

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

2015 Trafficking in Persons Report

Report

MALDIVES: TIER 2 WATCH LIST

Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking, and a source country for women and children subjected to labor and sex trafficking. An unknown number of the approximately 200,000 documented and undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—experience forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage. Migrant workers pay approximately \$400 to \$4,000 in recruitment fees to work in Maldives, contributing to their risk of debt bondage upon arrival. In addition to Bangladeshis and Indians, some workers from Sri Lanka, Pakistan, and Nepal reportedly experience recruitment fraud before arriving in Maldives. Recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labor of migrant workers. NGOs allege officials may warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses and be involved in labor recruiting practices that can lead to trafficking. A small number of women from Asia, Eastern Europe, and former Soviet countries, as well as girls from Bangladesh and Maldives, are subjected to sex trafficking in Maldives. Some Maldivian children are transported to the capital, Male, from other islands for domestic service; some of these children are also reportedly subjected to sexual abuse and may be victims of forced labor. Maldivian women may be subjected to sex trafficking in Sri Lanka.

The Government of Maldives does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government coordination committee adopted a national action plan for 2015-2019 and continued to develop procedures for victim identification, protection, and referral. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Maldives is placed on Tier 2 Watch List. The state-run shelter for female trafficking victims that opened in January 2014 shortly thereafter began barring victims from access. The government did not initiate any prosecutions and there were no convictions in 2014, a decrease from one conviction in 2013, and some officials warned businesses in advance of planned raids to investigate suspected trafficking offenses or other labor abuses.

RECOMMENDATIONS FOR THE MALDIVES:

Increase efforts to investigate and prosecute suspected trafficking offenses, respecting due process; finalize standard operating procedures to proactively identify trafficking victims and refer them to protection services, and train officials on their use; re-establish victim access to the state-run shelter and consistent rehabilitation services; finalize and implement the standard operating procedures for shelter operations and victim services; increase efforts to monitor and punish labor recruitment agents and firms engaging in fraudulent practices; enforce prohibitions against passport retention by employers and government agencies; raise public awareness of human trafficking through media campaigns; provide translators to law enforcement and labor authorities to ensure foreign workers are able to participate in inspections, investigations, and prosecutions against their alleged traffickers; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government's anti-trafficking law enforcement efforts decreased. The Prevention of Human Trafficking Act prohibits many, but not all, forms of sex and labor trafficking under Articles 12, 13, 14, and 16. The law prohibits internal and transnational trafficking. However, in a departure from the 2000 UN TIP Protocol definition, it generally requires the acts of exploitation be predicated on movement and does not criminalize child sex trafficking in the absence of coercion. The law does prohibit debt bondage and some forms of child trafficking without requiring movement. Article 13 is overly broad; for example, it includes compelling a person to undergo a medical test after being transported as a form of trafficking in persons. The law prescribes penalties of up to 10 years' imprisonment, which are sufficiently stringent but are not commensurate with those prescribed for other serious crimes, such as rape. The government reported investigating five trafficking cases in 2014, an increase from one case in 2013; however, for the second consecutive year, authorities did not initiate any new prosecutions. The government also did not convict any trafficking offenders in 2014, compared with one conviction in 2013.

Officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Observers noted trafficking-specific training was needed government-wide, especially for investigators, prosecutors, and judges. The Department of Immigration and Emigration (DIE) and police anti-trafficking unit chiefs held one training, in partnership with an international organization, for 25 labor inspectors, police officers, and other officials on trafficking. DIE also developed a module on trafficking for new recruits, but it had not yet been launched at the end of the reporting period. An international organization continued to coordinate and deliver all other trainings for officials. Law enforcement efforts continued to be hampered by the absence of foreign language interpreters for victim-witnesses. Authorities did not report collaborating on transnational investigations with foreign counterparts, despite law enforcement identification of foreign victims. NGOs reported some officials warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses. Despite these reports and others that officials may have been involved in labor recruiting practices that can lead to trafficking, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government regressed on some of its previous year's progress in victim protection. The state-run shelter for female trafficking victims, opened in January 2014, served two victims but then began barring new victims from access shortly thereafter, reportedly due, in part, to bureaucratic disputes. According to law enforcement officials, this severely diminished the likelihood victims would pursue charges against perpetrators and forced *ad hoc* solutions to protect victims. It is unclear what services, if any, identified victims received from the government during the reporting period. The 2013 anti-trafficking law created a 90-day reflection period during which victims are eligible to receive services while deciding whether to assist authorities in a criminal case. Victims are entitled to receive rehabilitative services, including shelter, health care, counseling, translation services, and police protection. DIE maintained a shelter for undocumented male migrant workers, but this shelter did not provide trafficking-specific services.

The government identified nine victims in 2014, compared with 10 in 2013. The government continued to develop procedures for victim identification, protection, and referral; however, the procedures were not finalized at the end of the reporting period. Foreign victims assisting an investigation or prosecution could receive a renewable visa; however, identified victims who voluntarily entered Maldives illegally were subject to deportation. Observers noted officials are not trained to screen for trafficking victimization among children in prostitution and migrant workers before deportation.

PREVENTION

The government did not demonstrate progress in preventing trafficking. The government once again transferred responsibility for coordinating government and NGO anti-trafficking efforts from one ministry to another, this time from the Ministry of Youth and Sports to the Ministry of Economic Development. While the coordination committee still met and adopted a national action plan for 2015-2019, observers reported the frequent change in ministry portfolio hampered the government's ability to coordinate and oversee its efforts to effectively combat trafficking. Additionally, the Ministry of Law and Gender, the original chair of the committee that oversaw the now defunct state-run shelter, was not included on the committee once its chairmanship had been removed, thereby reducing the number of committee members trained on trafficking issues and increasing coordination challenges.

Officials did not prosecute any labor recruiters or agencies for fraudulent recruitment practices, despite the existence of an investigative unit responsible for recruitment agency oversight. Observers reported there had been no inspections of labor recruiters for two years due to a lack of funding, and there was no indication police continued to blacklist Maldivian recruitment agencies engaged in fraud and forgery. Government ministries and others frequently held the passports of foreign workers they employed, as well as those of foreign victims in trafficking cases. An international organization reported 65 percent of migrants interviewed were not in possession of their passports. Authorities reported working with employers to have the passports returned; however, the government did not prosecute or hold accountable any employers or government officials for withholding passports.

The Ministry of Foreign Affairs continued its anti-trafficking campaign, with media outlets providing airtime and print space for awareness messages. The government did not provide anti-trafficking training or guidance for its diplomatic personnel. The government did not report any efforts to reduce the demand for commercial sex acts. Maldives is not a party to the 2000 UN TIP Protocol.