



Human Trafficking & Forced Labour in Cambodia's Cyber-Scam Industry

May 2024



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TABLE OF ABBREVIATIONS & ACRONYMS

ACTIP	2015 ASEAN Convention against Trafficking in Persons, Especially Women and Children
AML Law	2020 Law on Anti-Money Laundering and Combating the Financing of Terrorism
Anti-Human Trafficking Law	2008 Law on Suppression of Human Trafficking and Sexual Exploitation
ASEAN	Association of Southeast Asian Nations
Cambodian Constitution	Constitution of the Kingdom of Cambodia
Criminal Code	2009 Criminal Code of the Kingdom of Cambodia
Gambling Law	Law on the Management of the Commercial Gambling
ILO	International Labour Organisation
IT	Information technology
Labour Law	1997 Law on Labour
MoU	Memorandum of Understanding
NCCT	National Committee for Counter Trafficking (Cambodia)
NGO	Non-governmental organisation
Palermo Protocol	2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime
RGC	Royal Government of Cambodia
TIP	Trafficking in persons

EXECUTIVE SUMMARY

Cambodia is in the midst of a crisis. As many as 100,000 people¹ from around Asia, and as far away as East Africa,² are trapped in cyber-scam compounds around the country. In these guarded compounds, thousands of individuals, many of whom are recent university graduates, are forced to engage in cybercriminal activities, ranging from romance and cryptocurrency scams to online gambling and fraudulent investment scams, for up to 16 hours per day.³ Isolated from the outside world, they are subjected to threats, torture, sexual violence, and other physical, psychological, and emotional abuse if they refuse to work or request to leave the compound.⁴

Governments in Southeast Asia – Indonesia, Malaysia, Thailand, Vietnam, and others – have received hundreds of reports from citizens and concerned families desperately seeking help. Although thousands of people remain imprisoned, some have escaped or have been rescued and repatriated:

- Indonesia: As of December 2022, 679 victims have been rescued from cyber-scam compounds in Cambodia, according to the Indonesian Foreign Ministry’s Director of Protection for Indonesian Nationals Overseas;⁵
- Malaysia: As of December 2022, the Malaysian Ministry of Foreign Affairs received a total of 488 reports of Malaysian citizens who were trapped in cyber-scam compounds in Cambodia, Laos, Myanmar, and Thailand.⁶
- Thailand: More than 700 Thai nationals have been rescued from cyber-scam compounds and deported from Cambodia since early 2022, but the Royal Thai Police believe that more than 1,500 Thais may still be held in captivity in Sihanoukville province alone;⁷
- Vietnam: As of September 2022, over 1,000 victims had been rescued from cyber-scam compounds in Cambodia, according to the Vietnamese Ministry of Foreign Affairs.⁸

¹ U.N., Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the situation of human rights in Cambodia; the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on contemporary forms of slavery, including its causes and consequences (‘U.N. September 2022 Report’), 20 September 2022, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27494>; ‘Southeast Asian activists urge Asean help to rescue scam trafficking victims from Chinese gangs’, *SCMP*, 17 February 2023, <https://www.scmp.com/week-asia/article/3210584/southeast-asian-activists-urge-asean-help-rescue-scam-trafficking-victims-chinese-gangs>; ‘Thousands enslaved in Cambodia to run fake ICOs and scams’, *Protos*, 2 November 2022, <https://protos.com/thousands-enslaved-in-cambodia-to-run-fake-icos-and-scams/>; David Pierson, ‘I was a slave: Up to 100,000 held captive by Chinese cybercriminals in Cambodia’, *Los Angeles Times*, 1 November 2022, <https://www.latimes.com/world-nation/story/2022-11-01/i-was-a-slave-up-to-100-000-held-captive-by-chinese-cyber-criminals-in-cambodia>.

² Manyphone Vongphachanh, ‘Kenya and Taiwan Warn Citizens of Trafficking to Laos, Cambodia’, *The Laotian Times*, 25 August 2022, <https://laotiantimes.com/2022/08/25/kenya-and-taiwan-warn-citizens-of-trafficking-to-laos-cambodia/>.

³ Interview of Thai victim, dated 30 October 2022; Interview of Indonesian victim, dated 16 November 2022.

⁴ Lindsey Kennedy, Nathan Paul Southern, and Huang Yan, ‘Cambodia’s Modern Slavery Nightmare: The Human Trafficking Crisis Overlooked by Authorities’, *The Guardian*, 21 September 2022, <https://www.theguardian.com/world/2022/nov/03/cambodias-modern-slavery-nightmare-the-human-trafficking-crisis-overlooked-by-authorities>

⁵ BTV, ‘Thirty four Indonesians rescued from trafficking ring in Cambodia’, *Jakarta Globe*, 12 December 2022, <https://jakartaglobe.id/news/thirty-four-indonesians-rescued-from-trafficking-ring-in-cambodia>.

⁶ ‘Total of 227 Malaysians snared by scammers in Cambodia rescued this far this year, one unaccounted for’, *The Khmer Times*, 25 December 2022’, <https://www.khmertimeskh.com/501208257/total-of-227-malaysians-snared-by-scammers-in-cambodia-rescued-this-far-this-year-one-unaccounted-for/>.

⁷ Soth KoemSoeun, ‘Prayut grateful over rescue of Thais from scam call centres’, *The Khmer Times*, 2 January 2023, <https://www.khmertimeskh.com/501211889/prayut-grateful-over-rescue-of-thais-from-scam-call-centres/>.

⁸ Tien Anh, ‘1,000 Vietnamese rescued from illegal businesses in Cambodia: foreign ministry’, *VN Express*, 22 September 2022, <https://e.vnexpress.net/news/news/1-000-vietnamese-rescued-from-cambodian-illegal-labor-facilities-foreign-ministry-4514664.html>.

Based on the factual circumstances surrounding the cyber-scam compounds, it appears that a serious number of the individuals trapped inside are TIP victims, as defined under Cambodian law, ACTIP, and the Palermo Protocol. Additionally, in many cases, a majority of the 11 ILO forced labour indicators are also present, including abuse of vulnerability, deception, restriction of movement, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, abusive working and living condition, and excessive overtime.

In mid to late 2022, the Cambodian authorities acknowledged that human trafficking may be occurring in the cyber-scam industry.⁹ Since then, they have raided compounds, repatriated hundreds of people, established hotlines and social media-based complaint systems for the general public, and charged several lower-level suspects under various laws, including the Gambling Law and AML Law.¹⁰

Despite these actions, victim screening efforts remain lacking and challenging. Cambodian law is silent on victim identification, non-punishment, protection, and support. Many potential TIP victims are likely not being identified, and thus, not receiving adequate protection or assistance. This lack of victim identification is further resulting in violations of the do-no-harm principle. Instead of being provided much-needed assistance, hundreds of potential TIP victims, many of whom have suffered unimaginable trauma in the cyber-scam compounds, are being detained in overcrowded rooms in immigration centres without access to basic necessities, like food and water. In some cases, they are made to pay hundreds of dollars in inappropriate fines or additional fees for basic services on top of being detained.¹¹

This report will explore the circumstances surrounding the inbound human trafficking from countries in the region to Cambodia's cyber-scam industry. It aims to identify concrete, practical steps that the RGC and other key stakeholders should consider in order to address the issues and better protect the potential TIP victims. The report is divided into four sections: (1) factual background on the potential TIP victims in the cyber-scam industry; (2) a summary of the applicable national, regional, and international legal frameworks; (3) analysis and findings under the applicable laws; and (4) recommendations and considerations for the RGC and other key stakeholders concerning victim screening, identification, protection, and assistance; potential gaps in laws and access to information; law enforcement and investigative efforts; and awareness building in the private sector.

⁹ Interview with Head of the NCCT on 22 December 2022.

¹⁰ E.g., Rachel Cheung, "Trafficking Victims Are Finally Being Freed From Cambodia—But the Scam Industry Is Far From Over", *VICE World News*, 10 November 2022, <https://www.vice.com/en/article/5d34bx/trafficking-victims-freed-cambodia>; "Cambodia repatriates hundreds amid trafficking arrests", *UCA News*, 5 September 2022, <https://www.ucanews.com/news/cambodia-repatriates-hundreds-amid-trafficking-arrests/98649>.

¹¹ Rachel Cheung, "They Thought Their Human Trafficking Nightmare Was Over. Then Came the Police." *VICE*, 4 October 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

SUMMARY OF RECOMMENDATIONS

Victim screening, identification, protection, and support

1. *Victim screening:* The RGC should consider conducting victim screenings immediately after raid-and-rescue operations of the cyber-scam compounds to identify potential TIP victims – men, women, and children – and provide them with adequate protection and support prior to and during repatriation. The RGC could consider engaging with and leveraging the expertise and experience of NGOs in this area.
2. *Victim support agencies:* The RGC should consider more deeply engaging with victim support agencies when potential TIP victims are rescued.
3. *Training on victim screening and implementation of a victim-centred approach:* To improve victim identification, the RGC should consider enhancing the capacity of members of the cybercrime unit, border guards, and immigration officers on victim screening processes, victim-centred approaches, non-discrimination, and trauma-informed interviews.

Legal reform: Bridging gaps in laws and access to information

1. *Explicit provisions criminalising forced labour:* The Ministry of Justice should consider reviewing and amending the Anti-Human Trafficking Law to clearly criminalise forced labour, defining its elements pursuant to international standards.
2. *Principle of non-punishment/non-criminalisation:* The Ministry of Justice should consider reviewing the Anti-Human Trafficking Law to explicitly include provisions regarding non-punishment/non-criminalisation.
3. *Bridging the gaps related to victim protection:* The Ministry of Justice should consider reviewing the current Anti-Human Trafficking Law to bridge the gaps related to victim protection.
4. *Access to information:* The RGC should consider working more closely with NGOs and victim support agencies to enhance access to clear, accurate information for potential TIP victims, and foreign migrant workers generally, as well as the dissemination of TIP-related laws, decrees, policies, and the rights of TIP victims.

Accountability: Law enforcement and investigative efforts

1. *Access to remedy:* The RGC should consider ways to ensure that potential TIP victims can exercise their right to access to remedy, *e.g.*, by providing them with access to legal counsel and enabling them to provide testimony remotely.
2. *Increased cross-border cooperation:* The RGC should consider ways to increase cooperation between Cambodian and other law enforcement authorities in the region, *e.g.*, by sharing intelligence, facilitating access to victims and witnesses, and fully implementing relevant MoUs.
3. *Increased coordination between Cambodian authorities:* The RGC should consider reviewing guidelines and identifying ways to increase the coordination between the

NCCT, the Anti-Human Trafficking and Juvenile Protection Police, the cybercrime police, and immigration officers.

4. *Additional tailored capacity building*: NGOs and Cambodian law enforcement authorities should consider enhancing their capacity to conduct financial investigations and cryptocurrency, develop strategies for investigating organised crime groups, and implement best practices in evidence collection and preservation.

Awareness building in the private sector

1. NGOs and the RGC should consider ways to build awareness in the private sector about the prevalence of human trafficking and forced labour in the cyber-scam industry. Specifically, they should increase collaboration and engagement with:
 - a. Financial institutions;
 - b. Telecom companies;
 - c. Social media companies; and
 - d. Universities in the region.

INTRODUCTION

Since late 2022, it is estimated that at least 100,000 individuals,¹² many of which are young people from Asian countries, have travelled to Cambodia for “online jobs”. However, when they arrived in the country, they were taken to and locked in compounds, forced to engage in cybercriminal activities, and abused physically, psychologically, and emotionally.

This report aims to identify concrete, practical steps that the RGC and other key stakeholders could consider taking to better protect and assist the potential TIP victims in the cyber-scams compounds. Section I provides factual background on the cyber-scams industry in Cambodia, including the recruitment process, transportation and travel trends, locations of the compounds, living and working conditions, the types of cybercriminal activities in the compounds, types of harm victims suffer, and identification, rescue, and repatriation efforts. Section II summarises the applicable national, regional, and international laws, including the anti-human trafficking laws, forced labour and other labour laws, gambling laws, immigration laws, and anti-money laundering laws. Section III applies the definitions of human trafficking and forced labour under national and international laws to the factual circumstances in the cyber-scams compounds and makes certain findings. Finally, Section IV provides recommendations and considerations for the RGC and other key stakeholders on victim screening, identification, protection, and assistance; gaps in laws and access to information; law enforcement and investigative efforts; and awareness building in the private sector.

METHODOLOGY

This report aims to provide recommendations to the RGC and other stakeholders seeking to protect potential TIP victims from Indonesia, Thailand, and Vietnam who are lured to Cambodia with promises of jobs and then forced to work in cyber-scams compounds. It summarises data collected from desk-based research, a review of NGO case documentation, key stakeholder interviews, and victims/informant interviews, analyses this data under relevant national, regional, and international laws, and makes findings based on this analysis.

First, the desk-based research focused on gaining an understanding of the context surrounding the cyber-scams industry in Cambodia – *e.g.*, identifying trends and patterns reported by media organisations and civil society groups and compiling accounts from potential TIP victims. This research included, but was not limited to, reviewing domestic and international media reports, NGO reports, statements by governments in the region, and other publicly available information.

Second, confidential interviews were conducted with several victims and three NGOs in Indonesia, Thailand, and Vietnam, which work with potential TIP victims returning home from Cambodia. A detailed questionnaire was created to guide these interviews. Two of these NGOs also shared anonymised case documentation to provide further examples of victim accounts.

¹² U.N. September 2022 Report; ‘Southeast Asian activists urge Asean help to rescue scam trafficking victims from Chinese gangs’, *SCMP*, 17 February 2023, <https://www.scmp.com/week-asia/article/3210584/southeast-asian-activists-urge-asean-help-rescue-scams-trafficking-victims-chinese-gangs>; ‘Thousands enslaved in Cambodia to run fake ICOs and scams’, *Protos*, 2 November 2022, <https://protos.com/thousands-enslaved-in-cambodia-to-run-fake-icos-and-scams/>; David Pierson, ‘I was a slave: Up to 100,000 held captive by Chinese cybercriminals in Cambodia’, *Los Angeles Times*, 1 November 2022, <https://www.latimes.com/world-nation/story/2022-11-01/i-was-a-slave-up-to-100-000-held-captive-by-chinese-cyber-criminals-in-cambodia>.

Third, key stakeholder interviews were conducted with three Cambodian government bodies: Ministry of Justice, Ministry of Social Affairs, and the NCCT. To guide these interviews, questions and topics were prepared ahead of time. These consultations aimed at filling gaps in information and obtaining insights (e.g., regarding implementation and enforcement of laws and investigation or prosecution of cases). The interviews were conducted in person and remotely.

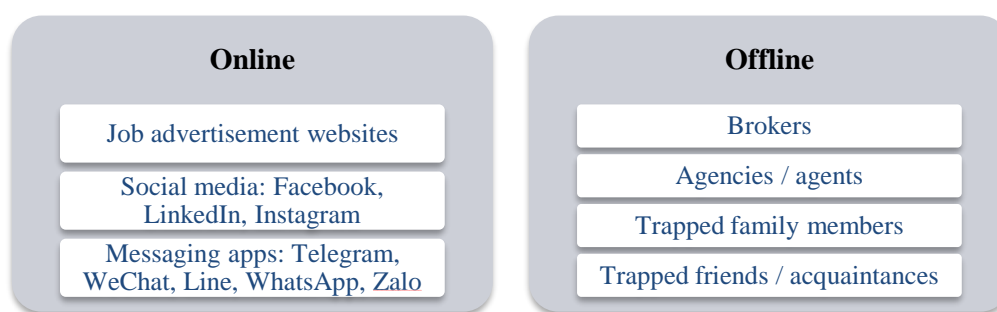
Finally, a focus group was formed with NGOs and members of international organizations in Cambodia. This group had an advisory role and reviewed the study’s research methodology, framework, findings, and recommendations.

SECTION I: FACTUAL BACKGROUND

With a particular focus on individuals coming from Indonesia, Thailand, and Vietnam, this section summarises data collected from desk-based research and interviews of key stakeholders, informants, and potential TIP victims on: (1) recruitment processes; (2) transportation methods and travel trends; (3) the locations of compounds in Cambodia; (4) living and working conditions in the compounds; (5) the cybercriminal activities taking place; (6) the abuse and other violence that individuals face; and (7) identification, rescue, and repatriation efforts by civil society, the RGC, and other regional governments.

A. Recruitment processes

Transnational criminal groups appear to be using both online and offline recruitment methods to deceive and lure potential TIP victims from Bangladesh, China, Hong Kong, India, Indonesia, Malaysia, The Philippines, Taiwan, Thailand, Vietnam, and other countries to Cambodia, forcing them to engage in illegal gambling, scamming, and other cybercriminal activities.¹³



The most common recruitment method for the potential TIP victims is via online job advertisements that are posted on job-search websites; social media platforms, like Facebook, LinkedIn, and Instagram; and messaging applications, like Telegram, WeChat, Line,

¹³ Joyce Ann L. Rocamora, ‘DFA repatriates 8 Filipino scam victims from Cambodia’, Philippine News Agency, 26 February 2023, <https://www.pna.gov.ph/articles/1196063>; ‘Inside the “living hell” of Cambodia’s scam operations’, *France 24*, 9 November 2022, <https://www.france24.com/en/live-news/20221109-inside-the-living-hell-of-cambodia-s-scam-operations>; ‘Thousands enslaved in Cambodia to run fake ICOs and scams’, *Protos*, 2 November 2022, <https://protos.com/thousands-enslaved-in-cambodia-to-run-fake-icos-and-scams/>; ‘Indian Workers Rescued from Job Scams in Southeast Asia’, *VOA Cambodia*, 10 October 2022, <https://www.voacambodia.com/a/indian-workers-rescued-from-job-scams-in-southeast-asia/6783280.html>; Tess Wong, ‘Cambodia scams: Lured and trapped into slavery in South East Asia’, *BBC News*, 21 September 2022, <https://www.bbc.com/news/world-asia-62792875>.

WhatsApp, and Zalo.¹⁴ Examples of these job advertisements have been published in various media reports:¹⁵

 April 7 at 9:14 PM · 

Looking for filipino who's currently here in Pnhom Penh
Customer Service Representative (Chat Support)

The basic salary of an agent: 1,250 US dollars the basic salary will be increased by 80 US dollars per month, maximum is 1750 US dollars plus commision

free food
free accomodation and necessities as well.

If you have any other questions, kindly send me a message. Thank you!

 **CAMBODIA PINOY EXPAT** 
Yang Yang · Jul 13 · 

PHNOM PENH JOB OFFER
Job description* # Online customer service marketing
Job location# PHNOM PENH.
Requirements
01. Must know English language proficiency and computer typing skills.
(Basic salary#\$950+commission 5-10%)
Age 18-35
Company providing by
Visa, Work permit, Food & Accommodation.
First Contact six months.
Job vacancy#20 person
Including two translator.

Targeting educated, computer-literate young people or recent university graduates (16-29 years old)¹⁶ who speak English and one or more regional languages¹⁷ – atypical TIP victims¹⁸ – the advertisements promise accommodations and high-paying jobs in marketing, human resources, translation, finance, casinos, hotels, and IT.¹⁹ Typically, no previous work

¹⁴ Interview with an Indonesian NGO on 21 October 2022; Interview with Vietnamese NGO on 13 October 2022; Mazoe Ford, 'Inside the call centre scam that lured vulnerable workers to Cambodia and trapped them in the murky world of human trafficking', *ABC News*, 28 December 2022, <https://www.abc.net.au/news/2022-12-29/inside-call-centre-scams-in-cambodia-torture-fear-and-survival/101770352>; Ashman Adam, 'Why are Malaysians falling for deadly jobs scams in Cambodia, and what is Putrajaya doing to prevent more crimes?', *Malay Mail*, 29 September 2022, <https://www.malaymail.com/news/malaysia/2022/09/29/why-are-malaysians-falling-for-deadly-job-scams-in-cambodia-and-what-is-putrajaya-doing-to-prevent-more-victims/30593>.

¹⁵ Cannabiccino, 'Rescuing tricked recruits of online scams companies in Cambodia', *Global Anti-Scam Org*, 16 April 2022, <https://www.globalantiscam.org/post/rescuing-trapped-scammers-in-cambodia>; Matt Blomberg, 'Chinese scammers enslave jobless teachers and tourists in Cambodia', *Thomas Reuter Foundation*, 16 September 2021, <https://news.trust.org/item/20210916120210-olp4a>.

¹⁶ Based on media reports and interviews with NGOs in Vietnam, Thailand, and Indonesia (conducted for this report), the ages of potential victims range from 16 years old to 29 years old. See e.g., Danielle Keeton-Olsen and Lam Nguyen, 'How Cambodia's scam mills reel in new "cyber slave" workers', 10 November 2022, <https://restofworld.org/2022/cambodias-scam-mills/>; Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, 'Sold to gangs, forced to run online scams: inside Cambodia's cybercrime crisis', *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>; Interview with an Indonesian NGO on 21 October 2022; Interview with a Thai NGO on 17 October 2022; Interview with Vietnamese NGO on 13 October 2022.

¹⁷ Interview with Vietnamese NGO on 13 October 2022; Interview with an Indonesian NGO on 21 October 2022; Tessa Wong, 'Cambodia Scams: Lured and Trapped into Slavery in South East Asia', *BBC News*, 20 September 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62792875>.

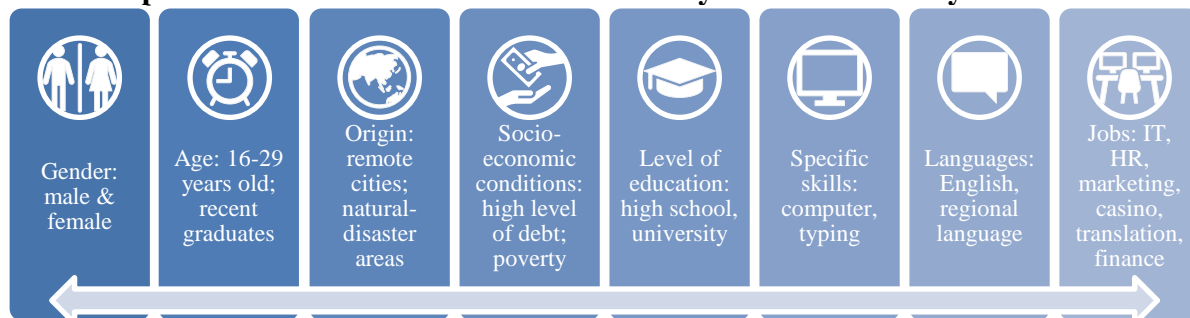
¹⁸ 'Southeast Asian activists urge Asean help to rescue scam trafficking victims from Chinese gangs', *SCMP*, 17 February 2023, <https://www.scmp.com/week-asia/article/3210584/southeast-asian-activists-urge-asean-help-rescue-scam-trafficking-victims-chinese-gangs>.

¹⁹ Interview of Indonesian victim, dated 16 November 2022; Interview with Vietnamese NGO on 13 October 2022; Interview with an Indonesian NGO on 21 October 2022; Cyrus Farivar, 'Cambodia is cracking down on 'Fraud Factories,' where people are forced to scam others', *Forbes*, 21 September 2022,

experience is required, and the advertisements state that the “employer” will provide financial and logistical support in obtaining travel documents and work visas.²⁰

Generally, the young people targeted by the criminal syndicates are also from higher poverty areas, remote locations, or natural disaster-prone regions, or they are in particularly vulnerable socio-economic situations, *e.g.*, they have ill family members or a large amount of debt.²¹ Capitalising on fewer employment opportunities in the potential victims’ home countries and increasing levels of poverty, the recruiters and job advertisements promote the burgeoning sectors of the Cambodian economy to entice the potential victims to join a growing “workforce”.²²

Profile of potential TIP victims recruited into the cyber-scam industry in Cambodia



In addition to the online recruitment methods, networks of individual brokers and recruitment agencies are actively recruiting individuals in their home countries.²³ These recruiters make similar promises as those in the job advertisements and often require the payment of recruitment fees. Some victims have stated that they paid their broker or agency between 1500 and 3000 USD while others have stated that they did not pay anything upfront, but that amounts were later deducted from their salaries to cover the recruitment fees.²⁴

<https://www.forbes.com/sites/cyrusfarivar/2022/09/21/cambodia-is-cracking-down-on-fraud-factories-where-people-are-forced-to-scam-others/?sh=578021196c86>.

²⁰ Tessa Wong, ‘Cambodia Scams: Lured and Trapped into Slavery in South East Asia’, *BBC News*, 20 September 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62792875>.

²¹ Interview with an Indonesian NGO on 21 October 2022 (The NGO working on rescuing and supporting potential TIP victims confirmed that it had assisted many Indonesian victims recruited from Sumatra Island, and other poverty-driven and natural-disaster-prone regions with endemic corruption.); Interview with a Vietnamese NGO on 13 October 2022 (The NGO had noted “clusters” of potential TIP victims returning to Vietnam from Cambodia after being trapped in cyber-scam compounds. Between five and 20 victims all came from the same or nearby areas in the far Northern regions of Vietnam, which had higher levels of poverty.); Ashman Adam, ‘Why are Malaysians falling for deadly jobs scams in Cambodia, and what is Putrajaya doing to prevent more crimes?’, *Malay Mail*, 29 September 2022, <https://www.malaymail.com/news/malaysia/2022/09/29/why-are-malaysians-falling-for-deadly-job-scams-in-cambodia-and-what-is-putrajaya-doing-to-prevent-more-victims/30593> (According to the Malaysian Ambassador to Cambodia, Malaysian victims were enticed by high salaries offered by the scams and divided into two categories: (1) those with qualifications such as diplomas; and (2) young people aged 10 to 30 without qualifications.); Tessa Wong, ‘Cambodia Scams: Lured and Trapped into Slavery in South East Asia’, *BBC News*, 20 September 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62792875> (reporting that a young Taiwanese man was lured to Cambodia because he was hoping to supplement the salary of his father, who had recently had a stroke); ‘Cambodia returns 26 Vietnamese workers as embassy warns of job scams’, *RFA Vietnamese*, 2 September 2022, <https://www.rfa.org/english/news/vietnam/cambodia-returns-26-vietnamese-09022022005320.html> (26 Vietnamese potential TIP victims were rescued from a casino in Kandal province in August 2022, and they reported being from remote, poorer areas in the Northern, Central Highlands and Southwest regions of Vietnam.).

²² Ashman Adam, ‘Why are Malaysians falling for deadly jobs scams in Cambodia, and what is Putrajaya doing to prevent more crimes?’, *Malay Mail*, 29 September 2022, <https://www.malaymail.com/news/malaysia/2022/09/29/why-are-malaysians-falling-for-deadly-job-scams-in-cambodia-and-what-is-putrajaya-doing-to-prevent-more-victims/30593>.

²³ Interview with an Indonesian NGO on 21 October 2022; Danielle Keeton-Olsen, Lam Nguyen, ‘How Cambodia’s scam mills reel in new “cyber slave” workers’, *Rest of World*, 10 November 2022, <https://restofworld.org/2022/cambodias-scam-mills/>.

²⁴ Interview with Vietnamese NGO on 13 October 2022; Interview with an Indonesian NGO on 21 October 2022.

Accounts of potential TIP victims on their recruitment by brokers and agencies	
China	“[The broker] said I just needed to analyse the securities market for clients and that the salary would be more than \$1,500 a month. I thought I just needed to work for two months to go back to China”. ²⁵
Indonesia	“I migrated to Cambodia in late 2021 with the arrangement of an Indonesian agency, which promised me a job in an online gambling operation with a Chinese company in Phnom Penh. The agency promised me 1200 USD as my monthly salary. The Indonesian agency arranged my travel from Indonesia to Cambodia. I arrived in Cambodia in November 2021 and immediately the agency sent me to the workplace, a scam company owned by Chinese. The agency kept my passport.” ²⁶

Victims have also reported that their own family members, friends, neighbours, and acquaintances inside the cyber-scam compounds recruited them after being threatened.²⁷ Because of these previously established, trusted relationships, it was easier for these individuals to lure the potential victims to Cambodia. Finally, there have been instances in which potential victims have claimed that they were kidnapped from their villages and taken to Cambodia.²⁸

B. Transportation methods and travel trends

Based on publicly available reports and potential TIP victim accounts, individuals travel to Cambodia via different means: (1) by foot, sometimes hiking from one city to another;²⁹ (2) by car or truck, mainly traveling across the border between Cambodia-Thailand and Cambodia-Vietnam;³⁰ (3) by boat, for example, traveling from Vietnam to Cambodia;³¹ (4) by plane from their home countries to Phnom Penh International Airport (sometimes with a stop, depending on the home countries);³² or (5) a combination of the above.³³ In some cases, the potential TIP victims are paying for the travel themselves, but in other cases, the travel is arranged by an agency.³⁴

²⁵ Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

²⁶ Interview of Indonesian victim, dated 16 November 2022.

²⁷ Interview with Vietnamese NGO on 13 October 2022; Rashvinjeet S. Bedi, ‘In Focus: When lucrative overseas jobs offers turn into nightmare scams for these Malaysians’, *CNA*, 17 September 2022, <https://www.channelnewsasia.com/asia/malaysia-overseas-job-scam-victims-cambodia-myanmar-laos-thailand-tortured-2940326>.

²⁸ Mina Chiang & Sharlene Chen, ‘HRC briefing: Cyber slavery in the scamming compounds’, *Humanity Research Consultancy*, September 2022, https://humanity-consultancy.com/wp-content/uploads/2022/09/HRC-Briefing_Cyber-Slavery-in-the-Scamming-Compounds.pdf.

²⁹ Interview of Thai victim on 30 October 2022.






³⁰ Interview of Thai victim on 30 October 2022; Interview with Vietnamese NGO on 13 October 2022; Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

³¹ Ngoc Anh, ‘Easy job, easy money: how Vietnamese citizens are trafficked in Cambodia’, *Vn Express*, 1 September 2022, <https://e.vnexpress.net/news/trend/easy-job-easy-money-how-vietnamese-citizens-are-trafficked-in-cambodia-4506589.html>.

³² Interview with an Indonesian NGO on 21 October 2022; AFP, ‘Inside the ‘living hell’ of Cambodia’s scam operations’, *Bangkok Post*, 9 November 2022, <https://www.bangkokpost.com/world/2433725/inside-the-living-hell-of-cambodias-scam-operations>.

³³ Interview of Thai victim, dated 30 October 2022.

³⁴ Interview of Thai victim, dated 30 October 2022; Interview of Indonesian victim, dated 16 November 2022; Interview with an Indonesian NGO on 21 October 2022.

				
By foot	By car or truck	By boat	By plane	Combination of transport
Walking, hiking between border cities	Driving across Cambodia-Thailand and Cambodia-Vietnam borders	Across rivers or sea, especially on Vietnam-Cambodia border	Direct flights from origin country to Cambodia; or flights with multiple stops before Cambodia	A combination of transport, e.g., boats from village to larger city and then a plane to Cambodia

From China, Hong Kong, Indonesia, India, Malaysia, Taiwan, Thailand, The Philippines, and Vietnam, the potential TIP victims generally make dangerous long trips. Some have passports and work visas to make these trips while others do not have proper travel or work documents.³⁵ For example, in early September 2022, Indonesia’s Foreign Ministry confirmed that all 446 Indonesians, who had been rescued and repatriated in the first eight months of 2022, were found to have used “tourist visas instead of work visas” in Cambodia.³⁶

Below are some accounts of potential TIP victims who have made these long trips to Cambodia:

- **Indonesia:** Reports indicate that Indonesian victims have been recruited from Aceh, Java, Jambi, Jakarta, North Sumatra, and West Kalimantan regions of the country.³⁷ After being recruited, they are often transported to Medan province before taking pre-arranged flights to Preah Sihanouk province.³⁸
- **China:** A sixteen-year-old Chinese national reportedly crossed a mountain range at gunpoint.³⁹ Additionally, three Chinese nationals were found dead after a boat loaded with 41 people sunk when crossing into Preah Sihanouk province in September 2022.⁴⁰
- **Vietnam:** A Vietnamese man was allegedly smuggled across the Cambodia-Vietnam border by armed traffickers.⁴¹
- **Malaysia:** A group of seven Malaysians reportedly crossed via a boat to Thailand before being transported to Cambodia via the land border.⁴²

³⁵ Mina Chiang & Sharlene Chen, ‘HRC briefing: Cyber slavery in the scamming compounds’, *Humanity Research Consultancy*, September 2022, https://humanity-consultancy.com/wp-content/uploads/2022/09/HRC-Briefing_Cyber-Slavery-in-the-Scamming-Compounds.pdf.

³⁶ Resty Woro Yuniar, ‘Indonesia and Cambodia crack down on ‘aggressive’ Chinese-run job scams as more victims emerge’, *SCMP*, 2 September 2022, <https://www.scmp.com/week-asia/economics/article/3191185/indonesia-and-cambodia-crack-down-aggressive-chinese-run-job>.

³⁷ Interview with an Indonesian NGO on 21 October 2022; N. Sumatra Police track down Jakarta firm in foiled Cambodia trafficking scheme’, *The Star*, 16 August 2022, <https://www.thestar.com.my/aseanplus/aseanplus-news/2022/08/16/n-sumatra-police-track-down-jakarta-firm-in-foiled-cambodia-trafficking-scheme>.

³⁸ ‘N. Sumatra Police track down Jakarta firm in foiled Cambodia trafficking scheme’, *The Star*, 16 August 2022, <https://www.thestar.com.my/aseanplus/aseanplus-news/2022/08/16/n-sumatra-police-track-down-jakarta-firm-in-foiled-cambodia-trafficking-scheme>.

³⁹ Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

⁴⁰ Sovann Sreyphich, ‘One week after boat sank off Sihanoukville 8 Chinese remain missing’, *CamboJA*, 29 September 2022, <https://cambojanews.com/one-week-after-boat-sank-off-sihanoukville-8-chinese-remain-missing/>.

⁴¹ Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

⁴² Rashvinjeet S. Bedi, ‘In Focus: When lucrative overseas jobs offers turn into nightmare scams for these Malaysians’, *CNA*, 17 September 2022, <https://www.channelnewsasia.com/asia/malaysia-overseas-job-scam-victims-cambodia-myanmar-laos-thailand-tortured-2940326>.

- **Thailand:** A Thai woman described how she was promised a job at a hotel and was enticed to travel from her hometown in Aranyaprathet to Sa Kaeo province of Thailand, which borders Cambodia. She spent a night in a hotel along the border before crossing to Poi Pet city, Cambodia.⁴³

In general, reports indicate that potential TIP victims' travel and identification documents are taken away upon arrival in Cambodia, effectively preventing them from leaving the country or moving around freely.⁴⁴ However, recently, there have been some reports of individuals who were in possession of their identification documents when rescued and detained in immigration facilities; it is not known if these documents were returned immediately prior to or during the rescue.⁴⁵

Finally, it appears that in at least some instances, potential TIP victims receive training in Phnom Penh before being sent to a cyber-scam compound. One Indonesian NGO explained that some potential TIP victims reported undergoing training in Phnom Penh upon arrival before being transferred to a cyber-scam compound in another city.⁴⁶ In contrast, a potential Thai TIP victim stated that she did not receive any formal training, but rather, was provided with "guidelines" for her "work" in Thai.⁴⁷

C. The locations of the compounds in Cambodia

A high concentration of cyber-scam compounds is in Preah Sihanouk province, particularly in Special Economic Zones.⁴⁸ Other compounds have been identified in Phnom Penh, Pursat, Koh Kong, Svay Rieng, Kandal, Banteay Meanchey, and on the border of Cambodia and Laos.⁴⁹

While many potential TIP victims are taken directly to Preah Sihanouk province,⁵⁰ others arrive at Phnom Penh International Airport, Poi Pet city on the Thai-Cambodian border, or Bavet and Chrey Tom cities on the Vietnamese-Cambodian border.⁵¹ Later, they are transferred to Preah Sihanouk or other provinces where the compounds are based.⁵² In one

⁴³ Key informant interview of NGO in Thailand, 17 October 2022.

⁴⁴ See e.g., 'The Aftermath of the Belt and Road Initiative: Human Trafficking in Cambodia', *China Labor Watch*, 19 August 2022.

⁴⁵ Interview of Indonesian victim, dated 16 November 2022.

⁴⁶ Interview with an Indonesian NGO on 21 October 2022.

⁴⁷ Interview of Thai victim, dated 30 October 2022.

⁴⁸ Interview of Thai victim, dated 30 October 2022; Claire Provost and Matt Kennard, 'Inside the Corporate Utopias Where Capitalism Rules and Labor Laws Don't Apply', *In These Times*, 13 December 2022, <http://www.inthesetimes.com/features/special-economic-zones-corporate-utopia-capitalism.html>; Cyber Scam Monitor, 'Cambodia: MDS Henghe Thmorda Special Economic Zone', 6 November 2022, <https://cyberscammonitor.net/profile/mds-henghe-thmorda-sez/>; Mech Dara, 'Seven-story building raided, only 4 cleaners, 1 chef found', *VOD*, 3 October 2022, <https://vodenglish.news/seven-story-building-raided-only-4-cleaners-1-chef-found/>; Mary Ann Jolley and Danny Boyle, 'Meet Cambodia's Cyber Slaves', *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>; Mech Dara, 'Thai nationals rescued, repatriated from Pursat SEZ', *VOD*, 24 November 2021, <https://vodenglish.news/thai-nationals-rescued-repatriated-from-pursat-sez/>.

⁴⁹ Interview of Indonesian victim, dated 16 November 2022; Interview with an Indonesian NGO on 21 October 2022; Cyber Scam Monitor, *Map*, <https://cyberscammonitor.net/>; Mech Dara, 'Amid ongoing scam raids, Sihanoukville residents recall insecurity', *VOD*, 29 September 2022, <https://vodenglish.news/amid-ongoing-scam-raids-sihanoukville-residents-recall-insecurity/>.

⁵⁰ 'N. Sumatra Police track down Jakarta firm in foiled Cambodia trafficking scheme', *The Star*, 16 August 2022, <https://www.thestar.com.my/aseanplus/aseanplus-news/2022/08/16/n-sumatra-police-track-down-jakarta-firm-in-foiled-cambodia-trafficking-scheme>.

⁵¹ Interview of Indonesian victim, dated 16 November 2022; 'For Vietnamese trafficked to Cambodia, rescue can't come fast enough', *VN Express International*, 13 September 2022, <https://e.vnexpress.net/news/trend/for-vietnamese-trafficked-to-cambodia-rescue-cant-come-fast-enough-4510695.html>.

⁵² Interview with Vietnamese NGO on 13 October 2022; Mina Chiang & Sharlene Chen, 'HRC briefing: Cyber slavery in the scamming compounds', *Humanity Research Consultancy*, September 2022, <https://humanity-consultancy.com/wp-content/uploads/2022/09/HRC-Briefing-Cyber-Slavery-in-the-Scamming-Compounds.pdf>; 'N. Sumatra Police track down Jakarta firm in foiled Cambodia trafficking scheme', *The Star*, 16 August 2022, <https://www.thestar.com.my/aseanplus/aseanplus-news/2022/08/16/n-sumatra-police-track-down-jakarta-firm-in-foiled-cambodia-trafficking-scheme>.

instance, a Thai woman claims to have crossed illegally into Cambodia via Poi Pet city from Sa Kaeo province in Thailand without travel documents.⁵³ A Thai recruitment agent transported her to the Thai-Cambodian border, but then, she was handed over to different agents before entering Cambodia.⁵⁴ Once in the country, the woman travelled via a pre-arranged vehicle from Poi Pet city to Preah Sihanouk province, where she was placed in a 10-story building, sharing a room with three other Thai nationals.⁵⁵ After working for that particular criminal group in Preah Sihanouk province for some time, she was sold to another group based in Takeo province.⁵⁶

Consistent with the Thai woman's description above, the compounds are often current or former hotels, casinos, condominiums, large office buildings, or apartment complexes, and they can hold thousands of people.⁵⁷ For example, eleven cyber-scam compounds in Phnom Penh, raided by police in September 2022, were found to have six hotels, three apartments, one condominium, and one office compound.⁵⁸

The compounds are generally surrounded by high walls, barbed wire, or specially constructed fences to prevent potential TIP victims from leaving or having contact with the outside world.⁵⁹ In August 2022, after an official visit, the United Nations Special Rapporteur to the situation of human rights in Cambodia, Professor Vitit Muntarbhorn, stated that "there might be an eerie quiet surrounding the compounds where the people are held against their will, because those precincts are like a maze, hidden behind the surrounding walls, where people are quietly and insidiously tapping on line – to bait other victims."⁶⁰

D. Living and working conditions in the cyber-scam compounds

Promised attractive salaries, accommodation, and benefits, most potential TIP victims arrive in Cambodia and find a starkly different situation.⁶¹ Reports indicate that they are herded into overcrowded locked compounds and subjected to long working hours (*e.g.*, up to 16 hours per day),⁶² threats, beatings, electrocution, starvation, sexual assault, torture, and other forms of violence.⁶³ A Malaysian victim recalled that "[o]n each floor there were about 300 people, mostly Malaysians. They were beaten as well so I know that they are also victims."⁶⁴

⁵³ Interview with a Thai NGO on 17 October 2022.

⁵⁴ Interview with a Thai NGO on 17 October 2022.

⁵⁵ Interview with a Thai NGO on 17 October 2022.

⁵⁶ Interview with a Thai NGO on 17 October 2022.

⁵⁷ Interview with an Indonesian NGO on 21 October 2022; Interview with Vietnamese NGO on 13 October 2022; Mech Dara, 'Amid ongoing scam raids, Sihanoukville residents recall insecurity', *VOD*, 29 September 2022, <https://vodenglish.news/amid-ongoing-scam-raids-sihanoukville-residents-recall-insecurity/>.

⁵⁸ Mech Dara, 'Over 10 Phnom Penh condos, hotels raided over trafficking, online 'services'', *VOD*, 27 September 2022, <https://vodenglish.news/over-10-phnom-penh-condos-hotels-raided-over-trafficking-online-services/>.

⁵⁹ Interview with Vietnamese NGO on 13 October 2022; Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, 'Sold to gangs, forced to run online scams: inside Cambodia's cybercrime crisis', *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

⁶⁰ UN Special Rapporteur Vitit Muntarbhorn, 'End of mission statement', 26 August 2022, <https://www.ohchr.org/sites/default/files/documents/countries/kh/2022-08-26/SR-Cambodia-End-of-Mission-Statement.pdf>.

⁶¹ Forced to scam: Cambodia's cyber slaves', *Al Jazeera 101 East*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

⁶² Interview of Thai victim, dated 30 October 2022; Interview of Indonesian victim, dated 16 November 2022.

⁶³ Mary Ann Jolley and Danny Boyle, 'Meet Cambodia's Cyber Slaves', *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>; Tessa Wong, 'Cambodia Scams: Lured and Trapped into Slavery in South East Asia', *BBC News*, 20 September 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62792875>.

⁶⁴ Ashman Adam, 'Why are Malaysians falling for deadly jobs scams in Cambodia, and what is Putrajaya doing to prevent more crimes?', *Malay Mail*, 29 September 2022, <https://www.malaymail.com/news/malaysia/2022/09/29/why-are-malaysians-falling-for-deadly-job-scams-in-cambodia-and-what-is-putrajaya-doing-to-prevent-more-victims/30593>.

Furthermore, in the cyber-scam compounds, security is high, and the movement of the potential TIP victims is heavily restricted.⁶⁵ A Thai victim described the situation as follows: “The room was like a cage with iron bars, we couldn’t get out. It was like prison.”⁶⁶ Since the potential victims’ travel and identification documents and other personal belongings, like smartphones, are often confiscated upon arrival, it becomes difficult, if not impossible, for them to leave.⁶⁷ The U.N. Special Rapporteur to the situation of human rights in Cambodia stated that this “living hell is [...] detention incommunicado.”⁶⁸

With respect to salaries, potential TIP victims from Indonesia,⁶⁹ Malaysia,⁷⁰ Thailand,⁷¹ and Vietnam⁷² noted that they almost never received the salary amounts (e.g., 1,000 USD to over 3,000 USD) promised during the recruitment process.⁷³ Also, it is unclear whether victims enter into written contracts with the so-called “employers”, i.e., transnational criminal groups. A Vietnamese NGO stated that potential TIP victims reported signing written contracts when they arrived at the compounds, whereas an Indonesian NGO said that the potential TIP victims only mentioned oral contracts.⁷⁴

Moreover, a number of potential TIP victims have said that they received salaries in full for the first few months in Cambodia, and then later, received lesser, or incrementally decreasing, amounts until eventually they received nothing.⁷⁵ These publicly reported statements are corroborated by information received from interviews with NGOs and victims who returned from Cambodia to their countries of origin – Indonesia,⁷⁶ Thailand,⁷⁷ and Vietnam.⁷⁸

⁶⁵ AFP, ‘Inside the ‘living hell’ of Cambodia’s scam operations’, *Bangkok Post*, 9 November 2022,

<https://www.bangkokpost.com/world/2433725/inside-the-living-hell-of-cambodias-scam-operations>; Forced to scam: Cambodia’s cyber slaves’, *Al Jazeera 101 East*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

⁶⁶ Mazoe Ford, Supattra Vimonsuknopparat, ‘Inside the call centre scam that lured vulnerable workers to Cambodia and trapped them in the murky world of human trafficking’, *News*, 28 December 2022, <https://www.abc.net.au/news/2022-12-29/inside-call-centre-scams-in-cambodia-torture-fear-and-survival/101770352>.

⁶⁷ Mazoe Ford, Supattra Vimonsuknopparat, ‘Inside the call centre scam that lured vulnerable workers to Cambodia and trapped them in the murky world of human trafficking’, *News*, 28 December 2022, <https://www.abc.net.au/news/2022-12-29/inside-call-centre-scams-in-cambodia-torture-fear-and-survival/101770352>.

⁶⁸ UN Special Rapporteur Vitit Muntarbhorn, ‘End of mission statement’, 26 August 2022,

<https://www.ohchr.org/sites/default/files/documents/countries/kh/2022-08-26/SR-Cambodia-End-of-Mission-Statement.pdf>.

⁶⁹ Danielle Keeton-Olsen, ‘Learning to scam under the threat of tasers’, *VOD*, 21 September 2022, <https://vodenglish.news/learning-to-scam-under-threat-of-tasers/>.

⁷⁰ Cyrus Farivar, ‘Cambodia is cracking down on ‘Fraud factories’, where people are forced to scam others’, *Forbes*, 21 September 2022, <https://www.forbes.com/sites/cyrusfarivar/2022/09/21/cambodia-is-cracking-down-on-fraud-factories-where-people-are-forced-to-scam-others/?sh=578021196c86>.

⁷¹ Mazoe Ford and Supattra Vimonsuknopparat, ‘Inside the call centre scam that lured vulnerable workers to Cambodia and trapped them in the murky world of human trafficking’, *ABC News*, 29 December 2022, <https://www.abc.net.au/news/2022-12-29/inside-call-centre-scams-in-cambodia-torture-fear-and-survival/101770352>.

⁷² Vinh Tho, Le Vu, and Chi Cong, ‘Over 200 Vietnamese victims of human trafficking rescued from Cambodia’, *Tuoi Tre News*, 24 September 2022, <https://tuoitrenews.vn/news/society/20220924/over-200-vietnamese-victims-of-human-trafficking-rescued-from-cambodia/69238.html>.

⁷³ Cyrus Farivar, ‘Cambodia is cracking down on ‘Fraud factories’, where people are forced to scam others’, *Forbes*, 21 September 2022, <https://www.forbes.com/sites/cyrusfarivar/2022/09/21/cambodia-is-cracking-down-on-fraud-factories-where-people-are-forced-to-scam-others/?sh=578021196c86>.

⁷⁴ Interview with an Indonesian NGO on 21 October 2022; Interview with Vietnamese NGO on 13 October 2022.

⁷⁵ Ngoc Anh, ‘Easy job, easy money: how Vietnamese citizens are trafficked in Cambodia’, *Vn Express*, 1 September 2022, <https://e.vnexpress.net/news/trend/easy-job-easy-money-how-vietnamese-citizens-are-trafficked-in-cambodia-4506589.html>.

⁷⁶ Interview with an Indonesian NGO on 21 October 2022.

⁷⁷ Interview with a Thai NGO on 17 October 2022.

⁷⁸ Interview with a Vietnamese NGO on 13 October 2022.

Account: Potential TIP Victim from Indonesia	Account: Potential TIP Victim from Thailand
<p>“I worked there [in Cambodia] for four months from November 2021 to February 2022, but I only received half of my promised salary (only 600 USD or less per month). I was required to work around 16 hours per day and seven days per week without a day off or any leave. While I was working in Phnom Penh, I got COVID and had to pay for my medical treatment, around 500 USD.”⁷⁹</p>	<p>“I was paid around 20,000 baht but only for the first month. The payment was in cash mixing between USD, Khmer riel, and Thai baht. But after the first month, I only got money from the commission, which depend on the job. For example, for a shopping scam, I would get 10% from the purchase, and for a call-centre scam, I would get only 1% from the money they have made.”⁸⁰</p>

Moreover, sometimes, when potential TIP victims ask to leave a cyber-scam compound, their families are forced to pay ransoms for their release (generally, under the false pretence of the victims owing money to the “company”).⁸¹ While some ransoms are around 3,000 USD, others are believed to as high as 20,000 USD.⁸² Some families have stated that they were forced to take out loans or mortgage their properties to pay the ransoms.⁸³ If these ransoms are not paid, then the victims could be sold to other criminal groups or compounds where they face similar or worse treatment.⁸⁴ In one instance, in September 2022, a Thai woman was reportedly sold three times from one scam “company” to another between Preah Sihanouk and Takeo provinces before her father could pay 3,000 USD for her release.⁸⁵

E. Cybercriminal activities in the compounds

At the cyber-scam compounds, the potential TIP victims are forced to perpetrate online scams and engage in other cybercriminal activities – from money laundering to illegal online gambling and bogus investment schemes.⁸⁶ They are forced to target thousands of people primarily in China, Europe, United States, Japan, Indonesia, Malaysia, Vietnam, and Thailand, and the criminal networks profit considerably from these activities.⁸⁷ Some of the scamming techniques include:

⁷⁹ Interview of Indonesian victim, dated 16 November 2022.

⁸⁰ Interview of Thai victim, dated 30 October 2022.

⁸¹ ‘Southeast Asian activists urge Asean help to rescue scam trafficking victims from Chinese gangs’, *SCMP*, 17 February 2023, <https://www.scmp.com/week-asia/article/3210584/southeast-asian-activists-urge-asean-help-rescue-scam-trafficking-victims-chinese-gangs>; ‘Forced to scam: Cambodia’s cyber slaves’, *Al Jazeera 101 East*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

⁸² AFP, ‘Inside the ‘living hell’ of Cambodia’s scam operations’, *Bangkok Post*, 9 November 2022, <https://www.bangkokpost.com/world/2433725/inside-the-living-hell-of-cambodias-scam-operations>.

⁸³ ‘For Vietnamese trafficked to Cambodia, rescue can’t come fast enough’, *VN Express International*, 13 September 2022, <https://e.vnexpress.net/news/trend/for-vietnamese-trafficked-to-cambodia-rescue-cant-come-fast-enough-4510695.html>; Lindsey Kennedy, Nathan Paul Southern, and Huang Yan, ‘Cambodia’s Modern Slavery Nightmare: The Human Trafficking Crisis Overlooked by Authorities’, *The Guardian*, 21 September 2022, <https://amp.theguardian.com/world/2022/nov/03/cambodias-modern-slavery-nightmare-the-human-trafficking-crisis-overlooked-by-authorities>.

⁸⁴ ‘Johor job scam victim recounts being tortured, sold off five times in Cambodia’s Sihanoukville’, *The Strait Times*, 22 November 2022, <https://www.straittimes.com/asia/se-asia/johor-job-scam-victim-recounts-being-tortured-sold-off-five-times-in-cambodia-s-sihanoukville>; ‘Forced to scam: Cambodia’s cyber slaves’, *Al Jazeera 101 East*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

⁸⁵ Interview of Thai victim, dated 30 October 2022; Interview with a Thai NGO on 17 October 2022.

⁸⁶ Enno Hinz, ‘Cambodia: Human trafficking crisis driven by cyberscams’, *DW*, 12 September 2022, <https://www.dw.com/en/cambodia-human-trafficking-crisis-driven-by-cyberscams/a-63092938#:~:text=Foreign%20nationals%20are%20being%20trafficked.law%20enforcement%20to%20take%20action>.

⁸⁷ Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

- **“Pig butchering” and crypto fraud:** Using fake online profiles, scammers seduce people on social media or dating apps to get money from them. Earning the trust of the scam victims for weeks, sometimes even months, the scammers gradually encourage them to invest in cryptocurrency, engage in online gambling, or make other fake investments. The first investment or activity is usually a success, and the scam victims generally want to invest more. However, ultimately, the next round of investments results in the scam victims losing thousands, sometimes even millions, of dollars.⁸⁸ Because the funds are invested on fraudulent applications or websites, the scammers get access to the scam victims’ accounts, and the money invested simply disappears with no way to get it back.⁸⁹
- **Digital sextortion:** Scammers contact potential scam victims, mainly in Hong Kong and China, through online sex or dating platforms. They then ask their targets to download a malicious mobile application and engage in “naked chats”. The application then steals the phone’s contacts list. The scammers blackmail the targets, threatening to send the nude videos to their friends and family. Some scamming companies have allegedly extracted 47,000 USD from victims using this method.⁹⁰

Account of Potential TIP Victim from Thailand	Account of Potential TIP Victim from Vietnam
<p>“I worked on three different kinds of scam within a five-month period: -Romance scams tricking people to have affection for them and try to borrow money; -Online-shopping scams tricking people to buy goods online on fake website; and -Call-centre scams tricking people to believe that they worked for private or state organization, and then lure [them] to transfer the money.”⁹¹</p>	<p>“I was forced to make 15 friends every day and entice them to join online gambling and lottery websites [...] of these, I had to convince five people to deposit money into their gaming accounts. The manager told me to work obediently, not to try to escape or resist, or I will be taken to the torture room [...]. Many others told me if they did not meet the target, they would be starved and beaten.”⁹²</p>

Potential TIP victims have reported that they were forced to fulfil minimum quotas at the cyber-scam compounds. For example, they would be required to earn 12,000 USD or more per month for the “company”, *i.e.*, the transnational criminal group; make phone calls aiming to scam up to 30 people per day; and create fake social media accounts to befriend strangers online, hoping to make at least 15 new friends per day.⁹³ The “company” imposes these quotas and provides lists of targets (or phone numbers) that must be met within a specific

⁸⁸ Nicola Smith, ‘Inside the crypto ‘prisons’ scamming Britons out of their life savings’, *The Telegraph*, 24 January 2023, <https://www.telegraph.co.uk/global-health/terror-and-security/inside-crypto-prisons-scamming-britons-life-savings/>.

⁸⁹ ‘Pig Butchering Scams Are Evolving Fast,’ *Wired* and *The Cambodia Daily*, 16 February 2023, <https://english.cambodiadaily.com/news/pig-butchering-scams-are-evolving-fast-181615/>; ‘Pig-butchering scams examined,’ *SC Media*, 14 February 2023, <https://www.scmagazine.com/brief/cybercrime/pig-butchering-scams-examined>.

⁹⁰ ‘Asia: Sextortion ring dismantled by police’, *Interpol*, 5 September 2022, <https://www.interpol.int/en/News-and-Events/News/2022/Asia-Sextortion-ring-dismantled-by-police>.

⁹¹ Interview of Thai victim, dated 30 October 2022.

⁹² Tessa Wong, ‘Cambodia Scams: Lured and Trapped into Slavery in South East Asia’, *BBC News*, 20 September 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62792875>.

⁹³ Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

time period.⁹⁴ If the objectives are not met, then the potential TIP victims are threatened, tortured, beaten, deprived of water and food, or sold to other criminal groups.⁹⁵ However, if they do meet the objectives, then they may be given additional freedoms, food, or money.

The transnational criminal networks operating these cyber-scams appear to be complex and sophisticated, with a number of actors from different countries,⁹⁶ e.g., Cambodia, China, Malaysia, and Myanmar.⁹⁷ They require a high level of coordination and significant financial backing.⁹⁸ Further complicating matters, in certain cases, the networks appear to be organized as legitimate “companies” with “sales teams” (the scammers), “clients” (the victims), “logistics” (handling the transport and formation of newcomers), “customer services”, and even “human resources” (usually former victims that now recruit new ones).⁹⁹ Based on testimonials of potential TIP victims, any given compound may exploit thousands of people, making millions of dollars in profit.¹⁰⁰

F. Abuse and other violence in the cyber-scams compounds

In publicly available reports, many potential TIP victims stated that they or others were subjected to serious abuse and violence in the cyber-scams compounds, especially when they refused to cooperate, meet scam targets, or follow requests. Examples of the types of abuse and violence include, but are not limited to:

- Torture;
- Beatings;
- Death threats and death;
- Detention or confinement in dark rooms or rooms too small to stand;
- Severe restrictions on movement;
- Deprivation of food, water, or light;
- Electrocuting;
- Handcuffing, e.g., to beds and other furniture;
- Various forms of physical punishment, such as forced push-ups and squats; and
- Sexual abuse and assault, or threats of such violence.¹⁰¹

⁹⁴ Interview of Thai victim, dated 30 October 2022.

⁹⁵ Interview with an Indonesian NGO on 21 October 2022; Interview with Vietnamese NGO on 13 October 2022; Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

⁹⁶ Yan Naing, ‘Chinese gangs exploiting vulnerable people across south east Asia’, *The Irrawaddy*, 2 May 2022, <https://www.irrawaddy.com/opinion/guest-column/chinese-gangs-exploiting-vulnerable-people-across-southeast-asia.html>; Alastair McCready, ‘Scam centres, trafficking victims are being forced to steal billions’, *VICE*, 13 July 2022, <https://www.vice.com/en/article/n7zb5d/pig-butcher-scams-cambodia-trafficking>.

⁹⁷ Cyber Scam Monitor, *Profiles*, November 2022, <https://cyberscammonitor.net/>; David Pierson, ‘I was a slave: Up to 100,000 held captive by Chinese cybercriminals in Cambodia’, *Los Angeles Times*, 1 November 2022, <https://www.latimes.com/world-nation/story/2022-11-01/i-was-a-slave-up-to-100-000-held-captive-by-chinese-cyber-criminals-in-cambodia>; Shaun Turton, ‘Cyber slavery: Inside Cambodia’s online scam gangs’, *Nikkei Asia*, 1 September 2021, <https://asia.nikkei.com/Spotlight/The-Big-Story/Cyber-slavery-inside-Cambodia-s-online-scams-gangs>; Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

⁹⁸ Lindsey Kennedy, Nathan Paul Southern, and Huang Yan, ‘Cambodia’s Modern Slavery Nightmare: The Human Trafficking Crisis Overlooked by Authorities’, *The Guardian*, 21 September 2022, <https://www.theguardian.com/world/2022/nov/03/cambodias-modern-slavery-nightmare-the-human-trafficking-crisis-overlooked-by-authorities>.

⁹⁹ Danielle Keeton-Olsen, Lam Nguyen, ‘How Cambodia’s scam mills reel in new “cyber slave” workers’, *Rest of World*, 10 November 2022, <https://restofworld.org/2022/cambodias-scams-mills/>.

¹⁰⁰ Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>; Cezary Podkul and Cindy Liu, ‘Human trafficking’s newest abuse: Forcing victims into cyberscamming’, *ProPublica*, 13 September 2022, <https://www.propublica.org/article/human-traffickers-force-victims-into-cyberscamming>; Andrew Haffner and Mech Dara, ‘Dark channels: Underground group chat teems with human trafficking ads’, *VOD*, 19 July 2022, <https://vodenglish.news/underground-group-chat-teems-with-human-trafficking-ads/>.

¹⁰¹ Interview with an Indonesian NGO on 21 October 2022; Interview with Vietnamese NGO on 13 October 2022; Cindy Liu, Mech Dara, ‘We were too naive: Chinese teenagers plead for rescue from Sihanoukville’, *VOD*, 12 November 2021, <https://vodenglish.news/we-were-too-naive-chinese-teenagers-plead-for-rescue-from-sihanoukville/>; AFP, ‘Inside the “living hell” of Cambodia’s scam operations’, *Bangkok*

Perpetrators use cattle prods,¹⁰² electric batons, and guns to carry out the abuses.¹⁰³ A potential Chinese TIP victim stated that “[t]hey’d beat you, tase you with an electric baton if you didn’t complete your task”.¹⁰⁴ Similarly, a Malaysian victim claimed that “[t]hey set my target at US\$50,000 (S\$68,577) a week and would beat me up or torture me with cattle prods if I could not scam enough victims”.¹⁰⁵ Some compounds even had a specific floor dedicated to mistreatment and torture. One potential victim stated that “the company would beat me or send me to the eighth floor to electrocute me”.¹⁰⁶ Images from media reports of potential TIP victims show cigarette burns, bruises, knife wounds, and other injuries demonstrating physical abuse.¹⁰⁷

Enduring this type of physical, psychological, financial, and emotional abuse for extensive periods of time in the cyber-scam compounds has serious effects on potential TIP victims’ short-term and long-term wellbeing, even pushing some individuals to make fatal attempts to escape, *e.g.*, jumping from buildings.¹⁰⁸

G. Identification, rescue, and repatriation efforts by civil society, the RGC, and others

Throughout 2022, Cambodian, Indonesian, Thai, and Vietnamese NGOs and law enforcement authorities have been working to rescue and repatriate potential TIP victims. In addition, some individuals have managed to escape or be released (sometimes after their families paid ransoms).¹⁰⁹

Despite some successes, TIP screening and identification procedures remain lacking, and often, the NGOs are denied access to the potential victims.¹¹⁰ As a result, many individuals are not being identified as TIP victims and are suffering further harm, *e.g.*, in overcrowded

Post, 9 November 2022, <https://www.bangkokpost.com/world/2433725/inside-the-living-hell-of-cambodias-scam-operations>; David Pierson, ‘I was a slave: Up to 100,000 held captive by Chinese cybercriminals in Cambodia’, *Los Angeles Times*, 1 November 2022, <https://www.latimes.com/world-nation/story/2022-11-01/i-was-a-slave-up-to-100-000-held-captive-by-chinese-cyber-criminals-in-cambodia>.

¹⁰² ‘Johor job scam victim recounts being tortured, sold off five times in Cambodia’s Sihanoukville’, *The Strait Times*, 22 November 2022, <https://www.straitstimes.com/asia/se-asia/johor-job-scam-victim-recounts-being-tortured-sold-off-five-times-in-cambodia-s-sihanoukville>

¹⁰³ David Pierson, ‘I was a slave: Up to 100,000 held captive by Chinese cybercriminals in Cambodia’, *Los Angeles Times*, 1 November 2022, <https://www.latimes.com/world-nation/story/2022-11-01/i-was-a-slave-up-to-100-000-held-captive-by-chinese-cyber-criminals-in-cambodia>.

¹⁰⁴ Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

¹⁰⁵ ‘Johor job scam victim recounts being tortured, sold off five times in Cambodia’s Sihanoukville’, *The Strait Times*, 22 November 2022, <https://www.straitstimes.com/asia/se-asia/johor-job-scam-victim-recounts-being-tortured-sold-off-five-times-in-cambodia-s-sihanoukville>.

¹⁰⁶ Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

¹⁰⁷ Cindy Liu, Mech Dara, ‘We were too naïve: Chinese teenagers plead for rescue from Sihanoukville’, *VOD*, 12 November 2021, <https://vodenglish.news/we-were-too-naive-chinese-teenagers-plead-for-rescue-from-sihanoukville/>.

¹⁰⁸ Interview with Vietnamese NGO on 13 October 2022; ‘Job scam victim recounts being tortured, beaten in Cambodia’, *The Star*, 18 November 2022, <https://www.thestar.com.my/news/nation/2022/11/18/job-scam-victim-recounts-being-tortured-beaten-in-cambodia>; Sen Nguyen, ‘State channel VTV’s documentary footage about detailed labour processes and living conditions of Vietnamese trafficked victims inside Cambodian global scam operations’, 29 December 2022, <https://twitter.com/findingsen/status/1608319036986908676>; UN Office on Drugs and Crime, ‘An introduction to human trafficking: Vulnerability, Impact and Action’, New York, 2008, p. 9, https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf.

¹⁰⁹ ‘Southeast Asian activists urge Asean help to rescue scam trafficking victims from Chinese gangs’, *SCMP*, 17 February 2023, <https://www.scmp.com/week-asia/article/3210584/southeast-asian-activists-urge-asean-help-rescue-scam-trafficking-victims-chinese-gangs>; Tess Wong, ‘Cambodia scams: Lured and trapped into slavery in South East Asia’, *BBC News*, 21 September 2022, <https://www.bbc.com/news/world-asia-62792875>.

¹¹⁰ Confidential interview with a Vietnamese NGO on 13 October 2022.

immigration centres in Cambodia.¹¹¹ Some potential victims have reported that local immigration officers have demanded that they pay inappropriate fees for basic necessities, like food and bedding.¹¹² Even more concerning, there are reports of authorities in Cambodia and elsewhere prosecuting potential TIP victims for immigration violations or other crimes associated with the scamming.¹¹³ A recent complaint to the ASEAN Intergovernmental Commission on Human Rights asserted that in Thailand, 70 percent of repatriated TIP victims have been prosecuted.¹¹⁴

SECTION II: LEGAL FRAMEWORK

This next section of the report sets out the applicable national, regional, and international laws that could be used to address, punish, and deter the “basket of crimes” occurring in the cyber-scam industry in Cambodia. In addition to reviewing the relevant anti-human trafficking and forced labour legal frameworks, this section also examines alternative legal regimes, such as the Law on Immigration, the Gambling Law, the AML Law, and the Labour Law.

A. Anti-human trafficking and forced labour legal frameworks

1) International laws

Cambodia is a party to a number of major international human rights conventions, as well as all eight ILO conventions.¹¹⁵ These treaties are explicitly mentioned in Article 31 of the Cambodian Constitution, and the Constitutional Council’s decision of 10 July 2007 recognises that any international treaties ratified by Cambodia are directly applicable in domestic law. Accordingly, the Cambodian judiciary should consider and apply these ratified international laws in the Cambodian courts.¹¹⁶

Additionally, Cambodia is a party to a number of relevant international agreements:¹¹⁷ (1) Palermo Protocol;¹¹⁸ (2) the Convention on the Elimination of All Forms of Violence Against Women;¹¹⁹ (3) the 1958 ILO Convention 111 on Discrimination against Employment and Occupation; (4) the 1930 ILO Convention 29 on Forced Labour,¹²⁰ although not its 2014 Protocol;¹²¹ and (5) the 1957 ILO Convention 105 on the Abolition of Forced Labour.¹²²

¹¹¹ ‘Southeast Asian activists urge Asean help to rescue scam trafficking victims from Chinese gangs’, *SCMP*, 17 February 2023, <https://www.scmp.com/week-asia/article/3210584/southeast-asian-activists-urge-asean-help-rescue-scam-trafficking-victims-chinese-gangs>; AFP, ‘Inside the ‘living hell’ of Cambodia’s scam operations’, *Bangkok Post*, 9 November 2022, <https://www.bangkokpost.com/world/2433725/inside-the-living-hell-of-cambodias-scam-operations>.

¹¹² Rachel Cheung, ‘Trafficking victims are finally being freed from Cambodia – But the scam industry is far from over’, *VICE*, 14 December 2022, <https://www.vice.com/amp/en/article/5d34bx/trafficking-victims-freed-cambodia>.

¹¹³ Anuradha Nagaraj, Nanchanok Wongsamuth, ‘Cyber criminals hold Asian tech workers captive in scam factories’, *Context*, 2 November 2022, <https://www.context.news/digital-rights/cyber-criminals-hold-asian-tech-workers-captive-in-scam-factories>.

¹¹⁴ ‘Southeast Asian activists urge Asean help to rescue scam trafficking victims from Chinese gangs’, *SCMP*, 17 February 2023, <https://www.scmp.com/week-asia/article/3210584/southeast-asian-activists-urge-asean-help-rescue-scam-trafficking-victims-chinese-gangs>.

¹¹⁵ See ILO’s ratification for Cambodia:

https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103055.

¹¹⁶ Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007).

¹¹⁷ Cambodia is also party to a number of conventions prohibiting child labour: Convention on the Rights of the Child, and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography; 1999 ILO Convention 182 on the Worst Forms of Child Labour; and 1973 ILO Convention 138 on Minimum Age.

¹¹⁸ Cambodia signed the Palermo Protocol on 11 November 2001 and ratified it on 2 July 2007.

¹¹⁹ Cambodia acceded to CEDAW on 15 October 1992, and the Optional Protocol to CEDAW (1999) was ratified on 13 October 2010.

¹²⁰ Cambodia ratified ILO Convention 29 on 24 February 1969.

¹²¹ While it is not binding, as an ILO member, Cambodia is expected to implement the ILO’s 2014 Forced Labour (Supplementary Measures) Recommendation (No. 203), which supplements the 1930 Convention.

¹²² Cambodia ratified ILO Convention 105 on 23 August 1999.

Those that are most relevant to the TIP and forced labour violations at the cyber-scam compounds are: the Palermo Protocol and ILO Conventions 29 and 105.

Palermo Protocol

Article 3 of the Palermo Protocol sets out the widely accepted definition of trafficking:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

States parties, including Cambodia, have an obligation under Article 5 of the Protocol to define and criminalise TIP in line with the above definition. There are three key elements of definition: (1) the act (recruitment, transportation, transfer, harbouring or receipt of persons); (2) the means (threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person); and (3) the object or purpose (exploitation). Where the “means element” is present, the consent of a TIP victim to the intended exploitation “shall be irrelevant”.¹²³

Forced Labour under the ILO Conventions

The 1957 ILO Convention 105 requires Member States to the abolish forced or compulsory labour, and the 1930 ILO Convention 29 specifically defines these acts. The latter provides that “forced or compulsory labour” is “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.” This definition is the widely accepted definition under international law.

Furthermore, from this definition, the ILO has also developed 11 indicators to assist law enforcement, NGOs, and others in identifying potential instances of forced labour:

- Abuse of vulnerability;
- Deception;
- Restriction of movement;
- Isolation;
- Physical and sexual violence;
- Intimidation and threats;
- Retention of identity documents;
- Withholding of wages;
- Debt bondage;
- Abusive working and living conditions; and
- Excessive overtime.

¹²³ Article 3 further provides that, where the victim is a child (under 18 years of age), the ‘means’ element does not need to be present.

These indicators are assessed on a case-by-case basis, and not all of them have to be present for forced labour to occur.¹²⁴

2) Regional laws

Cambodia ratified the 2015 ACTIP on 25 January 2016.¹²⁵ Under this convention, all State Members, including Cambodia, must criminalise any acts considered as effecting TIP and related offences such as money laundering and corruption. Key provisions of this legally binding instrument are:¹²⁶

- Article 14: Protection of Victims of Trafficking in Persons
- *Victim identification*: Each Party shall establish national guidelines or procedures for the proper identification of TIP victims, and where appropriate, may collaborate with relevant NGO on victim assistance.
- *Victim identification*: When TIP occurs in more than one country, each Party shall respect and recognise the identification of TIP victims made by the competent authorities of the other Party.
- *Right to temporary or permanent stay*: Each Party shall consider adopting legislative or other appropriate measures that permit TIP victims to remain in its territory, temporarily or permanently. Each Party shall consider humanitarian and compassionate factors.
- *Non-criminalisation*: Each Party shall, subject to its domestic laws, rules, regulations, and policies, and in appropriate cases, consider not holding TIP victims criminally or administratively liable for unlawful acts committed as a direct result of the trafficking.
- *Non-criminalisation*: Each Party shall not unreasonably hold persons who have been identified by its competent authorities as TIP victims in detention or in prison, prior to, during, or after civil, criminal, or administrative proceedings.
- *Victim protection and support*: Each Party shall, where applicable, provide care and support to TIP victims, including in appropriate cases, in cooperation with relevant NGOs and civil society members.
- *Access to remedy*: Each Party shall ensure that its domestic legal system contains measures that offer TIP victims the possibility of obtaining compensation for damage suffered.

- Article 15: Repatriation and Return of Victims
- *Right to safe repatriation and return*: Each Party shall adopt such legislative or other measures as may be necessary to establish repatriation programmes where appropriate, and if necessary, involving relevant national or international institutions and NGOs.

- Article 16: Law Enforcement and Prosecution
- *Access to justice and remedy*: Each Party shall take all necessary steps to preserve the integrity of the criminal justice process, including through protecting victims and witnesses from intimidation and harassment, where necessary, and punishing perpetrators, in appropriate cases.

¹²⁴ ILO, ILO Indicators of Forced Labour, https://www.ilo.org/global/topics/forced-labour/publications/WCMS_203832/lang--en/index.htm.

¹²⁵ Association of Southeast Asian Nations, 'ASEAN Convention Against Trafficking in Persons, Especially Women and Children', 2015, <https://asean.org/asean-convention-against-trafficking-in-persons-especially-women-and-children/>.

¹²⁶ 'Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states', *Rapid Asia*, September 2022.

3) Domestic laws

Cambodian Constitution

The articles of the Cambodian Constitution that are most relevant to potential cases of TIP and forced labour in the cyber-scam compounds are:

- **Article 31:** Stipulates that Cambodia “shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration and the covenants and conventions related to human rights, women’s rights and children’s rights.”¹²⁷ Furthermore, this article provides constitutional support for the guarantees in the international human rights treaties and the ILO Conventions, which prohibit forced labour, slavery, and human trafficking; and
- **Article 38:** Protects “... [the] honour and dignity of the citizens”;
- **Articles 45 and 46:** Ensure that the rights of women are respected. Article 46 specifically prohibits “the commerce of human beings, exploitation by prostitution and obscenity which affect the reputation of women”; and
- **Article 48:** Enshrines the rights of children with reference to international instruments.

Criminal Code of Cambodia

Promulgated in 2009, the Criminal Code neither defines nor explicitly prohibits human trafficking¹²⁸ or forced labour.¹²⁹ However, it contains two articles relevant to the situation in the cyber-scam compounds in Cambodia:

- **Article 274:** Criminalises the placement of a person into exploitative working conditions that are incompatible with human dignity, as protected constitutionally by Article 38 of the Cambodian Constitution and international human rights treaties and conventions¹³⁰ (an attempt to commit an offence in Article 274 is also punishable); and
- **Article 253:** Prohibits any arrest, detention, and unlawful confinement of anyone. Confining someone for involuntary work could arguably fall within the scope of Article 253.¹³¹

Furthermore, the Criminal Code not only permits individual criminal liability, but it also provides for corporate criminal liability, *i.e.*, the responsibility of legal entities, including for

¹²⁷ The Constitution of the Kingdom of Cambodia, Article 31, <https://pressocm.gov.kh/en/archives/9539>.

¹²⁸ Human trafficking is prohibited under Cambodia’s Anti-Human Trafficking Law.

¹²⁹ Cambodian Criminal Code promulgated by Royal Kram No. NS/RKM/1109/022 on 30 November 2009.

¹³⁰ Article 274 provides that: “Subjecting a person, by exploiting his or her vulnerability or dependence, to working conditions incompatible with human dignity shall be punishable by imprisonment from one month to one year and a fine from one hundred thousand to two million Riels.”

¹³¹ Article 253 provides that: “Anyone who, without judicial authorisation, or who unlawfully arrests, detains or unlawfully confines another person shall be punishable by imprisonment: 1- from one to three years if the arrest, detention or unlawful confinement is for less than forty eight hours; 2- from three to five years if the arrest, detention or unlawful confinement is for more than forty eight hours but less than one month; 3- from five to ten years if the arrest, detention or unlawful confinement is for one or more.”

offences, like those under Article 274.¹³² This corporate criminal accountability provision is important when assessing the crimes in the cyber-scam compounds because of the prominent role of legal entities in the crimes. For example, in some cases, legal entities may own the cyber-scam compounds or are profiting from them.¹³³

Finally, it is important to note that the Criminal Code does not specifically set out a non-punishment or non-criminalisation provision for TIP victims who commit offences, *e.g.*, illegal entry into the country, possession of fraudulent documents, cyber-scams, among others, as a direct result of the trafficking.¹³⁴ However, Article 36 provides that where a person was under the effect of force or compulsion to commit an offence, the person will not be held criminally responsible. Certain MoUs between Cambodia and some countries in the region, like Thailand, also prohibit the prosecution of TIP victims for illegal entry into Cambodia.¹³⁵

Cambodia's Anti-Human Trafficking Law

Cambodia's 2008 Anti-Human Trafficking Law¹³⁶ was adopted to implement Cambodia's obligations under the Palermo Protocol. However, while this law prohibits certain acts of human trafficking, it does not explicitly prohibit forced labour. The most relevant articles for this report are:

- **Articles 8 – 11 (“Unlawful Removal”)** cover the act of unlawful removal of persons, which is defined as removing a person (1) “from his/her current place of residence to a place under the actor’s or a third person’s control by means of force, threat, deception, abuse of power, or enticement”; or (2) “without legal authority or any other legal justification to do so, take a minor or a person under general custody or curatorship or legal custody away from the legal custody of the parents, care taker or guardian”.¹³⁷
- **Article 12 (“Unlawful Recruitment for Exploitation”)** prohibits the act of unlawful recruitment, which means “to induce, hire or employ a person to engage in any form of exploitation with the use of deception, abuse of power, confinement, force, threat or any coercive means”.¹³⁸
- **Articles 13-15 (“Selling, Buying, or Exchanging of Human Being”)** prohibit the selling, buying or exchanging a human being, which is defined as unlawfully delivering “the control over a person to another, or to unlawfully receiv[ing] the control over a person from another, in exchange for anything of value [...]” This

¹³² Legal entities that are found guilty of committing an offence under Article 274 are fined between one million Riels (approximately 250 USD) to ten million Riels (approximately 2,500 USD), and subject to additional penalties under Article 277.

¹³³ Cyber Scam Monitor, *Profiles*, November 2022, <https://cyberscammonitor.net/>.

¹³⁴ ‘Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states’, *Rapid Asia*, September 2022.

¹³⁵ ‘Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states’, *Rapid Asia*, September 2022.

¹³⁶ Law on Suppression of Human Trafficking and Sexual Exploitation promulgated by the Royal Kram No. NS/RKM/0208/005 on 15 February 2008. The Anti-Human Trafficking Law was adopted to comply with the Palermo Protocol, which was signed by Cambodia on 11 November 2001 and was ratified on 2 July 2007.

¹³⁷ These articles contain the three elements required under the Palermo Protocol definition, as well as ensuring the irrelevancy of consent where the “means element” is present, and the irrelevancy of both consent and means where the victim is a minor.

¹³⁸ This article requires the presence of the “means element”, even where the victim is a minor, which is not consistent with the Palermo Protocol. ECPAT International, ‘Country Overview, Cambodia: A report on the scale, scope and context of the sexual exploitation of children’ (2018), p. 19, <https://ecpat.org/wp-content/uploads/2021/08/ECPAT-Country-Overview-Cambodia-2.pdf>.

article also punishes an intermediary involved in these acts.

- **Article 17 (“Transportation with Purpose”)** punishes a person who “transports another person knowing that he or she has been unlawfully removed, recruited, sold, bought, exchanged or transported for the purpose of profit making, sexual aggression, production of pornography, [...] or any form of exploitation”.
- **Articles 19-20 (“Receipt of Person”)** punishes a person who “receives, harbors, or conceals another person who has been unlawfully removed, recruited, sold, bought, exchanged, or transported for the purpose of profit-making, sexual aggression, production of pornography, [...] or any form of exploitation. Engaging in these acts for the purpose of assisting the offender in profit-making, sexual aggression, etc. is also prescribed.
- **Article 21 (“Abduction, Detention or Confinement”)** criminalises the arrest, detention, or confinement of another person, where there is no legal authority to do so.
- **Articles 45-47** provide for civil remedies for victims and give them priority over confiscated property for their compensation and restitution.

Offences under the Anti-Human Trafficking Law generally carry sentences between seven and 15 years, where all elements are met. With aggravating circumstances, such as where the perpetrator is a public official or an organised group, maximum sentences may increase up to 20 years. The establishment of criminal liability for attempts, accomplices, and those organising and directing such conduct is achieved through the existing provision in Articles 27, 28, and 29 of the Criminal Code. The offences in Articles 11 and 16, which involve the transfer of persons across international borders, also carry higher sentences of seven to 15 years.¹³⁹ Moreover, although already provided for in Articles 19 and 20 of the Criminal Code, the Anti-Human Trafficking Law explicitly states that it applies extraterritorially where the perpetrator or victim is a Cambodian citizen.

Lastly, the Anti-Human Trafficking Law does not include explicit provisions for:

- Victim protection and support, including shelter, legal assistance, medical treatment, recovery and rehabilitation, counselling, vocational training and education, and return and repatriation;
- Non-punishment/non-criminalisation¹⁴⁰ for criminal offenses victims may be forced to commit as a result of being trafficked, including for cybercriminal activities, illegal entry into the country, possession of fraudulent documents, prostitution, etc.;
- Victim identification; or
- Comprehensive victim rehabilitation mechanisms.¹⁴¹

¹³⁹ International Organisation for Migration Stop Exploitation and USAID, ‘Human Trafficking Snapshot: Cambodia’ (September 2018), p. 12, <https://iomx.iom.int/resources/human-trafficking-general/factsheets/iom-x-country-snapshot-cambodia>.

¹⁴⁰ Article 1 of the Anti-Human Trafficking Law states that its provisions should be interpreted in light of international guidelines and recommendations, particularly the Palermo Protocol. Article 26(3) of the Palermo Protocol states that State parties should grant immunity from prosecution to persons who provide substantial cooperation in an investigation or prosecution of a TIP offence. Thus, it could be argued that the principle of non-punishment/non-criminalisation is implied in Cambodian law.

¹⁴¹ ‘Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states’, *Rapid Asia*, September 2022.

Victim identification, protection, support, and rehabilitation are primarily regulated through subordinate legislation in the form of *prakas* (orders) or guidelines from the NCCT.¹⁴² However, it is not certain whether foreign victims trafficked into Cambodia are entitled to the same level of protection, assistance, and support, especially if they refuse to participate in the judicial process. Clearer provisions and guidelines concerning victim protection, support, non-punishment, identification, and rehabilitation are needed in domestic law.¹⁴³

B. Alternative legal regimes

1) Labour Law

The Labour Law provides the legal framework for regulating and governing relations between employers and employees/workers, including foreign workers, stemming from employment contracts set to be performed in Cambodia.¹⁴⁴ Article 1 of the Labour Law states that it “applies to every enterprise or establishment of industry, [...] whether public, semi-public or private, [...]”

Article 65 provides that “an employment contract establishes working relations between the worker and the employer [...] and it can be made in writing or by verbal agreement [...]”. Workers shall earn wages as remuneration for performing the work or service as agreed, and the wages might be paid at least once or twice per month, pursuant to Articles 102-116. Hiring workers to pay off debts is prohibited under Article 16 (e.g., in the form of debt bondage). Furthermore, Article 137 allows workers to work for eight hours per day or 48 hours per week. In the event of high volume, each worker could work up to 10 hours per day, which means the overtime maximum is two hours (arranged on a voluntary basis with prior approval from the Ministry of Labour and Vocational Training).¹⁴⁵

Article 15 of the Labour Law prohibits forced or compulsory labour recognised by the 1930 ILO Convention 29. The prohibition of forced or compulsory labour extends to all individuals. Nevertheless, the Labour Law fails to provide further details, which in practice results in little legal protection for potential victims. Moreover, the punishments under Articles 15 and 16 are not proportionate to the severity of the offences. For example, breaching Article 15 only leads to a fine of between 61 days and 90 days of basic daily wage or imprisonment of between six days and one month.¹⁴⁶

Finally, the Labour Law provides a legal framework for hiring foreign workers or employees. Article 261 stipulates that: “no foreigner can work unless he possesses a work permit and an employment card issued by the Ministry in Charge of Labour”. The foreign workers must also meet the following conditions: (a) have a legal work permit prior beginning the work; (b)

¹⁴² Prakas No. 857 SVY on the Minimum Standards for Protection of the Rights of Victims of Human Trafficking (2009); NCCT Guidelines on Forms and Procedures for Identification of Victims of Human Trafficking for Appropriate Service Provision (2015); Agreement on Guidelines for Practices and Cooperation between the Relevant Government Institutions and Victim Support Agencies in Cases of Human Trafficking (2007); Minimum Standards for Protection of the Rights of Victims of Human Trafficking (2009).

¹⁴³ ‘Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states’, *Rapid Asia*, September 2022.

¹⁴⁴ Prakas No. 249 on Complaint Receiving Mechanism for Migrant Workers requires the establishment of a section at the Ministry of Labour and Vocational Training and Provincial Departments of Labour and Vocational Training to receive complaints from migrant workers and referring cases to appropriate institutions. It also outlines the information required to lodge a complaint, the timeframe for resolution, and the rights and responsibilities of the parties involved. It specifies that migrant workers are allowed to file grievances regardless of their legal status.

¹⁴⁵ Ministry of Labour and Vocational Training, ‘Announcement No. 030/15’, 27 February 2015.

¹⁴⁶ Labour Law, Article 369. Moreover, Article 233 sets out the obligations relating to workplace inspections by labour inspectors and controllers with collaboration from medical inspectors and relevant experts. Inspection should focus on enforcement of laws and regulation governing health, working conditions, and safety.

have legally entered Cambodia; (c) possess a valid passport; (d) possess a valid residency permit; and (e) be fit for their job and have no contagious diseases. Breaching Article 261 may result in a fine of 61 to 90 days of the basic daily wage or imprisonment of six days to one month.¹⁴⁷

2) Gambling Law

In November 2020, following growth of the gambling sector, particularly in Preah Sihanouk province, the Gambling Law was enacted. The Gambling Law provides a comprehensive legal framework regulating commercial gambling businesses and integrated resorts. It reinforces institutional capacity, sets out guidelines and procedures for the management of these institutions, and specifies rights and obligations for operators and gamblers. The Gambling Law governs all kinds of commercial gambling activities, including casino games, luck-based games, betting games, and other games with monetary benefits in Cambodia. Breaching the Gambling Law may result in administrative punishment in the form of a written warning, suspension, or revocation of an operation licence, transactional fines, and/or imprisonment, pursuant to the Criminal Code.

3) Law on Immigration

The 1994 Law on Immigration permits foreign workers to be hired in Cambodia, pursuant to Article 19, which references the Labour Law. The same article also enables the Ministry of Interior to inspect employment cards given to foreign workers at factories, enterprises, or companies in collaboration with the Ministries of Labour and Social Affairs and Veteran. Articles 10-24 of the Law on Immigration provide a regulatory framework for foreign workers to reside in Cambodia.¹⁴⁸

Article 29 prohibits persons from entering Cambodia without any legal documents (and assisting persons in doing so). The penalty for violating this article is imprisonment of three to six months and then deportation. Until recently, in practice, migrant workers, who entered illegally, were typically expelled from Cambodia without being imprisoned. However, because of the significant number of people entering Cambodia in connection with cyber-scam compounds, this has changed.

Finally, Article 32 of the Law on Immigration imposes serious punishments (five to 15 years of imprisonment) on those who:

- Scratch, erase, make carbon copies, fake, lend, or write false names on the resident cards, labour/working cards, labour/employment contracts;
- Use those documents with a name different than their own; or
- File a fake application for the above documents.

This law also allows the Ministry of Interior to expel foreign workers if they enter Cambodia illegally or work without employment cards issued by competent authorities (Articles 36 and 37). Similar to the Labour Law, Article 31 of the Law on Immigration imposes a fine of between approximately 50 and 125 USD if any employer is found to be hiring foreign

¹⁴⁷ Labour Law, Article 372.

¹⁴⁸ Law on Immigration, 1994, https://www.wto.org/english/thewto_e/acc_e/khm_e/wtacckhm3a3_leg_44.pdf.

workers without fulfilling the legal requirements set forth by the Labour Law. In the event of a repeated offence, imprisonment from one to three months may be imposed.

4) AML Law

Media reports state that the transnational criminal networks behind the cyber-scam compounds are making millions of dollars in profit.¹⁴⁹ As a result, Cambodia's anti-money laundering laws are also relevant to this report and provide another viable avenue for accountability and for stopping the illegal proceeds of the crimes from entering the legitimate financial system.

Cambodia's anti-money laundering regime is set out in the 2020 AML Law; the National Bank of Cambodia's Directives on Customer Due Diligence Measures (2021); and the Prakas on Anti-Money Laundering and Combating the Financing of Terrorism relating to All Reporting Entities not regulated by the National Bank of Cambodia (2010).¹⁵⁰ This legislation not only aims to prevent and combat money-laundering (and the financing of terrorism), but it also creates organizational and control mechanisms to enforce the measures it prescribes.

Under the AML Law, money laundering is defined as:

- (a) the conversion or transfer of property, knowing that such property is the proceeds of offence, for the purpose of concealing or falsely justifying the illicit origin of the property or of assisting a person involving in the commission of the offence to evade the legal consequences of his or her action;
- (b) the concealment or false justification of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of offence;
- (c) the acquisition, possession or use of property, knowing that such property is the proceeds of offence; or
- (d) any form of participating in, and attempts to commit, aiding and forcing somebody to commit, any of the acts defined in accordance with Article 3(1) of the present Law.¹⁵¹

Predicate offences under this law specifically include participation in an organized criminal group and racketeering; trafficking in human beings and migrant smuggling; sexual exploitation, including sexual exploitation of children; corruption and bribery; fraud; murder; grievous bodily injury; kidnapping; illegal restraint; theft; extortion; forgery; tax evasion; among other acts.

¹⁴⁹ Huang Yan, 'Under foreign pressure, Cambodia dismantles some "scam" compounds', *Nikkei Asia*, 13 October 2022, <https://asia.nikkei.com/Politics/Under-foreign-pressure-Cambodia-dismantles-some-scam-compounds>.

¹⁵⁰ The AML Law came into effect in June 2020, repealing the 2007 law of the same name and the 2013 amendment. Other relevant anti-money laundering laws and regulations remain in effect. DFDL, July 2020, Cambodia Monthly Legal Update, <https://www.dfdl.com/resources/legal-and-tax-updates/cambodia-monthly-legal-update-july-2020/>; Thomson Reuters, Youdy Bun, October 2020, Country Update-Cambodia: AML: <https://www.bun-associates.com/wp-content/uploads/2020/10/Country-Update-Cambodia-AML-05-Oct2020.pdf>.

¹⁵¹ AML Law, Article 3. The Cambodian Criminal Code similarly defines money laundering as: "the act of facilitating by any means the false justification of the origin of the direct or indirect proceeds of a felony or misdemeanour. Money laundering shall also include providing assistance in investing, concealing or converting the direct or indirect proceeds of a felony or misdemeanour."

In addition to the penal sanctions, the AML Law also imposes disciplinary sanctions on reporting entities that fail to implement measures to prevent money laundering, such as (a) conducting stringent customer due diligence; (b) monitoring certain transactions; (c) record-keeping; (d) filing Cash Transaction Reports and Suspicious Transaction Reports; (e) avoiding tipping-off; and (f) developing internal controls and compliance programs.

5) Relevant MoUs

Cambodia has signed MoUs with Thailand and Vietnam concerning the repatriation of TIP victims. The 2014 MoU between Cambodia and Thailand¹⁵² provides that women and children who are TIP victims will not be deported to the country of origin (Article 15(d)) and that repatriation will be done in line with their best interests (Article 15(c)).¹⁵³ Importantly, the countries also agreed that TIP victims would not be detained in immigration centres for illegal entry when repatriation processes were ongoing (Article 6(b)).¹⁵⁴ Two MoUs between Cambodia and Vietnam (2005, 2009) also set out guidelines concerning the identification and repatriation of women and child TIP victims.¹⁵⁵ Furthermore, Cambodia has entered into additional MoUs regarding cross-border cooperation on TIP cases in the Great Mekong sub-region with China, Laos, and Myanmar, Thailand, and Vietnam.¹⁵⁶

More recently, in January 2018, Cambodia signed two MoUs with India on mutual legal assistance in criminal matters, prevention of TIP, and the rescue and repatriation of TIP victims.¹⁵⁷ In July 2022, an additional MoU on combating cyber-scams was approved for the signature between Cambodian and Thai officials,¹⁵⁸ while ongoing discussions continue for MoUs on countering human trafficking with Malaysia¹⁵⁹ and Indonesia.¹⁶⁰

Despite the existence of these bilateral agreements on the international level, there is a gap at the domestic level, as Cambodian law enforcement officials lack guidance as to how such MoUs should be implemented. Unless translated into concrete action, the MoUs have little, if any, impact on the investigation and prosecution of TIP offences. Similar challenges of implementation arise regarding the ASEAN 2004 Treaty on Mutual Legal Assistance in Criminal Matters.¹⁶¹

¹⁵² Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014) (replacing the 2003 MoU).

¹⁵³ 'Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states', *Rapid Asia*, September 2022.

¹⁵⁴ Memorandum of Understanding between the Government of the Kingdom of Thailand and the Government of the Kingdom of Cambodia on Bilateral Cooperation for Eliminating Trafficking in Persons and Protecting Victims of Trafficking (2014).

¹⁵⁵ Agreement between Cambodia and Vietnam on Bilateral Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking (2005); Cooperation Agreement Between the Government of the Kingdom of Cambodia and the Government of the Socialist Republic of Vietnam on Standard Operating Procedures (SOPs) for the Identification and Repatriation of Trafficked Victims (2009).

¹⁵⁶ Memorandum of Understanding on Cooperation against Trafficking in Persons in the Greater Mekong Sub-region', 29 October 2004, https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=93359&p_country=LAO&p_count=61.

¹⁵⁷ U.S. State Department, 2018 Trafficking in Persons Report: India, <https://www.state.gov/reports/2018-trafficking-in-persons-report/india/>.

¹⁵⁸ Mongkol Bangprapa, 'Thai-Cambodian MoU on suppression of cyber scams approved', Bangkok Post, 5 July 2022, <https://www.bangkokpost.com/thailand/general/2340252/thai-cambodian-mou-on-suppression-of-cyber-scams-approved>.

¹⁵⁹ FMT Reporters, 'Cambodia urges Malaysia to expedite anti-human trafficking agreement', *FMT*, 14 January 2020, <https://www.freemalaysiatoday.com/category/nation/2020/01/14/cambodia-urges-malaysia-to-expedite-anti-human-trafficking-agreement/>.

¹⁶⁰ 'Indonesia, Cambodia cooperate in preventing human trafficking, especially those lured into online scams', *Khmer Times*, 9 August 2022, <https://www.khmertimeskh.com/501128745/indonesia-cambodia-cooperate-in-preventing-human-trafficking-especially-those-lured-into-online-scams/>.

¹⁶¹ International Justice Mission, 'Labour Trafficking in Cambodia: A review of the public justice system's response' (2016), p. 32, <https://www.ijm.org/studies/labor-trafficking-in-cambodia>.

SECTION III: ANALYSIS & FINDINGS

A. Potential TIP and forced labour victims in the cyber-scam compounds

Based on media reports and key stakeholder interviews, a serious number of the individuals trapped in the cyber-scam compounds in Cambodia could qualify as TIP victims, as defined under national and international laws. All three elements – act, means, and purpose – are met under the Palermo Protocol’s definition of human trafficking. Many of the individuals in the cyber-scam compounds were targeted because of their vulnerable situations in their home countries and recruited under false pretences, *e.g.*, to work in IT or HR. They were transported to and received in Cambodia under threats of force or other forms of coercion, fraud, abduction, deception, and abuse of power. Once in Cambodia, these individuals are exploited for millions of dollars in profit in the cyber-scam compounds which they cannot leave. The cybercriminals take their identification documents and exercise almost complete control over the victims, forcing them to scam people for 16 hours per day, physically and psychologically abusing them, and imposing severe, unjustified punishments.

Furthermore, the factual circumstances in the cyber-scam compounds also satisfy the definition of human trafficking under Cambodian law. For example, pursuant to Articles 8-10 of the Anti-Human Trafficking Law, the individuals in the cyber-scam compounds have been unlawfully removed for exploitative purposes, *i.e.*, victims are deceived and in a position of vulnerability when recruited and transported from their countries of origin, and whether the victim consented to these acts is irrelevant.

Finally, all 11 of the ILO forced labour indicators appear to be present:

- *Abuse of vulnerability*: Many individuals, who were in the cyber-scam compounds, stated that they faced financial hardships in their countries of origin and that they were desperate to join Cambodia’s growing workforce, *e.g.*, to pay off medical bills or other debts.¹⁶²
- *Deception*: Many individuals stated that they were lured to Cambodia with promises of high salaries and prestigious jobs, *e.g.*, in IT or human resources; however, when they arrived, they found very different circumstances.¹⁶³
- *Restriction of movement*: Most individuals reported being held captive in the compounds, many of which had high walls, armed guards, and bars on the windows¹⁶⁴ They were not able move freely inside or outside of these facilities, and punishments sometimes included being locked in small rooms.
- *Isolation*: In addition to not being allowed to leave the compounds, many individuals stated that their phones were confiscated and that they were cut off from their families.¹⁶⁵

¹⁶² See *e.g.*, Ashman Adam, ‘Why are Malaysians falling for deadly jobs scams in Cambodia, and what is Putrajaya doing to prevent more crimes?’, *Malay Mail*, 29 September 2022, <https://www.malaymail.com/news/malaysia/2022/09/29/why-are-malaysians-falling-for-deadly-job-scams-in-cambodia-and-what-is-putrajaya-doing-to-prevent-more-victims/30593>.

¹⁶³ See *e.g.*, Cyrus Farivar, ‘Cambodia is cracking down on ‘Fraud Factories,’ where people are forced to scam others’, *Forbes*, 21 September 2022, <https://www.forbes.com/sites/cyrusfarivar/2022/09/21/cambodia-is-cracking-down-on-fraud-factories-where-people-are-forced-to-scam-others/?sh=578021196c86>.

¹⁶⁴ See *e.g.*, Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

¹⁶⁵ See *e.g.*, David Pierson, ‘I was a slave: Up to 100,000 held captive by Chinese cybercriminals in Cambodia’, *Los Angeles Times*, 1 November 2022, <https://www.latimes.com/world-nation/story/2022-11-01/i-was-a-slave-up-to-100-000-held-captive-by-chinese-cyber-criminals-in-cambodia>.

- *Physical and sexual violence*: Many victims reported physical abuse, including sexual violence,¹⁶⁶ in the compounds, particularly if they failed to meet the scamming targets set by those in charge. Some individuals also reported being tortured if they tried to escape.¹⁶⁷
- *Intimidation and threats*: In addition to facing physical abuse, individuals noted that they were subjected to threats of violence and torture and other forms of psychological and emotional abuse, *e.g.*, being sold to another criminal group.¹⁶⁸ For example, the alleged traffickers would punish others in front of the group, intimidate the victims, and contact their families, demanding ransoms if the victims requested to leave the compound.¹⁶⁹
- *Retention of identity documents*: Almost systematically, when the potential TIP victims arrived in Cambodia, their identification documents were confiscated to prevent them from escaping.¹⁷⁰
- *Withholding of wages*: The salaries promised in the job advertisements were almost never what the individuals received once inside the compounds. Moreover, individuals reported that if they failed to meet scamming targets or tried to escape, then part of their wages would be withheld.¹⁷¹
- *Debt bondage*: While not the case for every individual, many potential TIP victims explained that when they were recruited, they were forced to pay recruitment or transportation fees, creating debts that they could not pay back.¹⁷²
- *Abusive working and living conditions*: Most individuals stated that they were forced to sleep in overcrowded accommodations and work with no breaks, generally under threat of being beaten.¹⁷³
- *Excessive overtime*: Many individuals reported working excessive hours, at least 10-14 hours per day with no overtime compensation.¹⁷⁴

¹⁶⁶ See *e.g.*, Cindy Liu, Mech Dara, ‘We were too naïve: Chinese teenagers plead for rescue from Sihanoukville’, *VOD*, 12 November 2021, <https://vodenglish.news/we-were-too-naive-chinese-teenagers-plead-for-rescue-from-sihanoukville/>.

¹⁶⁷ See *e.g.*, Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

¹⁶⁸ See *e.g.*, Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

¹⁶⁹ See *e.g.*, ‘Forced to scam: Cambodia’s cyber slaves’, *Al Jazeera 101 East*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

¹⁷⁰ See *e.g.*, ‘The Aftermath of the Belt and Road Initiative: Human Trafficking in Cambodia’, *China Labor Watch*, 19 August 2022.

¹⁷¹ See *e.g.*, Ngoc Anh, ‘Easy job, easy money: how Vietnamese citizens are trafficked in Cambodia’, *Vn Express*, 1 September 2022, <https://e.vnexpress.net/news/trend/easy-job-easy-money-how-vietnamese-citizens-are-trafficked-in-cambodia-4506589.html>.

¹⁷² See *e.g.*, ‘International collaboration is required to combat trafficking in illegal online scam centers’, *Freedom Collaborative*, 30 August 2022, <https://freedomcollaborative.org/newsletter-archive/international-collaboration-is-required-to-combat-trafficking-in-illegal-online-scams-centers>.

¹⁷³ See *e.g.*, Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>; Tessa Wong, ‘Cambodia Scams: Lured and Trapped into Slavery in South East Asia’, *BBC News*, 20 September 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62792875>.

¹⁷⁴ See *e.g.*, Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

Forced Labour in the Cyber-Scam Compounds: Application of the ILO Indicators		
ILO Indicators	Potential TIP Victim from Vietnam¹⁷⁵	Potential TIP Victim from Indonesia¹⁷⁶
Abuse of vulnerability	LTL worked in a factory in Vietnam, and she needed to pay for health treatment for her family.	No information provided.
Deception	LTL saw an opportunity on Facebook – an employer in Cambodia was looking for new staff, and the only requirement was computer skills. When she arrived in Cambodia, she discovered it was not a normal job. She was taken to a cyber-scams compound in Koh Thom, Kandal province and had to scam people into investing online.	An Indonesian Agency promised CNA a job in an online gambling operation with a Chinese Company. The salary offer was 1200 USD per month. The agency arranged the travel, and when she arrived in Cambodia, she was sent to a scam “company” in Phnom Penh that was owned by Chinese people.
Restriction of movement	LTL could only leave the compound if she paid a ransom to the traffickers.	CNA could not leave the compound.
Isolation	No information provided.	No information provided.
Physical and sexual violence	If LTL refused to work, then she was beaten, tortured, and electrocuted.	CNA experienced violence in the compound.
Intimidation and threats	LTL had certain scamming quotas to meet. If not met, then the alleged traffickers threatened to torture her; she knew of the 8th floor where people were taken. She also watched other being electrocuted.	CNA's “employer” threatened her if she did not work properly, and sometimes, fined her, <i>e.g.</i> , by restricting food or deducting her salary.
Retention of identity documents	No information provided.	The agency kept CNA's passport (may have been returned later).
Withholding of wages	LTL had been promised a salary of 800-900 USD. The first month, she received only 200 USD, and by the second and third months, she received nothing. She was told that she must earn 300 million dong (12,653 USD) for the company each month and that she must attract new “customers”. If she did not meet these targets, her pay would be deducted.	CNA’s salary was lower than promised – she only received 600 USD per month or less. Her “employer” would also deduct wages if she did not work properly.
Debt bondage	No information provided.	While working in Phnom Penh, CNA got COVID-19 and had to pay for her medical treatment (500 USD).
Abusive working & living conditions	LTL would work all day with only short toilet breaks allowed. She was also physically and psychologically abused. She only managed to escape by jumping into the water of the Binh Di river along the Cambodia-Vietnam border and swimming for her life.	CNA faced food restrictions as punishment, was forced to work long hours with few breaks, and experienced violence at the compound.
Excessive overtime	LTL worked 14-16 hours per day.	CNA was required to work around 16 hours per day and 7 days per week without a day off or any leave.

¹⁷⁵ Rebecca Ratcliffe, Nhung Nguyen and Navaon Siradapuvadol, ‘Sold to gangs, forced to run online scams: inside Cambodia’s cybercrime crisis’, *The Guardian*, 10 October 2022, <https://www.theguardian.com/world/2022/oct/10/sold-to-gangs-forced-to-run-online-scams-inside-cambodias-cybercrime-crisis>.

¹⁷⁶ Interview of Indonesian victim, dated 16 November 2022.

B. Challenges in victim identification, protection, and support

Currently, individuals are not being adequately screened when rescued from cyber-scam compounds in Cambodia.¹⁷⁷ This lack of screening is leading to challenges in victim identification, protection, and support (for both NGOs and government officials). The lack of screening appears to be the result of a number of factors, including, but not limited to:

- *Lack of access*: Some NGOs have reported facing challenges in accessing individuals rescued from the cyber-scam compounds,¹⁷⁸ and thus, despite their expertise in working with these groups, they are not able to assist the Cambodian authorities in victim screening efforts.
- *Lack of training*: Not all law enforcement authorities in Cambodia, *e.g.*, the cybercrime police, border guards, and immigration officers, have the required knowledge and skills to conduct victim screening and identification, especially not with the overwhelming number of potential TIP cases connected to the cyber-scam industry.
- *Lack of victim and witness protection*: Cambodia lacks adequate victim and witness protection programs. Given the sophistication of the criminal networks that may be behind the cyber-scam compounds, such protections are critical. Not only may TIP victims be subject to fear, anxiety, and post-traumatic stress as a result of their experiences, but they may also face ongoing security risks or threats of physical harm to themselves and their families.¹⁷⁹ As a result, they may not want to come forward, even if they have a right to an effective remedy¹⁸⁰ and a right to participate in proceedings under Cambodian law.
- *Challenges for potential TIP victims to remain in Cambodia*: There is no legal provision under domestic law for potential TIP victims to be granted permission to remain in Cambodia, including with the right to work. Foreign TIP victims are almost always repatriated, regardless of whether they may face risks of harm or financial difficulty on their return.¹⁸¹

C. Violations of the principle of non-punishment/non-criminalisation

Cambodian law is silent on whether TIP victims (except for children)¹⁸² have protected status.¹⁸³ This means that the law does not adequately protect TIP victims from being

¹⁷⁷ Interview with an Indonesian NGO on 21 October 2022; Interview with Vietnamese NGO on 13 October 2022.

¹⁷⁸ Interview with an Indonesian NGO on 21 October 2022; Interview with Vietnamese NGO on 13 October 2022.

¹⁷⁹ Rebecca Surtees, 'Supporting the Reintegration of Trafficked Persons. A Guidebook for the Greater Mekong Sub-Region', NEXUS Institute, UN-ACT and World Vision (2017), p. 69, <https://nexushumantrafficking.files.wordpress.com/2017/04/final-reintegration-guidebook-gms.pdf>.

¹⁸⁰ Rebecca Surtees, 'Supporting the Reintegration of Trafficked Persons. A Guidebook for the Greater Mekong Sub-Region', NEXUS Institute, UN-ACT and World Vision (2017), p. 66, <https://nexushumantrafficking.files.wordpress.com/2017/04/final-reintegration-guidebook-gms.pdf>.

¹⁸¹ U.S. State Department, '2022 Trafficking in Persons Report: Cambodia', <https://www.state.gov/reports/2022-trafficking-in-persons-report/cambodia/>.

¹⁸² See Sub-Decree No. 119 ANKr. BK dated 11 September 2015 on the Management of Residential Care Centres.

¹⁸³ 'Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states', *Rapid Asia*, September 2022.

prosecuted for crimes they were forced to commit as a direct result of the trafficking.¹⁸⁴ Clearer provisions concerning non-punishment/non-criminalisation are needed in domestic law.¹⁸⁵

In the context of the cyber-scam compounds, this lack of clarity has led to the detention of hundreds of potential TIP victims in immigration facilities for alleged immigration and labour violations, including unlawful entry into the country, fraudulent documents, failure to have work permits, etc., after raid-and-rescue operations by the authorities. Additionally, potential TIP victims are facing the risk of being prosecuted for the cybercriminal activities, like the pig butchering, love scams, and investment scams, that they are forced to carry out as part of the trafficking.¹⁸⁶

One potential TIP victim reported that after he was rescued, the Cambodian authorities placed him in an overcrowded cell with two dozen other men.¹⁸⁷ He recalled, “[n]ow I feel that we were not rescued. We were arrested. We are here like criminals.”¹⁸⁸ Furthermore, in September 2022, Cambodian authorities raided eight buildings in a compound in Sihanoukville and then detained more than 450 Chinese, Taiwanese, and Vietnamese people for failing to have work permits.¹⁸⁹ A spokesman for Cambodia’s General Department of Immigration publicly stated that as of 3 October 2022, the immigration authorities had detained 920 people from 19 nations during raids for immigration violations.¹⁹⁰ Any detention and prosecution of TIP victims is in violation of the principle of non-punishment/non-criminalisation under international law.

D. Violations of the do-no-harm principle

The lack of adequate screening procedures and lack of victim identification are resulting in violations of the do-no-harm principle – *i.e.*, additional harm being done to potential TIP victims by the Cambodian authorities. As noted in the section above, instead of being provided support and assistance, hundreds of potential TIP victims, many of whom have suffered unimaginable trauma in the cyber-scam compounds, are being detained in overcrowded, hot cells in immigration centres without access to basic necessities, like food and water. In some cases, they are made to pay inappropriate fines or fees for basic necessities to authorities. NGOs are not able to easily access the immigration centres, and no psychosocial or legal support is being provided to the potential victims.¹⁹¹

¹⁸⁴ However, while the Anti-Human Trafficking Law does not explicitly provide for comprehensive victim protection, support, or rehabilitation, it implies such requirements by incorporating its international obligations, like those in the Palermo Protocol, in Article 1 of the law.

¹⁸⁵ ‘Trafficking victim protection in ASEAN: A study on the implementation of the ASEAN Convention against Trafficking in Persons, Especially Women and Children, in seven ASEAN member states’, *Rapid Asia*, September 2022.

¹⁸⁶ Rachel Cheung, ‘They Thought Their Human Trafficking Nightmare Was Over. Then Came the Police.’ *VICE*, 4 October 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

¹⁸⁷ Rachel Cheung, ‘They Thought Their Human Trafficking Nightmare Was Over. Then Came the Police.’ *VICE*, 4 October 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

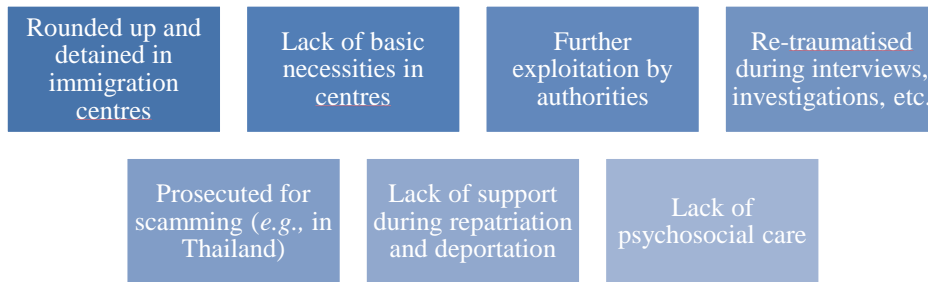
¹⁸⁸ Rachel Cheung, ‘They Thought Their Human Trafficking Nightmare Was Over. Then Came the Police.’ *VICE*, 4 October 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

¹⁸⁹ Rachel Cheung, ‘They Thought Their Human Trafficking Nightmare Was Over. Then Came the Police.’ *VICE*, 4 October 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

¹⁹⁰ Rachel Cheung, ‘They Thought Their Human Trafficking Nightmare Was Over. Then Came the Police.’ *VICE*, 4 October 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

¹⁹¹ Rachel Cheung, ‘They Thought Their Human Trafficking Nightmare Was Over. Then Came the Police.’ *VICE*, 4 October 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

Summary: Violations of non-criminalisation and do-no-harm principles



E. Initial actions by the Cambodian government

The Cambodian government has recently dedicated more resources and taken steps to rescue potential TIP victims from the cyber-scam compounds;¹⁹² however, initially, there were some delays in acting that may have exacerbated the situation. Until recently, there were some inconsistent statements by government officials that characterised the alleged crimes differently and fluctuated between denial, deflection, and acknowledgement of the gravity of the situation. For example:

- Some senior government officials have stated that the majority of the claims regarding the cyber-scam compounds were fake.¹⁹³
- Others have interpreted the situation as a “contractual disagreement” between “workers” and “employers”, despite the fact that the “employers” are transnational criminal groups.¹⁹⁴
- The Interior Minister has acknowledged that the cyber-scam industry and related human trafficking is a widespread problem but insisted that foreigners perpetrated it.¹⁹⁵
- The former Prime Minister has acknowledged the issues of human trafficking in the cyber-scam compounds.
- Another senior government official has characterised the situation as one of illegal gambling.¹⁹⁶

Importantly, the NCCT has introduced priority measures and an action plan to counter the increasing number of TIP and forced labour cases in the cyber-scam operations, with an

¹⁹² Rachel Cheung, ‘Trafficking victims are finally being freed from Cambodia – But the scam industry is far from over’, *VICE*, 14 December 2022, <https://www.vice.com/en/article/g5vwn3/human-trafficking-police-corruption-cambodia>.

¹⁹³ Mary Ann Jolley and Danny Boyle, ‘Meet Cambodia’s Cyber Slaves’, *Al Jazeera*, 11 August 2022, <https://www.aljazeera.com/features/longform/2022/8/11/meet-cambodia-cyber-slaves>.

¹⁹⁴ Mech Dara, ‘Labor ministry clarifies: Confining workers is illegal’, *VOD*, 12 October 2022, <https://vodenglish.news/labor-ministry-clarifies-confining-workers-is-illegal/>.

¹⁹⁵ Tessa Wong, ‘Cambodia Scams: Lured and Trapped into Slavery in South East Asia’, *BBC News*, 20 September 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62792875>.

¹⁹⁶ Mech Dara, ‘Officials speak out on compounds: As many as 100,000 foreign nationals came to Cambodia’, *VOD*, 30 September 2022, <https://vodenglish.news/officials-speak-out-on-compounds-as-many-as-100000-foreign-nationals-came-to-cambodia/>; Soth Koemsoeun, ‘Threat to all: PM says human trafficking is a global issue’, *Khmer Times*, 30 September 2022, <https://www.khmertimeskh.com/501159639/threat-to-all-pm-says-human-trafficking-is-a-global-issue/>.

executive *ad hoc* committee headed by the National Police Commissioner and focused on enforcement.¹⁹⁷

The Ministry of Interior and the Ministry of Labour and Vocational Training have jointly established an inter-ministerial commission tasked to review, monitor, and enforce foreign workforce inspection.¹⁹⁸ In addition, with many foreign workers facing confinement for forced labour in cyber-scams compounds, senior officials at this Ministry have recently stated that employers could not confine their employees and that such acts would violate the Labour Law.¹⁹⁹ The fine amounts for employing foreign workers unlawfully will be increased (likely five times).²⁰⁰

Lastly, the Ministry of Justice has introduced an *ad hoc* taskforce to facilitate judicial proceedings and strengthen the enforcement of laws against human trafficking, labour and sexual exploitation, and money laundering.²⁰¹

F. Accountability efforts

Until August 2022, few raid-and-rescue operations took place in the cyber-scams compounds. However, since that time, the Cambodian authorities have stepped up their efforts in carrying out these operations, and they established hotlines and social media-based complaint systems for the general public. Raid-and-rescue operations have occurred in hotspot locations, such as Preah Sihanouk, Phnom Penh, Kandal, Svay Rieng, Siem Reap, Kampong Speu, Pursat, Koh Kong, Oddar Meanchey, Pailin and Banteay Meanchey provinces,²⁰² freeing thousands of people.

On 7 October 2022, the NCCT published its achievements while simultaneously acknowledging that the overwhelming number of reported online scams and human trafficking cases had exhausted the capacity of officials,²⁰³ with some compounds being emptied before the raid operations started.²⁰⁴ From 18 August to 4 October 2022, Cambodian authorities determined that 229 of 420 reported cases, involving 118 victims from five countries, were linked to criminal offences ranging from illegal confinement, ransom, torture, TIP, and sexual exploitation. At least 67 alleged perpetrators – Cambodian and foreign nationals, mostly Chinese – were arrested and sent to court, with five companies being permanently closed down and another four companies being temporarily suspended pending further investigations.²⁰⁵

¹⁹⁷ National Committee for Counter Trafficking, 'Meeting to promote an executive action plan to counter all forms of human trafficking, labour exploitation, and sexual exploitation of the National Committee for Counter Trafficking', 9 August 2022, [in Khmer], <https://www.ncct.gov.kh/news/7/20/216>.

¹⁹⁸ A joint inter-ministerial Prakas issued by the Ministry of Interior and Ministry of Labour and Vocational Training: Prakas No. 5175 dated 16 September 2022.

¹⁹⁹ Mech Dara, 'Labor ministry clarifies: Confining workers is illegal', *VOD*, 12 October 2022, <https://vodenglish.news/labor-ministry-clarifies-confining-workers-is-illegal/>.

²⁰⁰ Hang Punreay, 'Fine for employing illegal foreign workers raised five-fold', *Khmer Times*, 2 December 2022, <https://www.khmertimeskh.com/501195059/fine-for-employing-illegal-foreign-workers-raised-five-fold/>.

²⁰¹ Ministry of Justice, 'Decision on the creation of ad hoc taskforce of the Ministry of Justice for countering all forms of human trafficking, labour exploitation, forced labour and sexual exploitation', 9 September 2022, [in Khmer], <https://www.moj.gov.kh/kh/news-event/1514>.

²⁰² Mech Dara, 'Scam raids hit 10 provinces: Interior Minister', *VOD*, 28 October 2022, <https://vodenglish.news/scam-raids-hit-10-provinces-interior-minister/>.

²⁰³ Interview with Head of the NCCT on 22 December 2022.

²⁰⁴ Jintamas Saksornchai, Cindy Liu and Mech Dara, 'Scam workers relocated from Cambodia to Laos, Myanmar', *VOD*, 24 October 2022, <https://vodenglish.news/scam-workers-relocated-from-cambodia-to-laos-myanmar/>.

²⁰⁵ National Committee for Counter Trafficking, 'Press release No. 204/22 on the outcomes of a meeting to review the first phase of the enforcement of a campaign to fight against all forms of human trafficking, illegal gambling, and inspection of foreign workforce', 7 October 2022 [in Khmer], <https://www.interior.gov.kh/news/detail/2936>.

Moreover, 116 facilities of the 9,622 facilities searched were found to be linked to illegal gambling operations, involving 253 people who are in judicial proceedings.²⁰⁶ With respect to the inspection of foreign workforces in ten compounds in Preah Sihanouk province, 1,946 of the 2,760 foreigners from 14 different countries were found to have passports, and 1,512 were found to be working without work permits. Among them, 685 people had already been deported while 920 people were facing deportation with their proceedings underway. In another 16 workplace inspections, over 1500 foreigners with 11 different nationalities were subjected to fines for working without a work permit in Cambodia.²⁰⁷

G. Applying alternative legal regimes, like the Labour Law

Given the array of crimes occurring at the cyber-scams compounds in Cambodia, three other domestic legal regimes are applicable in addition to the Anti-Human Trafficking Law: the Labour Law, the Gambling Law, and the AML Law. As noted in Section F above, Cambodian authorities have publicly reported using the Gambling Law and the AML Law to pursue accountability for the crimes occurring at these compounds. However, the Labour Law, particularly the forced labour provision under Article 15, may provide additional options and protections for potential TIP victims.

As explained in Section A, many individuals working in the cyber-scams compounds are likely victims of forced labour based on the ILO indicators. Accordingly, Article 15 of the Labour Law could be considered as a viable avenue for victims to pursue justice. Article 15 references and incorporates the international legal standards under 1930 ILO Convention 29 and may provide some protection for victims, namely those accused of immigration violations or working in Cambodia without valid documentation.

SECTION IV: CONCLUSIONS & RECOMMENDATIONS

A. Victim screening, identification, protection, and support

1. *Victim screening*: Potential TIP victims trapped in the cyber-scams compounds may not view themselves as “victims”. The RGC should consider having the relevant authorities conduct victim screenings immediately after raid-and-rescue operations of the cyber-scams compounds to identify potential TIP victims – men, women, and children – and provide them with adequate protection and support prior to and during repatriation. The RGC should consider engaging relevant NGOs in this process and leveraging their expertise and experience in dealing with TIP cases.
2. *Victim support agencies*: The RGC should consider deeper engagement with victim support agencies when potential TIP victims are rescued. For example, even if immigration proceedings are initiated, the immigration department could consider informing the NCCT about potential TIP victims so that they may receive adequate protection, support, and rehabilitation assistance.
3. *Capacity building on victim screening and implementation of a victim-centred*

²⁰⁶ National Committee for Counter Trafficking, ‘Press release No. 204/22 on the outcomes of a meeting to review the first phase of the enforcement of a campaign to fight against all forms of human trafficking, illegal gambling, and inspection of foreign work force’, 7 October 2022 [in Khmer], <https://www.interior.gov.kh/news/detail/2936>.

²⁰⁷ National Committee for Counter Trafficking, ‘Press release No. 204/22 on the outcomes of a meeting to review the first phase of the enforcement of a campaign to fight against all forms of human trafficking, illegal gambling, and inspection of foreign work force’, 7 October 2022 [in Khmer], <https://www.interior.gov.kh/news/detail/2936>.

approach: The knowledge and skills of certain frontline responders, like the cybercrime unit, border guards, and immigration officers, in TIP cases related to the cyber-scam compounds are generally low because they do not generally deal these types of victims. More skilled investigators are needed within these police units and departments to improve victim identification. The RGC should consider ways to increase the capacity of members of the cybercrime unit, border guards, and immigration officers to conduct victim screenings, implement a victim-centred approach and non-discrimination principles, and conduct trauma-informed interviews.

B. Legal reform: Bridging gaps in the laws and access to information

1. *Explicit provisions criminalising forced labour:* The Ministry of Justice should consider reviewing and amending the Anti-Human Trafficking Law to clearly criminalise forced labour, defining its elements pursuant to international standards.
2. *Principle of non-punishment/non-criminalisation:* The Ministry of Justice should consider reviewing the Anti-Human Trafficking Law to explicitly include provisions regarding non-punishment/non-criminalisation. It should ensure that potential TIP victims are not prosecuted for all unlawful acts directly related to the trafficking, such as illegal entry into the country, fraudulent documents, cybercriminal activities, and others.
3. *Bridging the gaps related to victim protection:* The Ministry of Justice should consider reviewing the current Anti-Human Trafficking Law to bridge the gaps related to victim protection. It should also consider issuing clearer guidelines for victim-friendly investigative techniques and procedures, including explanations of the legal process, requirements for conducting interviews in private settings, possible outcomes and timeframes for proceedings, a reflection period for TIP victims to decide if they wish to take part in the judicial process, etc. Moreover, it should consider revising the victim and witness protection guidelines in Cambodia to fully protect vulnerable victims and witnesses, like those trapped in the cyber-scam compounds, who may face retaliation or other serious risks for reporting crimes. Improved measures could encourage victims and their families to cooperate in investigations and prosecutions more fully.
4. *Access to information:* The RGC should consider working more closely with NGOs and victim support agencies to enhance access to clear and accurate information for potential TIP victims, and foreign migrant workers in general, as well as the dissemination of TIP-related laws, decrees, policies, and the rights of TIP victims, particularly the right to legal counsel, at the national and community levels. Additionally, it should consider enhancing access to interpretation and translation at all stages of the protection and assistance process and in all legal proceedings, including trafficking and immigration cases in Phnom Penh and the provinces.

C. Accountability: Law enforcement and investigative efforts

1. *Access to remedy:* The RGC should consider ways to ensure that potential TIP victims can exercise their right to access to remedy, *e.g.*, by providing them with access to legal counsel upon identification and enabling them to provide testimony remotely

(whether in a secure room in Cambodia or from their country of origin).

2. *Increased cross-border cooperation:* The RGC should consider ways to increase cooperation in investigations and prosecutions between Cambodian authorities, particularly, the Anti-Human Trafficking and Juvenile Protection Police, and other law enforcement agencies in the region, *e.g.*, by sharing intelligence on transnational criminal networks, facilitating access to victims and witnesses, and fully implementing relevant MoUs.
3. *Increased coordination between Cambodian authorities:* Given that the NCCT and the Anti-Human Trafficking and Juvenile Protection Police in Cambodia have the most experience working with TIP victims, the RGC should consider reviewing guidelines and identifying ways to increase the coordination between these departments and other police units, like the cybercrime and immigration units.
4. *Additional tailored capacity building:* NGOs and Cambodian law enforcement authorities should consider enhancing their capacity to conduct financial investigations and cryptocurrency, develop strategies for investigating organised crime groups, and implement best practices in evidence collection and preservation. These trainings should be tailored to address the criminal activities in the cyber-scam compounds.

D. Awareness building in the private sector

1. To build awareness of the human trafficking and forced labour occurring in the cyber-scam compounds, NGOs and the RGC should consider ways to increase collaboration with the private sector:
 - a. *Financial institutions:* Financial institutions have access to data that could assist law enforcement authorities and shed light on the alleged transnational criminal groups, beneficial ownership structures of involved companies, and illicit financial flows. Building awareness in the financial sectors could open up additional avenues of accountability at national and international levels and potentially lead to the recovery of illicit proceeds that may be used to compensate victims.
 - b. *Telecom companies:* Telecom companies have access to internet and phone data and may be a source of evidence and information for law enforcement authorities and other stakeholders working on prevention and prosecution.
 - c. *Social media companies:* Some social media companies have begun implementing strategies to prevent individuals from being trafficked into cyber-scam compounds, *e.g.*, providing warnings, removing fraudulent job advertisements, etc. However, more cross-sector collaboration could provide increased knowledge about the profiles of the victims, the recruitment processes, and the typologies of the alleged crimes.
 - d. *Universities:* Given that many of the potential TIP victims trapped in the cyber-scam compounds are recent graduates of universities in the region, NGOs and governments in the region may consider incorporating awareness-raising campaigns in universities to prevent future victims and educate students about the risks of human trafficking and forced labour in the cyber-scam industry in Cambodia.