

Legal Analysis of Human Trafficking and Exploitation of Rohingya Migrants in
Thailand's Fishing Industry

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Abstract

Thailand is known to be among the largest economies in Southeast Asia, and its fishing industry has a very large contribution to the global supply chain. Unfortunately, it is also known to be one of the most exploitative and dangerous industries when it comes to labor practices, especially with migrant workers. This research analyzes the interactions between Thai domestic law and international law regarding the protection of the human rights of Rohingya migrants in Thailand. This paper explains the limitations of Thai domestic law, especially in the absence of legal protection for stateless persons, and how the gaps in the law have led to the most vulnerable and unfortunate situations. Despite the international human rights conventions to which Thailand is bound, the failure to apply the standards has left Rohingya migrants without effective protection. Furthermore, this research aims to provide insight on the efficacy of existing legal protections for migrant workers in Thailand and highlights the need for legal and policy reform. It also calls for stronger coordination, which is required to safeguard the Rohingya migrants' rights and prevent further human rights abuses.

Keywords: Rohingya Migrants, Fishing Industry, Human Trafficking

I. Background

The Rohingya are a predominantly Muslim, stateless ethnic group, currently residing in Myanmar's Rakhine State. However, they are not protected by Myanmar's national law and are vulnerable to various forms of abuse and human rights violations due to their lack of legal status, such as exploitation and human trafficking.¹

According to history, the first census of Burma, conducted by British colonial authorities in 1872, laid the groundwork for subsequent population categorisation. By 1931, statisticians had identified 15 indigenous races and 135 sub-races within Burma; notably, the Rohingya were not included in these classifications.² While some Rohingya did receive national registration cards following Burma's independence in 1948, their civil and political rights began to decline after the 1962 military coup.³ One of the examples of this decline is the 1974 national elections, where the new constitution explicitly excluded Rohingya from voting for their representatives.⁴ Simultaneously, the Rakhine were officially recognised as the eighth major race of Burma, and Arakan was renamed Rakhine State, a move that strengthened Rakhine rights while overlooking the Rohingya population.⁵ This period of diminishing rights culminated in 1978 when over 200,000 Rohingya fled to neighboring Bangladesh to escape military campaigns targeting perceived illegal foreigners.⁶ Consequently, the Rohingya, who had once constituted a significant portion of Arakan's population, were increasingly labeled as illegal by the state. The 1982 Citizenship Law further solidified this marginalisation by imposing a stringent requirement for non-major races to prove ancestral residency in Burma dating back to 1823. This requirement was

¹ Human Rights Watch, *"An Open Prison without End": Myanmar's Mass Detention of Rohingya in Rakhine State*, Human Rights Watch, New York, 2020, p. 4.

² Francis Wade, *Myanmar's Enemy Within: Buddhist Violence and the Making of a Muslim "Other"*, Zed Books, London, 2017, p. 38.

³ Nurul Huda, *Rohingya: Mengungkap Konflik Etnis Tertua dan Terberat di Asia Tenggara*, PT Elex Media Komputindo, Jakarta, 2018, p. 47.

⁴ Azeem Ibrahim, *The Rohingyas: Inside Myanmar's Hidden Genocide*, Hurst & Company, London, 2016, p. 76.

⁵ *Ibid.*, p. 76.

⁶ Nurul Huda, *Op. Cit.*, p. 55.

impossible for most Rohingya to meet, effectively rendering them stateless and contributing to one-seventh of the world's stateless population.⁷

As previously mentioned, this legal exclusion not only erased the Rohingya's national identity but also stripped them of protection under Myanmar's legal framework, leaving them profoundly vulnerable to exploitation, particularly human trafficking.⁸ Statelessness means the Rohingya are not entitled to legal documentation, formal employment, or freedom of movement. Without recognition as citizens or even as lawful residents, they are excluded from accessing the judicial system, making it nearly impossible to report crimes or seek redress. This denial of legal personhood facilitates an environment in which traffickers, state authorities, and other actors can exploit the Rohingya with impunity, knowing that their victims lack the legal standing to hold perpetrators accountable.⁹

As Rohingya individuals flee systemic violence and statelessness in Myanmar, they often seek refuge in neighboring countries like Thailand. However, the absence of legal status persists across borders. In Thailand, Rohingya are treated as undocumented migrants, making them especially vulnerable to exploitation, particularly in labor-intensive sectors like the fishing industry.¹⁰ Many fall prey to trafficking networks that exploit legal gaps and the lack of protections for stateless persons. Excluded from labor laws and legal safeguards, they face high risks of forced labor and abusive working conditions.¹¹

This exploitation is made worse by gaps in the enforcement of both international and domestic legal frameworks. Although Thailand is party to various international

⁷ United Nations High Commissioner for Refugees (UNHCR), *This is Our Home: Stateless Minorities and Their Search for Citizenship*, UNHCR, Geneva, 2017, p. 10.

⁸ Human Rights Watch, *"An Open Prison without End"*, *Op. Cit.*, p. 10.

⁹ Human Rights Watch, *"An Open Prison without End"*, *Op. Cit.*, p. 11.

¹⁰ Human Rights Watch, *"Hidden Chains: Rights Abuses and Forced Labor in Thailand's Fishing Industry"*, Human Rights Watch, New York, 2018, p. 5.

¹¹ Environmental Justice Foundation, *Thailand's Seafood Slaves: Human Trafficking, Slavery and Murder in the Fishing Industry*, EJF, London, 2015, p. 13.

instruments against trafficking, implementation is often inconsistent.¹² In practice, trafficking victims are frequently misidentified as illegal migrants and denied access to legal aid and protection. The fear of arrest or deportation discourages them from reporting abuse, giving traffickers and exploitative employers freedom to operate with little oversight.¹³

Adding to these challenges is the troubling role of state corruption and complicity. In some cases, officials have facilitated trafficking or accepted bribes to turn a blind eye, undermining anti-trafficking efforts and eroding trust in legal systems.¹⁴ As a result, addressing the vulnerability of Rohingya migrants requires more than legal recognition. It demands systemic reforms to ensure enforcement mechanisms function fairly and transparently.¹⁵

II. Problem Identifications

Based on the problem above, it can be concluded that there are 4 problem identifications :

1. What is the legal status of Rohingya migrants under international law, particularly in relation to their statelessness and refugee protections, and how does this status exacerbate their vulnerability to human trafficking in Thailand's fishing industry?
2. How did the absence of legal recognition and protection for Rohingya migrants contribute to their vulnerability to human trafficking under international and Thai law?
3. To what extent do international human rights obligations, including the principle of non-refoulement under customary international law and the Convention Against Torture (1984), compel Thailand to protect Rohingya migrants from trafficking and

¹² United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons 2022*, United Nations, Vienna, 2022, p. 95.

¹³ International Organization for Migration (IOM), *Addressing Human Trafficking and Exploitation in Thailand: A Handbook for Labour Inspectors*, IOM, Bangkok, 2019, p. 22.

¹⁴ United States Department of State, *Trafficking in Persons Report 2023*, Office to Monitor and Combat Trafficking in Persons, Washington D.C., 2023, p. 451.

¹⁵ Office of the High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, United Nations, Geneva, 2010, p. 14.

exploitation, and how have these obligations been implemented or violated in practice?

III. Analysis

1. **Rohingya in Thailand are stateless, denied citizenship, and lack refugee status, leaving them acutely vulnerable to trafficking and exploitation. Thailand's refoulement practices violate international law. International bodies criticize Thailand, urging it to uphold obligations and provide protection, legal identity, and prevent refoulement to break the cycle of abuse.**

It is explicitly mentioned in Article 1 of the 1954 Convention Relating to the Status of Stateless Persons¹⁶, that a stateless individual is defined as someone who is not considered to be a national of any state by the application of its law. The Rohingya, whose citizenship rights have been denied by the 1982 Myanmar Citizenship¹⁷ Law categorically fell under this definition, and although Thailand is not a signatory to the 1954 Convention, the Convention itself presents a useful model for interpreting the rights of stateless persons, including their rights to identity, work, and overall protection from exploitation.¹⁸ In Thailand, statelessness among Rohingya means they do not have documents, exposing them enormously to trafficking and exploitation. While traditional international law guarantees some fundamental human rights to everyone, like protection against discrimination and the right to life, Thailand's refusal of statelessness status to Rohingya deprives them of nearly total access to such protection. This absence in the law is part of their exclusion and marginalization from basic services, like education, medical services, and legal labor.

Besides being stateless, the majority of Rohingya refugees arriving in Myanmar fit

¹⁶ United Nations High Commissioner for Refugees (UNHCR), *The 1954 Convention Relating to the Status of Stateless Persons, Article 1*

¹⁷ Burma Citizenship Law, October 15, 1982.

¹⁸ United Nations High Commissioner for Refugees (UNHCR), *The 1954 Convention Relating to the Status of Stateless Persons, Loc. Cit.*

the description of refugees under Article 1 of the 1951 Refugee Convention¹⁹ Relating to the Status of Refugees, including those who possess a well-founded fear of persecution. Thailand is also not a signatory to the 1951 Refugee Convention and does not as such officially accept the Rohingya as refugees. Nevertheless, customary international law, specifically the principle of non-refoulement, remains binding. As seen in Article 33 of the 1951 Convention²⁰ and Article 3 of the Convention Against Torture (CAT)²¹, which Thailand joined in 2007, non-refoulement prohibits return of individuals to states where they risk persecution or torture. Detention or deportation by Thailand of Rohingya into Myanmar, where there is a well-documented possibility of such risks, constitutes a breach of this principle. In practice, measures such as these push Rohingya into the informal economy, namely the fishing industry, where they are extremely susceptible to exploitation and trafficking.

Having no official citizenship or refugee status, Thai Rohingya cannot obtain legal work permits or fall back on protection under Thai labor laws like the Labour Protection Act B.E. 2541 (1998)²². As a result, they are often coerced into unregulated sectors like commercial fishing, where they face forced labor, debt bondage, and abuse. The majority are trafficked into such jobs via smuggling rings involving Myanmar, Bangladesh, and Thailand. The 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol)²³, which Thailand joined in 2013, defines trafficking as exploitation facilitated by a person's vulnerability. Statelessness and denial of redress among the Rohingya heighten this vulnerability and make them easy targets for traffickers. Deceived by promises of legal labor, most Rohingya are on fishing boats with inhuman conditions and cannot report abuses for fear of arrest or deportation. Such abuses come squarely within

¹⁹ United Nations High Commissioner for Refugees (UNHCR), *The 1951 Convention Relating to the Status of Refugees and Its 1967 Protocol*, UNHCR, Geneva, 2011

²⁰ *Ibid.*

²¹ United Nations, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, United Nations, New York, 1984

²² Government of Thailand, *Labour Protection Act B.E. 2541 (1998)*

²³ United Nations Office on Drugs and Crime, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, UNODC, Vienna, 2000

Article 3 of the Palermo Protocol²⁴, which criminalizes trafficking that uses coercion, deception, or abuse of authority for exploitative purposes.

Thailand's accession to the UN Convention against Transnational Organized Crime (UNTOC) and the Convention Against Torture (CAT)²⁵ obligate it to stop trafficking and uphold its right to a principle of non-refoulement. Not only did it fail to sign the 1951 and 1954 Conventions, but this makes its binding legal commitments to stateless and refugee populations less secure, though. Though international documents such as Article 4 (slavery prohibition) and Article 15 (right to nationality) of the Universal Declaration of Human Rights²⁶ can be made applicable to the Rohingya, the non-binding nature under Thai law curtails enforceability. Global agencies, including the UN Special Rapporteur on Trafficking in Persons and the UNHCR, have repeatedly criticized Thailand for its failure to deal with the structural weaknesses of the Rohingya. They appealed to the government of Thailand to comply with customary international law and its treaty obligations, in a duty to protect against trafficking, ensure access to legal identity, and guarantee non-refoulement. Without formal recognition or legal entry to protection, the Rohingya are trapped in a cycle of statelessness, abuse, and violence, and possibilities for redress far away.

2. Thailand's compliance with international anti-trafficking and forced labor instruments, such as the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000) and the ILO Forced Labour Convention (No. 29, 1930), addresses the exploitation of Rohingya migrants in its fishing industry, but enforcement gaps persist.

Thailand's compliance with international anti-trafficking and forced labor instruments, particularly the UN Protocol to Prevent, Suppress and Punish Trafficking in

²⁴ *Ibid.*

²⁵ United Nations, *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, *Loc. Cit.*

²⁶ United Nations, *Universal Declaration of Human Rights*. (1948).

Persons (2000) and the ILO Forced Labour Convention (No. 29, 1930), plays a crucial role in addressing the exploitation of Rohingya migrants in its fishing industry. However, significant enforcement gaps persist, undermining these efforts.²⁷

Thailand ratified the UN Convention Against Transnational Organized Crime (UNTOC) and its Palermo Protocol in 2013, which defines human trafficking as the recruitment, transportation, or harboring of individuals through coercion, deception, or abuse of vulnerability for exploitation, including forced labor.²⁸ This definition is particularly relevant to the Rohingya migrants, who are often smuggled from Myanmar or Bangladesh and subjected to severe exploitation in Thailand's fishing industry.²⁹ Reports from organizations such as the International Organization for Migration (IOM) and Human Rights Watch have documented instances of Rohingya being deceived or coerced into working on fishing vessels under conditions of debt bondage, unpaid wages, and physical abuse.³⁰ The Palermo Protocol mandates that Thailand criminalize trafficking, protect victims, and implement preventive measures.³¹

In response, Thailand has enacted the Anti-Trafficking in Persons Act B.E. 2551 (2008, amended 2017), which aligns with the Palermo Protocol by criminalizing trafficking and establishing mechanisms for victim protection.³² Since 2015, following pressure from the European Union, Thailand has increased prosecutions and established multi-

²⁷ United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, supplementing the United Nations Convention against Transnational Organized Crime, United Nations, New York, 2000.

²⁸ International Labour Organization, *Forced Labour Convention (No. 29)*, ILO, Geneva, 1930.

²⁹ International Labour Organization, *Protocol of 2014 to the Forced Labour Convention, 1930 (P029)*, ILO, Geneva, 2014.

³⁰ United Nations Office on Drugs and Crime (UNODC), *Legislative Guide for the Implementation of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto*, United Nations, New York, 2004, pp. 268–276, International Organization for Migration, *IOM Thailand: Annual Report 2023*, IOM, Bangkok, 2024.

³¹ Human Rights Watch, *“Hidden Chains: Rights Abuses and Forced Labor in Thailand's Fishing Industry”*, *Loc. Cit.*

³² Thailand, *Anti-Trafficking in Persons Act B.E. 2551 (2008, amended 2017)*, Royal Thai Government Gazette, Bangkok, 2017.

disciplinary teams for victim identification.³³ However, enforcement gaps remain significant. Victim identification processes are often inadequate, particularly for stateless Rohingya, who are frequently treated as illegal migrants rather than trafficking victims.³⁴ Corruption among officials, as highlighted in the 2024 US Trafficking in Persons (TIP) Report, further undermines prosecutions,³⁵ while limited access to shelters and legal aid for Rohingya violates their rights under the Protocol.³⁶

Thailand's obligations under the ILO Forced Labour Convention (No. 29, 1930) and its 2014 Protocol also highlight the challenges faced by Rohingya migrants.³⁷ The Convention prohibits all forms of forced labor and requires states to criminalize such practices. The 2014 Protocol emphasizes victim protection, prevention, and remedies.³⁸ Rohingya migrants in Thailand's fishing industry often endure forced labor through practices such as debt bondage, physical confinement on vessels, and withheld wages. These conditions violate the Convention's provisions.³⁹

In response to these challenges, Thailand has implemented labor reforms, including the 2014 Fisheries Act and Port-In, Port-Out (PIPO) inspections to monitor fishing vessels for forced labor.⁴⁰ The ratification of the 2014 Protocol in 2018 has led to improved labor inspections and a National Action Plan aimed at eliminating forced labor by 2030.⁴¹ However, enforcement remains inconsistent, particularly on long-haul vessels where

³³ United Nations Office on Drugs and Crime (UNODC), *Toolkit to Combat Trafficking in Persons*, United Nations, Vienna, 2008, pp. 17–22.

³⁴ European Commission, *Report on the EU's Work with Thailand to Tackle Illegal, Unreported and Unregulated (IUU) Fishing*, European Commission, Brussels, 2020.

³⁵ U.S. Department of State, *Trafficking in Persons Report 2024*, *Op. Cit.* pp. 427–432.

³⁶ International Labour Organization, *Combating Forced Labour: A Handbook for Employers and Business*, ILO, Geneva, 2015.

³⁷ International Labour Organization, *General Survey concerning the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105)*, ILO, Geneva, 2012, pp. 29–36.

³⁸ Thai Ministry of Labour, *Fisheries Act B.E. 2558 (2015)*, Department of Fisheries, Bangkok, 2015.

³⁹ International Labour Organization, *Ship to Shore Rights: Baseline Research Findings on Fishers and Seafood Workers in Thailand*, ILO, Bangkok, 2018.

⁴⁰ International Labour Organization, *Observations and Direct Requests of the Committee of Experts on the Application of Conventions and Recommendations: Thailand (C029)*, ILO, Geneva, 2023.

⁴¹ Fortify Rights, *"They Deceived Us at Every Step": Abuse of Rohingya Trafficking Victims in Malaysia and Thailand*, Fortify Rights, Bangkok, 2015.

Rohingya workers are often employed. The ILO has noted that inspections are hindered by limited resources and complicity among inspectors.⁴² Furthermore, the requirements for victim remedies, such as compensation, are poorly implemented, leaving Rohingya victims without access to justice due to their undocumented status.⁴³

The intersection of statelessness and trafficking vulnerabilities exacerbates the plight of Rohingya migrants. The Rohingya's lack of legal status, stemming from Myanmar's 1982 Citizenship Law, excludes them from formal labor protections in Thailand, making them prime targets for trafficking and forced labor.⁴⁴ The Palermo Protocol recognizes vulnerability, including statelessness, as a factor in trafficking. Thailand's failure to recognize Rohingya as stateless persons under international frameworks limits their access to anti-trafficking protections, violating the spirit of the Protocol's victim-centered approach.⁴⁵

International accountability mechanisms, such as the UNTOC Conference of Parties and ILO supervisory bodies, monitor Thailand's compliance with these international standards. Reports from these bodies have highlighted the need for stronger victim identification and prosecution efforts, particularly for stateless migrants like the Rohingya. Despite some progress, ongoing corruption, weak victim identification processes, and limited remedies for victims continue to hinder effective enforcement of anti-trafficking and forced labor laws in Thailand's fishing industry.

In conclusion, while Thailand has made strides in aligning its legal framework with international anti-trafficking and forced labor instruments, significant enforcement gaps persist. Addressing these gaps is essential to protect vulnerable populations, particularly the Rohingya migrants, from exploitation in the fishing industry. Enhanced victim

⁴² Human Rights Watch, *Thailand: Trafficking Convictions Welcome, but More Needed*, Human Rights Watch, New York, 2017.

⁴³ Institute for Human Rights and Business (IHRB), *Migrant Workers and Human Rights in the Thai Seafood Industry*, IHRB, London, 2021.

⁴⁴ United Nations High Commissioner for Refugees (UNHCR), *Statelessness and Human Trafficking: Risks and Prevention Strategies*, UNHCR, Geneva, 2017.

⁴⁵ United Nations Office on Drugs and Crime (UNODC), *Strengthening Criminal Justice Responses to Human Trafficking in South-East Asia*, UNODC, Bangkok, 2022.

identification, robust legal protections, and international pressure are crucial to ensuring compliance with international standards and safeguarding the rights of all workers in Thailand.

3. Thailand's international human rights obligations, including the principle of non-refoulement under customary international law and the 1984 Convention Against Torture, compel the country to protect Rohingya migrants from trafficking and exploitation; however, the implementation of these obligations in practice reveals significant gaps, with documented instances of both compliance and violation.

Thailand faces a fundamental obligation under the principle of non-refoulement, a *jus cogens* norm under customary international law to protect Rohingya migrants from being returned to face persecution and torture. This principle, deeply embedded in customary international law and explicitly stated in Article 3 of the Convention Against Torture, which Thailand ratified in 2007, absolutely prohibits sending people back to countries where they might face torture or cruel treatment.⁴⁶ The Rohingya's situation makes this particularly urgent, as they are fleeing what the International Court of Justice recognized as genocide in *The Gambia v. Myanmar* case in 2019⁴⁷. Yet Thailand's response has been deeply contradictory. While occasionally allowing UNHCR to screen some Rohingya through limited programs like the 2019 pilot initiative⁴⁸, Thai authorities simultaneously treat most Rohingya as "illegal migrants" who can be detained and deported at will. Amnesty International reported that over 2,000 Rohingya were detained in these

⁴⁶ United Nations, Op. Cit. (note 25), Article 3.

⁴⁷ *The Gambia v. Myanmar* case, filed in November 2019 at the International Court of Justice (ICJ), alleges that Myanmar violated the Genocide Convention by its actions against the Rohingya population. The Gambia, supported by the Organization of Islamic Cooperation (OIC), argued that Myanmar failed to prevent and punish genocidal acts and sought various forms of relief, including cessation of genocidal acts and reparations for victims. The ICJ issued provisional measures in January 2020, ordering Myanmar to take measures to prevent further violations of the Genocide Convention and to preserve evidence.

⁴⁸ Human Rights Watch, 2020, "Thailand: Let UN Refugee Agency Screen Rohingya", <https://www.hrw.org/news/2020/05/21/thailand-let-un-refugee-agency-screen-rohingya> [accessed on 09/06/25]

centers in 2023, with many subsequently deported despite clear international legal obligations.⁴⁹ This inconsistent approach not only violates international law but tragically pushes desperate Rohingya into the hands of traffickers who exploit their vulnerability, particularly in Thailand's fishing industry where they face severe abuse.

Thailand's obligations under the Convention Against Torture (CAT) are clear. As a party since 2007, the country must not return anyone to a place where they risk torture as stated in Article 3, and must prevent torture or cruel treatment by state actors according to Articles 1 and 16.⁵⁰ Yet, in practice, the situation for Rohingya refugees tells a different story. Many are held in Immigration Detention Centers (IDCs) under harsh conditions such as overcrowding, poor medical care, and lack of legal protection, which leads to cruel, inhuman, or degrading treatment.⁵¹ Despite occasional investigations by Thailand's National Human Rights Commission, meaningful reforms have been limited. The UN Committee Against Torture and the UN Special Rapporteur on Torture have criticized Thailand for detaining Rohingya without due process and for deporting them back to Myanmar, where military abuses continue.⁵² These actions not only violate CAT but also push Rohingya into the hands of traffickers, as fear of detention and deportation drives them to seek illegal and often dangerous work, especially in the fishing industry.

Looking beyond CAT, Thailand is also bound by other international human rights standards. Having ratified the International Covenant on Civil and Political Rights (ICCPR) in 1996, Thailand is required to prohibit slavery and forced labor as stated in Article 8 and protect against arbitrary detention according to Article 9. However, by detaining Rohingya without legal recourse and failing to offer safe migration or asylum pathways, Thailand

⁴⁹ Human Rights Watch, 2024, "We Can't See the Sun", [://www.hrw.org/report/2024/03/05/we-cant-see-sun/malaysias-arbitrary-detention-migrants-and-refugees](https://www.hrw.org/report/2024/03/05/we-cant-see-sun/malaysias-arbitrary-detention-migrants-and-refugees) [accessed on 09/06/25]

⁵⁰ United Nations, Op. Cit. (note 25), Article 1 & 16

⁵¹ FIDH International Federation for Human Rights, 2024, "Thailand: New report reveals conditions in the most secretive places of detention", <https://www.fidh.org/en/region/asia/thailand/thailand-new-report-reveals-conditions-in-the-most-secretive-places> [accessed on 09/06/25]

⁵² United Nations Human Rights, 2024, "In Dialogue with Thailand, Experts of the Committee against Torture Welcome New Law Criminalising Torture and Enforced Disappearance, Ask about the Treatment of Detainees and Prison Overcrowding", <https://www.ohchr.org/en/meeting-summaries/2024/11/dialogue-thailand-experts-committee-against-torture-welcome-new-law> [accessed on 09/06/25]

leaves them vulnerable to exploitation. The Universal Declaration of Human Rights (UDHR), while non-binding, sets out similar principles, it states that freedom from slavery and the right to seek asylum as outlined in Articles 4 and 13 to 14, which Thailand falls short of meeting. Recent reports highlight how these legal gaps force Rohingya into unregulated, abusive jobs in the fishing sector.

On the ground, efforts to protect migrant laborers in the fishing industry remain limited. Thailand's Port-In, Port-Out (PIPO) inspections was introduced after Thailand received the 2015 EU Yellow Card. They are meant to monitor working conditions and prevent forced labor that are in line with ICCPR obligations.⁵³ But in reality, these inspections cover only about a small percentage of the vessels, leaving most workers including Rohingya unprotected.⁵⁴ Complicating matters, Thailand's anti-trafficking mechanisms often misidentify Rohingya as illegal migrants rather than trafficking victims, denying them the protections required under international law like the Palermo Protocol and CAT.⁵⁵ This is seen as the UNHCR was only granted limited access to screen only a few amount of migrants in 2020, which lead to most Rohingya remained undocumented and at risk.⁵⁶

These failures have real and serious consequences. For instance, deportation practices documented in recent years show that returning Rohingya to Myanmar violates the principle of non-refoulement and pushes them into the very trafficking and smuggling networks that supply labor to the fishing industry.⁵⁷ Many deported Rohingya end up re-entering Thailand with the help of traffickers, only to face debt bondage and further

⁵³ Fisher's Rights Network, *Thailand's Port-in Port-out Inspections and The ILO : Failing Fishers, Seafood Supply Chains at Risk*, International Transport Workers' Federation, Thailand, 2023, pg. 3.

⁵⁴ *Ibid*, pg. 7.

⁵⁵ Fortify Rights, 2019, "Thailand: Prevent the Detention of Rohingya Refugees and Survivors of Human Trafficking", <https://www.fortifyrights.org/tha-inv-2019-06-12/> [accessed on 09/06/25]

⁵⁶ Asia Pacific Refugee Rights Network (et. al.), *Refugee Right Network in Thailand*, Joint Submission Universal Periodic Review of Thailand, Thailand, 2021, pg. 1–3.

⁵⁷ Amnesty International, 2025, "India: Stop unlawful deportations and protect Rohingya refugees", <https://www.amnesty.org/en/latest/news/2025/06/india-stop-unlawful-deportations-and-protect-rohingya-refugees/#:~:text=Cruel%20and%20unlawful%20deportations,as%20refugees%20living%20in%20India.> [accessed on 09/06/25]

exploitation. Overcrowded detention centers and the lack of legal aid discourage Rohingya from seeking help and force them to accept exploitative jobs just to avoid arrest.⁵⁸ The problem is compounded by Thailand's failure to grant refugee or stateless status a gap that leaves Rohingya without any labor protections and makes them easy targets for trafficking rings.

International bodies have not been silent on these issues. The Committee Against Torture has repeatedly called for an end to deportations and improvements in detention conditions.⁵⁹ The international community have urged Thailand to uphold its non-refoulement obligations and protect Rohingya from exploitation, drawing attention to abuses in the fishing industry. During Thailand's Universal Periodic Review, NGOs submitted shadow reports highlighting these violations and calling for better adherence to CAT.⁶⁰ Reports from UNHCR and IOM also underscore how non-refoulement violations fuel trafficking risks and stress the urgent need for legal pathways to asylum.⁶¹

Regionally, the challenge is even greater. The ASEAN Convention Against Trafficking in Persons (ACTIP) supports anti-trafficking efforts but lacks real enforcement power, and ASEAN's principle of non-intervention limits external pressure on Thailand to improve protections for the Rohingya. Meanwhile, the fishing industry's ongoing reliance on cheap, undocumented labor—exposed by international monitoring and reports—continues to exploit Rohingya vulnerabilities, especially as Thailand has not ratified the 1954 Statelessness Convention. This leaves Rohingya without access to legal protections or the ability to report abuses, further entrenching their risk of trafficking

⁵⁸ Fortify Rights, 2020, "Thailand: Protect Rohingya Refugees from Forced Return, Indefinite Detention", <https://www.fortifyrights.org/tha-inv-2020-06-05/> [Accessed on 09/06/2025]

⁵⁹ United Nations, 2024, "In Dialogue with Thailand, Experts of the Committee against Torture Welcome New Law Criminalising Torture and Enforced Disappearance, Ask about the Treatment of Detainees and Prison Overcrowding" <https://www.ohchr.org/en/meeting-summaries/2024/11/dialogue-thailand-experts-committee-against-torture-welcome-new-law> [Accessed on 09/06/2025]

⁶⁰ United Nations High Commissioner for Refugees (UNHCR), *Submission by the United Nations High Commissioner for Refugees For the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: 3rd Cycle, 39th Session*, UNHCR, Thailand, 2021, pg. 5.

⁶¹ United Nations High Commissioner for Refugees (UNHCR), *Annual Result Report*, UNHCR, Thailand, 2024, pg. 27.

IV. Conclusion

The Rohingya are drowning in plain sight. Stripped of citizenship by Myanmar and treated as criminals by Thailand, they become easy prey for traffickers who promise work but deliver slavery on fishing boats. Thailand's approach is brutally simple, that is by signing international treaties, then ignore them. The country has all the legal tools to protect these people, such as the Convention Against Torture, anti-trafficking laws, labor protections, etc. Instead, it chooses to look the other way while corruption greases the machinery of exploitation.

The cycle is vicious. Rohingya flee genocide, only to face arrest, detention, and deportation back to the violence they escaped. Desperate for survival, they accept any work offered, landing on fishing vessels where they're beaten, starved, and trapped at sea. When they try to escape, they're arrested again. It's a system designed to break people. This isn't about complex legal theory, yet it's about basic human decency. Thailand knows these people exist. It knows they're being exploited. It has the power to stop it. Yet it chooses to profit from their misery instead.

The solution is straightforward, Thailand should recognize the Rohingya as stateless persons, give them legal protection, and prosecute the traffickers. Thailand has the laws. It just needs the will. Until then, the Rohingya remain trapped between two countries that want them to disappear. One through violence, the other through willful blindness. Both are forms of murder, just carried out at different speeds.

V. Suggestions

To respond realistically to the institutionalized exploitation and trafficking of Rohingya migrants in Thailand's fishing industry, a multi-lensed strategy involving legal, policy, and enforcement reforms, and increased international cooperation, is needed. Thailand has the capacity and the international obligation to make these reforms and, in

doing so, would significantly enhance its human rights record and combat modern slavery on its soil.

The cause of Rohingya migrants' root vulnerability is their statelessness and absence of legal status that could be circumvented if Thailand were to grant formal acknowledgment to the stateless status of Rohingya migrants within the country by passing the letter of the 1954 Convention Relating to the Status of Stateless Persons. Such acknowledgment would pave the way for issuance of temporary legal papers, which is crucial to access fundamental rights, including formal work and protection under labor legislation. There should also be ratification of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, or at least laying down a clear, transparent, and rights-based national asylum system, which is essential. This would allow proper identification and protection of individuals on the run from persecution, the Rohingya, to avoid arbitrary detention or refouling. Last but not least, repeal and amendment of the Labour Protection Act B.E. 2541 (1998) and related legislation to properly include protection for all migrant workers regardless of documentation or nationality status. This would plug existing loopholes that traffickers exploit by focusing on those who are undocumented. They must have Mechanisms of Enhanced Enforcement and Victims' Protection where despite the existence of anti-trafficking laws, the enforcement is a mammoth issue.

Training of all immigration, labor inspection, and law enforcement officials in mandatory, standardized, and unbiased training to accurately identify victims of trafficking, particularly among vulnerable groups such as the Rohingya should be implemented. Training should emphasize a victim-centered approach so that victims are not victimized again through detention or deportation. It can also become much more effective through joint implementation with NGOs specializing in human trafficking and migrant rights. Strong oversight mechanisms should be put in place and harsh punishments for officials who are caught involved in human trafficking or exploitation. Independent investigations of corruption claims. Transnational issues such as human trafficking also need to be addressed through sound cooperation across international borders.

Participative cooperation with ASEAN member states will enhance the effectiveness of the ASEAN Convention Against Trafficking in Persons (ACTIP). This involves the exchange of intelligence, collaborative investigations, and joint victim protection strategies across the region. They must fully comply with existing international human rights obligations, such as the CAT and the Palermo Protocol as well. This involves the end of arbitrary detention and non-refoulement of Rohingya migrants and aligning all state actions with these binding agreements. Opening and broadening access for such international bodies as the UNHCR, IOM, and ILO to monitor conditions, provide assistance, and pressure authorities to be held to account for acts of human rights against Rohingya migrants would also be significant. Their counsel and monitoring are vital in instituting sustainable change.

By taking these actual steps, Thailand can demonstrate its commitment to the protection of human rights, the fulfillment of international obligations, and the eradication of the gross exploitation of Rohingya migrants in its vital fishing sector. The time for decisive action is now.

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