

Rohingya Refugees in Asia: How anti-trafficking and anti-smuggling measures can improve protection

16 January 2023 – DHAKA, Bangladesh: Without comprehensive regional and national approaches to refugee protection in Southeast Asia, more than 150,000 Rohingya in Thailand, Malaysia and Indonesia currently rely on a patchwork of policies that offer them limited, if any, protection.

A new report supported by the Protecting Rohingya Refugees in Asia (PRRiA) project, funded by the European Union’s Civil Protection & Humanitarian Aid Operations, shows how existing anti-trafficking and anti-smuggling measures do help some Rohingya to access services and protection. But they are inadequate on their own; specific frameworks to protect refugees are urgently needed. Due to the inconsistent application and implementation of policies and laws, Rohingya often end up in detention and other precarious situations where their rights are curtailed and protection is undermined.

“It’s apparent that existing approaches to anti-trafficking and anti-smuggling aren’t flexible enough to account for the reality of refugees’ experiences” said Themba Lewis, Head of the Mixed Migration Centre for Asia and the Pacific.

Rohingya – who face a multitude of barriers when attempting to travel – often turn to smugglers in order to seek protection from persecution in Myanmar and unsafe and deteriorating living conditions in Bangladesh. Between January and November 2022, more than 1,920 Rohingya attempted to cross the Bay of Bengal and Andaman Sea. December 2022 also saw numerous boats carrying Rohingya land in Indonesia, Thailand and Sri Lanka. Data from the Mixed Migration Centre gathered among refugees in Malaysia shows that 94 percent relied on smugglers for help.

Most Rohingya engage smugglers because they have no other option. The decision is not a safe one, and there are numerous documented examples of exploitation, extortion, abandonment, and murder en route. Rohingya survivors of trafficking should be protected under existing national and regional frameworks. However, Southeast Asian governments often struggle to identify trafficking survivors. In practice, Rohingya are unable to access critical protections.

Strict immigration laws in both Malaysia and Thailand make both countries risky destinations for Rohingya, despite protections for refugees under international law. If authorities deem them to have entered “illegally”, for example if Rohingya trafficking survivors are instead considered smuggled migrants, they can be detained for years.

In Indonesia, Malaysia, and Thailand, greater coherence is needed to ensure that the results of anti-smuggling, anti-trafficking, and refugee protection policies are complementary. Contradictions among these different policies within and across borders leads to confusion and inconsistency.

“A comprehensive approach to Rohingya protection has been needed in Southeast Asia for many years,” said Lilianne Fan, co-founder and International Director of the Geutanyoë Foundation. *“As the current chair of ASEAN, Indonesia should place regional refugee protection front and centre and make strengthening legal frameworks a priority.”*

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