

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

2017 Trafficking in Persons Report

MALDIVES: Tier 2

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 demonstrated increasing efforts compared to the previous reporting period; therefore, Maldives was upgraded to Tier 2. The government demonstrated increasing efforts by convicting traffickers under its trafficking law for the first time. The government increased investigations, prosecutions, and the identification of trafficking victims. The government acceded to the 2000 UN TIP Protocol, launched awareness campaigns and amended its employment act to require employers to establish and pay employees' salaries through bank accounts. However, the government did not meet the minimum standards in several key areas. The government's trafficking law does not conform to the 2000 UN TIP Protocol as its definition of human trafficking is generally predicated on the movement of the victim. The government did not adopt standard operating procedures (SOPs) for victim identification, protection, and referral, thereby preventing proactive identification of victims. Dedicated trafficking victim protection services were limited—while the government allocated funds for the construction of a trafficking victim shelter, construction had not begun by the end of the reporting period. Victims lacked regular access to medical and psycho-social support and dedicated translators.

RECOMMENDATIONS FOR MALDIVES

Amend the Prevention of Human Trafficking Act (PHTA) to refine the definition of human trafficking to conform with the 2000 UN TIP Protocol; while respecting due process, increase efforts to investigate and prosecute suspected traffickers, including allegedly complicit officials; formally adopt SOPs 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, including government agencies; provide translators to law enforcement and labor authorities to ensure foreign workers are able to participate in inspections, investigations, and prosecutions of their alleged traffickers; and continue to raise public awareness of human trafficking through media campaigns.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The PHTA criminalizes some, but not all forms, of sex and labor trafficking. In a departure from the 2000 UN TIP Protocol definition, articles 11 through 16 define human trafficking to require the act of transporting a person, either transnationally or internally, "through unlawful coercive means," or in a conspiracy with others. To constitute trafficking under the PHTA, the transportation must be done for the purpose of compelling a person to provide work or a service, marry, or undergo an unnecessary medical procedure or test, which are forms of exploitation different from those in the 2000 UN TIP Protocol. It is not clear whether its reference to "work or service" includes "the exploitation of the prostitution of others" which is central to the 2000 UN TIP Protocol. With regard to children, however, article 14 criminalizes "exploitative conduct," which explicitly is defined to include prostitution. Consistent with international law, articles 14 and 15 provide that when children are transported for the purpose of forced labor or services, the child will be presumed to not have consented to the exploitation. The PHTA does include forced labor—but only if a person is transported. Article 16 criminalizes debt bondage without reference to transportation. The penalty for violation of the PHTA is from seven to

15 years imprisonment, which is sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Maldives Police Service (MPS) reported investigating 11 trafficking cases, 10 forced labor and one sex trafficking, during the reporting period, an increase from six in 2015. The government reported prosecuting four new cases, an increase from zero prosecutions in the three previous reporting periods. The prosecutor general's office (PGO) and Maldives immigration stated the disproportionately small number of prosecutions is due to courts not accepting electronic documents as evidence, including employment visas for migrant workers. For the first time, the government secured a conviction under the PHTA. Three foreign nationals were each sentenced to 10 years imprisonment in a sex trafficking case prosecuted during previous reporting periods.

Maldives immigration continued to implement mandatory training curriculum on trafficking for new recruits. MPS conducted several anti-trafficking trainings for officers during the reporting period. An international organization partnered with the government to conduct multiple anti-trafficking trainings for various agencies, including a training of trainers for law enforcement and training for 35 judges that resulted in a formal commitment by the judges to combat human trafficking. Despite these trainings, officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Officials also acknowledged government efforts were mainly focused on transnational labor trafficking to the possible detriment of addressing sex trafficking cases.

Private employers and some government agencies frequently held the passports of foreign workers they employed, including the ministries of education and health who held the passports of foreign teachers and health care workers. Maldives immigration reported it investigated cases of employer passport retention and negotiated the return of documents to employees; however the government did not report whether it penalized employers for such acts. Authorities did not report collaborating on transnational investigations with other governments, even though victims were referred to MPS by their 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. International experts stated some traffickers operated with impunity because of their connections with influential Maldivians. Observers reported some judges were reluctant to hear trafficking cases, and in some cases police were unable to obtain warrants to arrest traffickers. NGOs reported some officials warn businesses in advance of planned raids for suspected trafficking offenses or other labor abuses, and 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 slightly increased its victim protection efforts through increased efforts to identify victims. The government identified 18 victims during the reporting period, an increase from nine in the previous reporting period. One victim was a woman exploited in sex trafficking, and 17 were men subjected to forced labor; all victims were foreign national adults—most were from Bangladesh. The PHTA provides in article 32 a 90-day reflection period during which victims are eligible to receive services while deciding whether to assist authorities in a criminal case. The police reported two victims received extensions of the reflection period. Victims are entitled to receive rehabilitative services, including shelter, health care, counseling, translation services, and police protection; however, in practice, victim care services were limited. Victims lacked regular access to medical and psycho-social support. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. The government provided 17 of the identified victims with rehabilitation services; one victim declined services and was voluntarily repatriated. Two victims identified in a previous reporting period continued to receive rehabilitation services from the government. The government allocated funding in 2016 for the

construction of a shelter for trafficking victims; however, construction had not commenced by the end of the reporting period. The government placed victims in guest house facilities. 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 did not formally adopt the SOPs for victim identification, protection, and referral that had been finalized in the previous reporting period. MPS reported it disseminated the SOPs to officers and that police followed the SOPs, resulting in an increase in victims identified; however, other agencies reported they had no knowledge of the SOPs. Immigration officials reported they screened all foreign workers detained for deportation for trafficking indicators and referred one suspected case to the police; however, officials also stated some potential victims may have been deported. Foreign victims may be granted a special visa allowing them to remain in Maldives and work during the course of the investigation and prosecution; however, identified victims who voluntarily entered Maldives illegally were subject to deportation. Maldives immigration funded the voluntary repatriation of all 18 identified trafficking victims during the reporting period.

PREVENTION

The government increased its efforts to prevent human trafficking. The government acceded to the 2000 UN TIP Protocol in September 2016. The Ministry of Economic Development (MED) coordinated government and NGO anti-trafficking efforts through the national steering committee (NSC); while the NSC met during the reporting period, several agencies reported the meetings were infrequent and overall coordination was weak. 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. The government continued to implement its 2015-2019 national action plan. In April 2016, MED published a booklet outlining the government's anti-trafficking efforts and during the reporting period, MED held two media briefings to inform the public about government activities to combat trafficking. The government developed and ran a public awareness campaign covering 13 anti-trafficking topics via television and radio programming from June through August 2016, and another campaign in January through March 2017 disseminated information to media, students, and the general public. The government also promoted its trafficking hotline with assistance from an international organization, at airport and ferry terminals, fairs, and a youth career event.

The government's revised regulations on foreign employment agencies came into force in March 2016 and require agencies to be licensed and fully compliant with regulations by July 2017. MED made 158 inspection visits to agencies in 2016. In August 2016, the Employment Act was amended to require employers to open a bank account for each migrant worker in the worker's name and deposit all payments into the account. Employers who do not deposit the salary of their migrant workers into their bank accounts may be penalized between 10,000 and 50,000 Maldivian rufiyaa (\$661-\$3,305). Maldives immigration implemented pre-departure and health screening of potential migrant workers in Bangladesh during 2016, in part to mitigate fraudulent recruitment. Maldives immigration conducted radio and television programs focused on safe migration and human trafficking. Immigration officials reported blacklisting 2,073 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 continued to implement 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; during the reporting period 1,186 undocumented workers enrolled in this program. The government provided 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.

TRAFFICKING PROFILE

As reported over the past five years, 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 documented and 60,000 undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—are subjected to practices indicative 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 \$2,500 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. A small number of women from Asia, Central Asia, and Eastern Europe, 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.