

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

2016 Trafficking in Persons 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 130,000 and 60,000 documented and undocumented foreign workers in Maldives, respectively—primarily Bangladeshi and Indian men in the construction and service sectors—experience indicators of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment 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. 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 meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government launched its national action plan, a training curriculum on trafficking for new immigration officials, and a reporting hotline. 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 for the second consecutive year. The government did not initiate any new prosecutions; police stated they lacked training on evidence gathering. Victim protection was inadequate and inconsistent—victims lacked regular access to medical and psycho-social support. At the end of the reporting period, the government formally adopted victim identification guidelines but had not yet adopted standard operating procedures (SOPs) for victim identification, protection, and referral, thereby preventing proactive identification of victims.

RECOMMENDATIONS FOR MALDIVES:

Increase efforts to investigate and prosecute suspected trafficking offenses, respecting due process; formally adopt standard operating procedures for proactive identification of trafficking victims and referral to protection services, and train officials on their use; re-establish 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; continue to 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 maintained weak anti-trafficking law enforcement efforts. The Prevention of Human Trafficking Act (PHTA) 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 also beyond the scope of the 2000 UN TIP Protocol definition, in defining as a form of trafficking in persons the compelling of a person to undergo a medical test after being transported. 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 six trafficking cases during the reporting period, compared with five in 2014; for the third consecutive year, authorities did not initiate any new prosecutions. The police referred two cases to the Prosecutor General's Office (PGO), but prosecution was not initiated due to lack of evidence. Police reported they lacked adequate training on gathering evidence for trafficking cases. The PGO continued prosecuting one sex trafficking case against three foreign nationals from the previous reporting period. The government did not convict any trafficking offenders in 2014 and 2015, compared with one conviction in 2013. Government ministries and others frequently held the passports of foreign workers they employed, as well as those of foreign victims in trafficking cases, despite the PHTA defining the destruction or withholding of a person's passport or identity documents as an act of "exploitative conduct." The government reported Maldives immigration investigated 30 cases of withholding of passports; however it is unclear what action the government took to penalize the retention of migrant workers' passports.

Officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Despite reports of a need for trafficking-specific training—especially for investigators, prosecutors, and judges—the government did not provide such training to personnel. An international organization, supported with foreign funding, conducted training for 235 officials from various agencies. During the reporting period, Maldives immigration launched a mandatory training curriculum on trafficking for new recruits and conducted training for 150 police and immigration officials. Authorities did not report collaborating on transnational investigations with foreign counterparts, despite the identification of foreign victims who were referred to law enforcement by foreign high commissions during the reporting period. Law enforcement efforts continued to be hampered by the absence of dedicated foreign language interpreters for victim-witnesses. 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 demonstrated limited progress in victim protection; while victim identification guidelines were formally adopted, victim care services remained limited. The anti-trafficking law stipulates 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; however, in practice, victim care services are limited. Victims lacked regular access to medical and psycho-social support. Since the closure of the state-run shelter in 2014, the government rented apartments for identified victims and provided a monetary stipend on an as-needed basis. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. Maldives immigration maintained a shelter for undocumented male migrant workers, but this shelter did not provide trafficking-specific services. There were no local NGOs providing services to trafficking victims during the reporting period.

The government identified nine victims during the reporting period, the same number identified in 2014. All nine of the victims were male foreign nationals and subjected to forced labor. The government provided eight of the victims with apartments and the ninth victim secured accommodation through his government's diplomatic representation in Maldives. Victim identification guidelines were endorsed by the anti-trafficking national steering committee (NSC) in December 2015 and formally adopted in February 2016. In January 2016, NSC finalized SOPs for victim identification, protection, and referral and sent the SOPs to the president's office; however, the procedures had not been formally adopted at the end of the reporting period. In the absence of SOPs, Maldives police reported officials used international victim identification guidelines but acknowledged these procedures were often ill-suited for the Maldivian context. Immigration officials reported they screened all foreign workers detained for deportation for trafficking indicators and referred three suspected cases to the police; however, officials also stated some potential victims may have been deported. Foreign victims assisting an investigation or prosecution could receive a renewable visa; however, identified victims who voluntarily entered Maldives illegally were subject to deportation. Maldives immigration funded the repatriation of nine trafficking victims, five of whom were identified in a previous reporting period.

PREVENTION

The government demonstrated limited progress in preventing trafficking. The government launched a national action plan in May 2015 but did not formally adopt it, thereby limiting its implementation; officials noted they had failed to meet several deadlines and would have to amend the plan. The Ministry of Economic Development remained in charge of coordinating government and NGO anti-trafficking efforts through NSC and, in November 2015, convened a new interagency advisory committee to advise this body and monitor the government's implementation of national anti-trafficking efforts. The Ministry of Law and Gender, a former chair of the steering committee, was largely excluded from the government's anti-trafficking infrastructure, subsequently increasing coordination challenges.

In March 2016, the government formally revised employment agency regulations to restrict, among other requirements for an operating license, recruitment of migrant workers only from registered and

regulated employment agencies in source countries. Maldives immigration conducted 21 one-hour interactive radio programs focused on human trafficking and hosted other programs on television and radio where trafficking was discussed. Immigration officials reported blacklisting 157 labor-recruiting companies and individuals for various labor-related infractions; however, officials noted blacklisting was ineffective as companies could register under a new name to continue operations. Maldives immigration launched a program allowing undocumented victims of labor law violations to be employed by a local company and given legal status to remain in the country; 400 foreign workers have utilized this program. The police launched a dedicated human trafficking reporting hotline and the government advertised the hotline in the media and informed foreign embassies. The government provided written guidance, but did not provide anti-trafficking training for its diplomatic personnel. The government did not report any efforts to reduce the demand for commercial sex acts or forced labor. Maldives is not a party to the 2000 UN TIP Protocol.