

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

Ref.: AL VNM 1/2025
(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 and Viet Nam's involvement for these situations

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. 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.

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. Collusion with senior government officials, politicians, local law enforcement, and influential businesspersons in the region where crime groups are operating is also reported. We also note the lack of freedom of expression and shrinking civic space 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 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 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, 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 provide information on international cooperation measures taken to investigate and prosecute those allegedly responsible for trafficking

and to trace missing persons who may be victims of trafficking.

3. Please explain what are the main challenges or barriers to the protection of victims of trafficking into forced criminality, such as 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.
4. Please provide information on measures taken to ensure effective implementation of the principle of non-punishment of victims of trafficking for the purpose of forced criminality upon their return to your country.
5. Please provide information on what measures are undertaken to ensure that your Embassy and consular officials are trained in the prevention of trafficking in persons, and identification of victims of trafficking.
6. Please confirm what kind of assistance is provided for the repatriation of victims of trafficking for the purpose of forced criminality.
7. 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 in accordance with existing international human rights standards, in an enabling environment, and to support their work in countering trafficking in all aspects, including prevention, provision of assistance to victims of trafficking and reintegration.
8. Please advise on what other steps your Excellency's Government has taken to address forced scamming operations (both internationally or domestically).
9. 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, Association of Southeast Asian Nations, Cambodia, China, Lao PDR, Malaysia, the Philippines, and Thailand.

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 would also like to draw your Excellency’s attention to article 8 of the International Covenant on Civil and Political Rights, ratified by your Excellency’s Government on 24 September 1982, 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), ratified by your Excellency’s Government on 24 September 1982, 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) ratified by your Excellency’s Government on 5 March 2007, 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 8 June 2012, 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 17 February 1982, 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 28 February 1990, 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.

We would also like to highlight the right to life, protected under article 6 of the ICCPR, ratified by your Excellency's Government on 24 September 1982, 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).

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 ratified by your Excellency's Government on 5 February 2015. 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), ratified by your Excellency's Government on 24 September 1982, 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 its 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 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 International Convention on the Elimination of All Forms of Racial Discrimination, ratified by your Excellency’s Government on 9 June 1982, and the observations and recommendations made by the Committee on the Elimination of Racial Discrimination on 27 December 2023 in its Concluding Observations (CERD/C/VNM/CO/15-17, paras 36-37) as below (footnote omitted):

“While noting the efforts of the State party to prevent trafficking in persons, including those made under the national programme to prevent such trafficking for the period 2021–2025, the Committee is deeply concerned that the majority of victims of trafficking for forced labour, in particular for domestic work and marriage, continue to be women belonging to ethnic minority groups residing in the North-West Highlands. The Committee is also concerned by the overall lack of information provided by the State party on victims of trafficking, including on those trafficked for forced labour or criminality in scam compounds across South-East Asia, on investigations, prosecutions, convictions, penalties for the perpetrators, as well as on measures to ensure that victims are protected and provided with reparations (art. 5).

The Committee recommends that the State party reinforce its efforts to eliminate trafficking in persons and:

- (a) Address the factors that create or increase situations of vulnerability that place individuals at risk of trafficking, including structural and intersecting forms of discrimination, poverty and a lack of decent work opportunities;

- (b) Investigate, prosecute and, in cases that result in convictions, punish with appropriate penalties all perpetrators, regardless of their official status, while adopting proactive procedures that avoid an overreliance on the testimonies or cooperation of victims;
- (c) Apply the principle of non-punishment to victims of trafficking;
- (d) Guarantee that assistance to victims of trafficking, including safe access to shelter and psychological support, is provided without conditions and irrespective of the ability or willingness of the victim to cooperate with investigating or prosecutorial authorities;
- (e) Guarantee the protection of victims of trafficking from reprisals.”

Additionally, we wish to refer to the recommendations issued within the context of the Universal Periodic Review (UPR) of Vietnam on 21 June 2024 and, in particular, recommendations No. 42.153 to No. 42.164 which were supported by your Excellency’s Government to enhance further its efforts to fight trafficking in persons.

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.