



## Key Indicators of Trafficking in Persons for Forced Criminality to Commit Cyber Enabled Crimes

Trafficking in persons (TIP) for the purpose of forced criminal activities sees criminal syndicates collecting profits at low risk by forcing victims to carry out a range of illegal activities generating income. In the context of TIP online scam centers in Southeast Asia region victims might be trafficked domestically, from other countries across the region and beyond. Victims are mainly lured by job advertisements or through acquaintances to work in professional roles (e.g., IT, HR) in casinos, hotels or more broadly in the gambling sector. On-site, victims realize they were deceived as to the true nature of the job, which demands they take part in scamming activities. Victims are subject to 'sales' quotas and face severe punishments if they do not meet them. Victims of this form of trafficking are diverse; they are men, women and even people under the age of eighteen. Many are educated and technologically skilled.

These indicators can be used for screening of presumed victims of trafficking, prompting a more fulsome victim identification process. If presumed victims are identified, they should be offered support and protection and should not be punished for crimes they were compelled to commit as a result of being trafficked.

The indicators listed below are classified according to the three core elements of TIP as defined in the Trafficking in Persons Protocol: the Act, the Means, and the Purpose. The identification of a single indicator may be insufficient to establish that TIP has occurred. However, when multiple indicators are identified, they constitute a basis for urgent further inquiry.

*Note that even if a person has not been a victim of trafficking in persons, the indicators may show that they are victims of other crimes including serious ones, e.g., physical abuse, kidnapping, extortion and should be investigated accordingly.*

### 1. ACT

#### Recruitment Stage:

- The recruited person is recruited by an acquaintance, friends, family members, local agent, or recruitment unit or agency (based in a scamming compound, country, region or other regions (e.g., Dubai in the Middle East), through a promise of legitimate employment abroad.
- The job offer is found, or communicated through, social medial platforms: Meta (Facebook), TikTok, WeChat, WhatsApp, Telegram, Instagram, LinkedIn Line, Messenger, and other instant messaging platforms.
- The recruited person may have a high level of education (e.g., university degree), professional skills (e.g., HR, IT, teacher, engineer, graphic design), and speak more than one language (e.g., Cantonese, English, Malay, etc.)
- The job offer may require higher education and experience including in marketing, human resources (HR), IT, programming, customer service. Some offers only require knowledge of social media and ability to operate computer.
- The job offers good or even high salary rates and other benefits (e.g., free international travel, food and accommodation) in relation to the country where the job is located (e.g., Cambodia, Myanmar, Lao, possibly Thailand, Malaysia, the Philippines etc.).
- The job offer may be for employment in a special economic zone (SEZ) in the entertainment sector (e.g., casinos)
- The profile and location of a company may look legitimate by the existence of a website or some other online profile. Legitimate company logos might be used.
- The recruitment process may have involved a number of stages (interviews) to appear legitimate, including in



person or online meetings.

- The recruited person is in contact with an acquaintance, local agent, or recruitment agency for arranging the journey abroad, such as visa, flight and accommodation.
- The recruited person has their passport (if required), accommodation and transport fees to the city/country of destination paid for by the local agent or recruitment agency.

## Transportation Stage:

- The person travels/ed alone, but remains in constant contact with a person, or a group of unknown individuals (recruiters, transporters).
- The person travelled in a group of others he or she does not previously know and/or with a local recruiter or foreign agent.
- The person is constantly looking to another person for what to say or do.
- The person enters one country on a legitimate visa (e.g., enter Thailand on a tourist visa) and then is guided to cross irregularly into another country (e.g., from Thailand to Myanmar).
- The person might find him/herself in an unknown location; unaware of having cross borders illegally (i.e., may not realize that they have crossed from Myanmar into Thailand).
- The person may demonstrate a lack of knowledge of how they found themselves in a location (e.g. city, country or a company) that did not correspond with the job offer.
- The person possesses a new ID document or has received their travel or identify documents from a third party (possibly forged).
- The person might be promised a work visa issued upon arrival at the destination.
- The person might purchase a ticket to a transit country (for example, Philippines to Singapore). Once at the transit destination, a ticket to the final destination is paid for and sent to him/her.

## Harbor and Receipt:

- The person is met by an unknown individual upon arrival (e.g. airports, border crossings) and taken to an unknown location, directly to the company, or to accommodation provided by the recruiters and/or company.
- The person is picked up and transferred to another location/country with help from persons unknown to him/her.
- The person is taken to and/or kept at a location (hotels or casinos) where other victims have been rescued.
- The person is met by a person/company representative/agent holding their name card and who takes their passports for processing with immigration.

## 2. MEANS

Any of the means set out in the TIP Protocol (and ASEAN Convention) definition, in case of adults, can be used individually or in combination, to traffic a person into forced criminality. The most common types encountered so far are deception, fraud (including regarding work or required services, living conditions), coercion, physical and psychological abuse, use of force, threat, blackmail, and abuse of a position of vulnerability. Means may be used at all stages of the trafficking process from recruiting, transporting, transferring, harbouring or receiving a person, through to deceiving or controlling him or her in the exploitation phase.



## EXAMPLES:

- The person is deceived about the location, nature, associated risks and legality of the work they are forced to carry out.
- The person is deceived about the working conditions of the work they are placed in, and a valid work permit (visa) required for them to work in a foreign country.
- The person is offered some payment or benefits in exchange for committing online scams.
- The person is forced to engage in online scams and fraud for an excessive number of hours (10 to 16 hours) and days (one day off or none).
- The person receives little or no pay compared to what was promised, no overtime pay or excessive deductions are made. The person might be forced or coerced to sign invalid labour contracts (or record videos) with terms they do not agree to (especially type of task and duties).
- The person may sign a contract in their language prior to departure and required to sign another contract on arrival in other language which differs from the original.

### NOTE:

*All contracts must abide by substantive law, public order/policy, or good morals. Employment contracts that serve as the basis to force a person to commit criminal acts under domestic laws (e.g., online scam, financial fraud) are null and void. Thus, any such labour contract should not be considered as a basis for a legitimate labour dispute.*

*Why? In many cases, it is a crime to attempt to persuade someone else to commit a crime, and particularly to pay (or offer to pay) a person to commit a crime.*

*How to understand it? The contract constitutes evidence of criminal groups attempting to legitimize their illegal operations. Thus, traffickers often issue employment contracts to deceive both the victim, and authorities. Presence of a contract does not mean that a person has not been trafficked. On the contrary, examination of the contract could aid establishing the use of 'means' set out in domestic counter trafficking definitions. In essence the contract is a physical manifestation of various means used to traffic a person for the purpose of exploitation.*

- The person is deceived about their living conditions (i.e., forced to live in unsanitary living conditions), kept in cramped rooms, or unable to move freely and leave the compound.
- The person is given inadequate food and water (some victims had to drink water from the bathroom or toilet).
- The person has little or no access to medical services.
- The person is kidnapped, abducted, and taken to the scamming facility (compound, entertainment venue, and others)
- The person's travel documents, personal mobile devices, and/or other personal items are confiscated.
- The person has access to a mobile phone provided by the criminal group, but use is tightly monitored and controlled.
- The person is isolated, confined, put under constant surveillance, and unable to leave (e.g. compound surrounded by fences, barbed wires, high walls and/or guarded by armed security).
- The person has controlled or structured breaks so that they very rarely interact with others in the same building.
- The person is threatened with physical violence (e.g., threats of beatings, taser, threats of organ removal).
- The person is subjected to physical violence (beatings, sexual assault, grueling physical activities, such as squats, burpees, running up and down flights of stairs, taser) or psychological violence (e.g., 'money-grabbing' dance, jumping like a frog, forcing to watch others being physically abused).
- The person is punished with physical or psychological violence if they fail to reach the quotas or perform adequately (e.g., beatings, electric shocks, cigarette burns, locked in dark rooms with no food or water, other forms of torture).
- The person has visible body injuries (e.g., bruises, scars, cuts, broken limbs, etc.).
- The person shows signs of serious emotional and psychological distress and trauma, including depression, anxiety,



- fear, shame, regret, and suicidal tendencies.
- The person is threatened to not report or disclose what has happened, either by direct threats to their safety or the safety of their family members, threats of being sold to another criminal group, or threats that authorities will deport or prosecute them for irregular migration, or for participating in cyber enabled crimes, including scamming.
- The person is trapped in debt bondage created by criminals (e.g., money deducted from their salary, or required as payback for the fees spent on their transportation, accommodation)<sup>1</sup> or subjected to arbitrary fines (e.g., not sitting up straight, failure to meet targets for recruitment of potential victims, looking away from the computer screen, lateness to work, being sick etc.).
- The person is requested to pay a large sum of money for their freedom.
- The person is bought/sold to between scamming compound/other criminal networks.

#### NOTE:

*Selling or offering someone to others in exchange for monetary or other benefits to commit criminal acts may also be an indication of trafficking for the purpose of servitude, or practices similar to slavery.*

- The person is required to recruit others to secure their own freedom and/or he or she cannot pay the ransom.
- The person is told to distrust or fear authorities (e.g., due to entering the country irregularly, committing cyber-enabled crimes, etc.)
- The person is instructed by someone to give scripted answers.
- The person is given drugs or other substances to cope with trauma.

## 3. EXPLOITATION

#### NOTE:

*The end purpose of the trafficking process, and the intent of the traffickers, is to exploit persons for the **purpose of committing criminal offences**, through the use of illegitimate means such as issuing labour contracts that are fraudulent and deceptive. For this reason, and depending on domestic legislation, services or work that require performing tasks that are criminal in nature, might be more properly considered as trafficking for the commission of criminal offences. If such a form of exploitation does not feature in domestic legislation, and depending on totality of evidence and victim's experiences, forced labour or services, servitude, or slavery might be applicable. Alternatively, in absence of this form of exploitation in domestic law, recourse could be made to defenses as per general principles of criminal law (duress, necessity etc.)*

### Committing crimes of online fraud/financial crimes:

- The person is coached/instructed by staff in the compounds to perform online / phone / computer-based activities that ultimately amount to fraud and scamming.
- The person participates in the scam-related activities, which may include:
  - *Illegal gambling, gaming and lottery schemes*: tasked to chat online with people and encourage them to deposit money into their gaming accounts to play illegal online games or perform manipulation into gambling results.
  - *Pig-butcher (investment) schemes*: tasked to set up and use fake profiles on networking platforms to develop

<sup>1</sup> Means the status or condition arising from a pledge by a debtor of his or her personal services or those of a person under his or her control as security for a debt, including fictional/illegitimate debt.



relationships and gain trust of people, through romance and/or friendship, and entice them into investing in fraudulent schemes (often through cryptocurrency investments).

- *Pyramid schemes*: tasked to find people who are able to recruit ‘new investors’ for ‘get rich quick’ schemes.
- *E-commerce schemes*: tasked to call people and pretend that their parcel from DHL or FedEx was seized by customs because it contained illegal goods.
- *Impersonation schemes*: tasked to call people and pretend to be police, custom officers, or potential investors looking to secure a bank transfer
- *Fake loan schemes*: tasked to advise customers at casinos on borrowing money via computer apps.
- *Unsolicited phone calls practice*: tasked to make unsolicited phone calls.
- *Dating or companionship offer*: tasked to impersonate man/woman looking for companionship and asked for cash transfer to support various request.

## Exploited in other ways, including sexual exploitation, organ removal, slavery, practices similar to slavery, or servitude.

### DEFINITIONS:

“**Servitude**” shall mean the obligation to render services from which the person in question cannot escape and which he or she cannot change.

“**Slavery**” shall mean the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.

“**Practices similar to slavery**” shall include debt bondage, or servitude.

## Sample case study

John lost a job at a customer service helpline during covid. He decided to use his computer science skills and look for work online, outside of his country. He finds an ad for computer scientist at a company in country X, that requires him to use both English and Malay. He sends in an application and is accepted for an interview.

### Indicators:

- *Traffickers have recruited (ACT) John through advertisements placed on social media, that deceive (MEANS) John, as to their legitimacy.*

After going through several rounds of interviews and negotiation on his conditions by an agent/company based abroad, John accepts the job offer by way of signing and returning a detailed contract.

### Indicators:

- *Traffickers deceive (MEANS) John as to the type and conditions of work*

Travel details and passport were arranged on behalf of John, who traveled to a city where work awaits. He is surprised to meet many other people from his country and across the region who are travelling there for similar work. When he arrives at his place of work and residence, his passport and phone are taken off him. He is informed that travel costs will be added to a debt that needs to be paid off. He is not allowed to leave the compound. He is instructed to make a fake online profile, using a photo of a handsome man, and to connect with women from his own country, who speak his language, and build relationships with them online. If he is successful, he will earn large sums of money and other rewards, but if he does not, he will be beaten and tasered.



## Indicators:

- *Traffickers arrange travel (ACT) for John which costs were added to his debt that he was not aware of or agreed to (MEANS)*
- *Traffickers harbour (ACT) John in the compound, using threats of violence (MEANS) and by abusing his vulnerable position as a foreigner who is irregularly in the country who does not speak the local language (MEANS)*
- *Traffickers provide two alternatives to John – physical violence or reward for performing scams. None is acceptable but John is forced to choose one that is not going to cause him severe bodily injury or severe harm (MEANS)*
- *Passport and phone confiscated as a way of limiting and controlling John movement and contact with the outside world (MEANS)*

He is told that the authorities will not help because they are in on the operation and paid off by his bosses. They also tell him that he is illegally in the country and will be arrested as an illegal migrant if he leaves the compound. Colleagues who share his dorm room tell him that people who try to escape have been beaten and sold to other compounds where conditions are more dire.

## Indicators:

- *Traffickers threaten him that he will be arrested due to the lack of a proper visa to stay/work in the country.*
- *Traffickers threaten to sell him to another compound as other victim (MEANS). Selling someone for addiction benefit between networks is a MEANS of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person.*
- *Traffickers do this for the purpose of EXPLOITING John in **their** cyber-scamming operations.*

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