, Lao PDR, the Philippines, Thailand, and Viet Nam.

Please accept, Excellency, the assurances of our highest consideration.

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

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 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.

We remind you of the ILO Forced Labour Convention (1930) (No. 29) ratified by your Excellency’s Government on 11 November 1957, 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 the attention of you to the Palermo Protocol, ratified by your Excellency’s Government on 26 February 2009, which include 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, ratified by your Excellency’s Government on 5 July 1995, 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, ratified by your Excellency’s Government on 17 February 1995, in its article 32, obliges its 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.

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).

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 signed by your Excellency's Government on 21 November 2015, 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 will 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.

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).

We would like to draw your attention to the Convention on the Elimination of All Forms of Discrimination against Women, ratified by your Excellency’s Government on 5 July 1995, and the observations and recommendations made by the Committee on the Elimination of Discrimination against Women on 6 June 2024 in its Concluding Observations (CEDAW/C/MYS/CO/6, paras 28-29) as below:

“The Committee commends the State party on its efforts to strengthen its legal and policy framework to combat trafficking in women and girls, including the amendments to the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007 to harmonize the Act with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the adoption of the third National Action Plan to Combat Trafficking in Persons for 2021–2025. However, it notes with concern that women and children continue to be at particular risk of human trafficking and account for the majority of trafficking victims in the State party. While noting the establishment of a formal procedure to identify and refer victims to appropriate support services, the Committee notes with concern that the protocol is not consistently applied, including during raids of entertainment venues and massage parlours, and that victims of trafficking are often detained and deported. It further notes with concern about reports of collusion of immigration officials who facilitate trafficking by accepting bribes from brokers and smugglers.

Recalling its previous recommendations ([CEDAW/C/MYS/CO/3-5](#), para. 26) and general recommendation No. 38(2020) on trafficking in women and girls in the context of global migration, the Committee recommends that the State party:

- (a) Ensure that all victims of trafficking, including refugee, asylum-seeking and undocumented migrant women, have access to temporary residence

permits, irrespective of their ability or willingness to cooperate with the prosecution authorities, as well as shelters, health care, psychosocial counselling, rehabilitation programmes and reparations, including compensation;

- (b) Ensure that all cases of trafficking in women and girls are investigated and prosecuted and that perpetrators, including complicit government officials, are adequately punished, in accordance with the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2022;
- (c) Enforce and monitor the use of the National Guidelines on Human Trafficking Indicators 2.0 to ensure a uniform and systematic approach to early victim identification, including in immigration detention, and referral to appropriate services and protection;
- (d) Provide systematic capacity-building to immigration officials, border police and other law enforcement officers on the application of the national legal and policy framework to combat trafficking in women and girls and gender sensitive protocols for the early identification of victims.”

Additionally, we wish to refer to the recommendations issued within the context of the Universal Periodic Review (UPR) of Malaysia on 14 March 2024 and, in particular, recommendation No. 55.98 from United States : “[r]epeal or amend laws that undermine human rights, including the rights to freedom of expression and freedom of religion or belief, such as the Sedition Act 1948, the Communications and Multimedia Act 1998, the Printing Presses and Publication Act 1984 and Penal Code provisions on offending religious sensitivities” and other recommendations No. 55.99 to No. 55.109 regarding freedom of expression.

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.