

2019 Trafficking in Persons Report: Maldives

MALDIVES: Tier 2 Watch List

The Government of Maldives does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by establishing a working-level anti-trafficking unit (AHTU) within the Ministry of Economic Development (MED), investigating one new trafficking case, and providing shelter and services for three potential labor trafficking victims. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. The government did not adopt standard operating procedures (SOPs) for victim identification, protection, and referral, thereby inhibiting proactive identification of victims and at times resulting in the deportation and misclassification of victims. The government did not initiate any new prosecutions and, for the second consecutive year, did not convict any traffickers. Victim protection remained ad hoc and inconsistent, and the government did not investigate any reports of employer passport retention or inspect any labor recruitment agencies. The Anti-Trafficking National Steering Committee (NSC) did not meet for the second consecutive year. The definition of human trafficking in the government's trafficking law does not conform to the 2000 UN TIP Protocol, as it requires movement of the victim. Therefore, Maldives remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS

Respecting due process, increase investigations, prosecutions, and convictions for all forms of trafficking, including officials complicit in trafficking-related crimes.

- Increase training for law enforcement and judges on investigation of trafficking crimes and application of the anti-trafficking law.
- Increase training for front-line officials on differentiating sex trafficking from sexual abuse, and train immigration officials and social service providers to identify and refer suspected trafficking cases to police for screening.
- Formally adopt SOPs for proactive identification of trafficking victims and referral to services, and train all relevant government officials on their use.
- Amend the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol.
- Increase efforts to regularly monitor labor recruitment agencies and employers for labor violations, and punish those engaging in fraudulent practices, including contract switching.
- Enforce prohibitions against passport retention by employers, including government agencies.
- Create a new national action plan to combat trafficking.
- Re-establish the state-run shelter and consistent rehabilitation services, including psycho-social support and interpretation at all stages of the process.
- Finalize and implement the draft SOPs for shelter operations and victim services.
- Raise public awareness of human trafficking—especially among migrant workers—through widespread media campaigns.
- Convene regular meetings of the National Steering Committee on trafficking and its working-level body, and clearly designate roles to each entity.

PROSECUTION

The government decreased law enforcement efforts during the reporting period. The PHTA criminalized some, but not all, forms of sex trafficking and labor trafficking. Inconsistent with the definition of trafficking under international law, the PHTA required transportation of a victim in order to constitute a trafficking offense. The law criminalized child sex trafficking but did not make clear if forced prostitution of adults was considered a form of trafficking. Article 16 criminalized debt bondage without reference to

transportation. The PHTA prescribed penalties of up to 10 years' imprisonment for trafficking offenses involving an adult victim and up to 15 years' imprisonment for those involving a child victim; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. MED began drafting an amendment during the reporting period to align PHTA's definition of trafficking with the 2000 UN TIP protocol; MED was seeking wider government input on the draft at the close of the reporting period.

The Maldives Police Service (MPS) reported initiating investigation of one adult sex trafficking case and one child sex trafficking case during the reporting period, compared to initiating one labor trafficking investigation the previous reporting period. Police closed the alleged child sex trafficking case after investigating and determining the allegations had been false; it continued the adult sex trafficking investigation against one Maldivian suspect at the close of the reporting period. The Prosecutor General's Office (PGO) did not initiate any new prosecutions, compared to one new prosecution the previous reporting period. Of the five prosecutions that remained ongoing at the close of the previous reporting period, PGO completed prosecution of two labor trafficking cases, in which judges acquitted the five Bangladeshi and two Maldivian defendants. Prosecution of the other three ongoing cases involving two Bangladeshi and four Maldivian suspects remained pending at the close of the reporting period. In one additional sex trafficking case that the victim had first reported in 2010—classified as sexual abuse—police dismissed the case twice in 2010 and 2012 and encouraged the victim to resolve the case personally; police opened an investigation a third time in 2017, after reports the alleged trafficker was exploiting the victims' sisters in sex trafficking. During the reporting period, the court dismissed the charges against the alleged trafficker without providing a justification. PGO appealed the dismissal and additionally pressed charges against the victims' mother and stepfather for negligence and failure to report the sexual abuse; PGO reported no further update at the close of the reporting period. The government did not secure any convictions during the reporting period, the same as in the previous reporting period. The government last convicted a trafficker under PHTA in 2016.

The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Private employers and some government agencies held the passports of foreign workers they employed. This included officials within the education and health ministries, which held the passports of foreign teachers and health care workers. MPS received complaints of employer passport retention but did not report any action to negotiate the release of the passports or penalize the employers for such acts or investigate potential labor or trafficking crimes among these populations. In the previous reporting period, Maldives Immigration had negotiated the return of documents to employees but neither penalized employers nor investigated potential labor or trafficking crimes. Civil society alleged labor recruiters bribed immigration officials to facilitate fraudulent recruitment, including to illegally obtain quotas to bring in more foreign workers; the Controller of Immigration also reported the former government had issued quotas "illegally." Despite these allegations, the government did not report any investigations into officials alleged to have issued illegal quotas. Observers stated some traffickers operated with impunity due to their connections with influential Maldivians and alleged the government was more likely to prosecute foreign suspects than Maldivian suspects. Observers reported some officials warned businesses in advance of planned raids for suspected trafficking offenses or other labor abuses.

Immigration continued to implement a mandatory training curriculum on trafficking for new recruits, and MPS reported all officers in its anti-trafficking department had previously received trafficking-specific training. Despite these trainings, officials conflated human trafficking with smuggling and undocumented migrants, and government efforts focused mainly on transnational labor trafficking to the possible detriment of addressing sex trafficking. Government officials acknowledged a need for more training on identifying and investigating trafficking cases, especially among MED, MPS, and the Labor Relations Authority (LRA) personnel. Civil society reported law enforcement and judges' lack of awareness and training on the PHTA likely contributed to the dearth of successful prosecutions. MPS, in partnership with an international organization, maintained a trafficking case management system that allowed potential victims to submit cases to the police online; however, it was only available in English, which limited its utility. MPS began training staff from foreign embassies and consulates on how to submit cases of trafficking to the system, but the system did not receive any reports of trafficking during the reporting period. Authorities recognized the lack of law enforcement cooperation agreements with source-country governments as an obstacle to investigating cases with foreign victims or perpetrators; they did not report collaborating with other governments during the reporting period. While MPS usually used a contract interpreter to communicate with suspected trafficking victims, the absence of dedicated foreign language interpreters for victims and witnesses, including among other law enforcement agencies, continued to hamper law enforcement and victim protection efforts.

PROTECTION

The government maintained minimal victim identification and protection efforts. The government identified one potential forced labor victim during the reporting period, an increase from zero trafficking victims identified the previous reporting period but a sharp decrease from 18 victims identified in 2016. The Ministry of Gender, Family, and Social Services received 10 cases of child commercial exploitation and three cases of child commercial sexual exploitation during the reporting period, some of which may have been trafficking cases. The ministry provided psycho-social support and temporary shelter to victims of exploitation but did not refer the cases to MPS to screen for trafficking or for criminal investigation. MPS and social service providers did not have a clear understanding of the differences between sex trafficking and sexual abuse and sometimes categorized sex trafficking as sexual abuse, especially in cases of children; this made the true number of sex trafficking cases unknown. The government housed the potential forced labor victim in a guesthouse until MPS screened to confirm he was not a trafficking victim, and he was repatriated. Two Bangladeshi forced labor victims identified in a previous reporting period continued to receive services from the government, including shelter at a guesthouse. By the close of the reporting period, MED had provided new documentation to the victims, assisted them in securing employment, and reintegrated them back into society. The two victims identified in the adult sex trafficking investigation initiated during the reporting period had reported their exploitation after having left Maldives. The government did not reopen or construct a new dedicated trafficking victim shelter since 2014, in part due to budget constraints and the low number of victims identified. At temporary guesthouses, the government paid for shelter, food, and medical expenses. Victims were entitled to rehabilitative services, including counseling, interpretation, and police protection; in practice, however, victims lacked regular access to these services, which the government provided on a case-by-case basis. PGO's victim support officer, assigned to ensure victims' needs were met, was only available to trafficking victims whose cases would be prosecuted. PHTA article

32 provided a 90-day reflection period during which victims were eligible to receive services while deciding whether to assist authorities in a criminal case.

MPS trained 25 police and immigration officers on protection of children from international child sex offenders, including child sex tourists. The government did not formally adopt SOPs for victim identification, protection, and referral that NSC had finalized in 2016; MED attributed the lack of adoption to NSC's failure to meet during the reporting period. Although MPS had disseminated the SOPs to its officers in the past, other government agencies were not aware of these SOPs, at times resulting in the deportation of potential victims without screening or investigation. For example, Maldives Immigration conducted raids of undocumented workers during the reporting period. While immigration officials reported they had screened for trafficking and did not identify any trafficking victims among the undocumented workers, they did not coordinate such raids with MPS and, counter to the SOPs, did not refer any of the workers to MPS for formal screening. At the close of the reporting period, immigration authorities detained 80 undocumented Bangladeshi workers identified in one such raid pending deportation and did not coordinate with MPS to screen for trafficking. There were no reports the government inappropriately penalized victims for crimes committed as a direct result of being subjected to trafficking; however, due to a lack of formal identification procedures and screening, authorities likely detained and deported some labor trafficking victims. The judiciary could provide protections for child victims of exploitation, including trafficking, who participated in trials against their alleged traffickers. No child trafficking victims participated in law enforcement proceedings during the reporting period. Foreign trafficking victims could receive a special visa allowing them to remain in Maldives and work during the course of the investigation and prosecution; however, the PHTA permitted the deportation of identified victims who had voluntarily entered Maldives illegally. Civil society questioned whether immigration officials adequately screened for trafficking among migrant workers who applied for voluntary departure.

PREVENTION

The government maintained minimal efforts to prevent trafficking. The NSC, composed of senior government officials and chaired by MED, was responsible for coordinating government and NGO anti-trafficking efforts, including implementation of the national action plan. Neither NSC nor its working-level advisory body met during the reporting period, in contrast with the previous reporting period when the advisory body met quarterly. As a result, NSC made minimal progress implementing the 2015-2019 anti-trafficking national action plan and failed to comply with a legal requirement to develop and submit to parliament an annual report of its activities. In February 2019, the president established a new anti-trafficking coordinating body, the AHTU, to coordinate the government's anti-trafficking efforts at the working level. The AHTU, housed within MED, assumed responsibility for several anti-trafficking efforts, including implementation of the 2015-2019 action plan, awareness raising, especially among the migrant workforce, and managing the anti-trafficking hotline, while the NSC maintained responsibility for anti-trafficking policy. AHTU had hired eight new staff by the close of the reporting period. The government's anti-trafficking infrastructure largely excluded the Ministry of Gender and Family, which had previously chaired the steering committee. Several agencies continued to report weak government coordination on anti-trafficking efforts. MPS maintained its trafficking hotline but did not receive any calls during the reporting period, a decrease from 20 calls received the previous reporting period. Officials noted a need to increase awareness of the hotline.

Immigration continued to use a pre-departure screening system for Bangladeshi migrant workers. The system required Bangladeshi employment agencies to register in the system, agree to standard wage and safety conditions, and establish electronic contracts with migrant workers that recruiters could not amend. Bangladeshi officials noted the system had diminished the number of fraudulent job offers, but employers continued to routinely give migrant workers new contracts upon arrival that did not match the previously negotiated contract. Maldives Immigration drafted an MOU on human trafficking with the Bangladeshi government; the draft awaited finalization by Maldivian officials at the end of the reporting period. The government's revised regulations for foreign employment agencies required all agencies to be licensed and fully compliant with regulations by July 2017. MED did not inspect any recruitment agencies in 2018, a sharp decrease from 40 inspections in 2017. The immigration department began investigating 67 employers for negligence in recruitment of foreign workers during the reporting period. Authorities barred 27 employers from bringing in or recruiting new migrant workers, but employers retained the ability to extend or renew their existing workers' permits. Immigration continued to implement a program allowing local companies to employ undocumented victims of labor law violations to extend the victims' legal status to remain in the country; during the reporting period, 2,648 undocumented workers enrolled in this program. LRA maintained its position that blacklisting labor-recruiting companies and individuals for labor-related infractions was ineffective because companies could register under a new name to continue operations, and it did not blacklist any labor-recruiting companies during the reporting period. LRA was legally mandated to inspect all worksites, including private houses, but it did not report inspecting any worksites during the reporting period—even those that it suspected might have had trafficking victims—citing a lack of funding and staff. MED, MPS, and LRA began creating an online portal for island councils to report the numbers of migrant workers on each island, but it was not implemented during the reporting period. LRA partnered with the Filipino consulate to promote awareness of labor laws and reporting mechanisms for consulate staff, MPS officials raised awareness of migrant worker and trafficking issues generally on TV and radio, and immigration officials handed out pamphlets with details of labor laws and reporting mechanisms to migrant workers upon arrival to the airport. Nonetheless, civil society reported a continued lack of significant, systematic efforts to raise awareness of trafficking and reporting mechanisms among the most vulnerable groups. The government did not make efforts to reduce the demand for commercial sex acts or forced labor. MPS and the Ministry of Tourism partnered with an international organization to conduct "child safe tourism" campaigns for 36 guesthouse operators and resort managers in two atolls during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Maldives, and traffickers exploit victims from Maldives abroad. An unknown number of the approximately 169,000 documented and 65,000 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. Authorities suspect some foreign workers from Bangladesh who enter the country on work visas might be younger than 18 years old and traveling with falsified passports. Police reported an uptick in Bangladeshi nationals living in Maldives who pose as labor agents and fraudulently recruit migrant workers from Bangladesh, facilitate their travel to Maldives, and abandon them upon arrival without documentation, rendering them vulnerable to trafficking. Migrant workers on fishing and cargo boats in Maldivian waters were vulnerable to forced labor. Girls from Maldives and Bangladesh and —to a lesser extent— women from Africa, Asia, and Eastern Europe are subjected to sex trafficking in Maldives. Some impoverished parents act as traffickers, allowing sex traffickers to exploit their children in exchange for financial assistance. Some women from South Asia are forced into prostitution after entering the country with their trafficker under the guise of tourism. Some Maldivian children are transported to the capital, Male, from other islands for domestic service. Some of these children also are reportedly subjected to sexual abuse and may be victims of forced labor. Maldivian women may be subjected to sex trafficking in Sri Lanka. There are unverified reports that some foreign tourists exploit Maldivian children in child sex tourism.