

# Trafficking in Persons Report 2020

## 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. These efforts included convicting two individuals for trafficking-related offenses, convening the National Anti-Trafficking Steering Committee (NAHTSC) for the first time in two years, and drafting and finalizing a 2020-2022 national action plan. However, the government did not demonstrate overall increasing efforts compared to the previous reporting period. Despite continued reports of indicators of trafficking among migrant workers, including non-payment of wages and passport retention, the government did not hold employers or recruitment agencies accountable. For the fourth consecutive year, the government did not adopt standard operating procedures (SOPs) for victim identification, protection, and referral, and it did not identify a single trafficking victim among more than 31,000 undocumented workers, some with indicators of trafficking, that it encountered during the reporting period. The government did not report criminal investigations into, or victim care provided in, 21 suspected child trafficking cases. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Maldives was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore Maldives remained on Tier 2 Watch List for the third consecutive year.

### **PRIORITIZED RECOMMENDATIONS:**

Respecting due process, significantly increase investigations, prosecutions, and convictions for all forms of trafficking, including official complicity in trafficking-related crimes. • Significantly increase oversight of labor recruitment agencies and employers, and refer indicators of trafficking such as non-payment of wages and passport retention to police for criminal investigation. • Amend the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol. • Significantly increase efforts to identify victims, and formally adopt and train officials on SOPs for proactive trafficking victim identification and referral to services. • 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

- Increase training for law enforcement and judges on investigation of trafficking crimes and application of the anti-trafficking law.
- Allocate resources for proactive monitoring of resorts and guest homes for labor violations and child exploitation.
- Re-establish the state-run shelter and consistent rehabilitation services, including psycho-social support and interpretation for foreign victims.
- 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 bodies.

## **PROSECUTION**

The government made mixed anti-trafficking law enforcement efforts. 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. The government continued to draft an amendment to align the PHTA's definition of trafficking with the 2000 UN TIP protocol.

The government investigated two trafficking cases and 27 potential labor trafficking cases, initiated prosecution in one case and continued prosecutions in three cases from previous years, and convicted two traffickers in two cases. This was compared with investigating two sex trafficking cases, continuing prosecution in three cases, and convicting no traffickers the previous reporting period. In the previous reporting period, the immigration department began investigating 67 recruitment agencies for violations of the formal recruitment process, including human trafficking, illegal recruitment, and negligence. During the reporting period, immigration forwarded to the Maldives Police Services' Human Trafficking Unit (MPS-HTU) labor trafficking cases against 27 recruitment agencies, but MPS-HTU determined none of the cases contained trafficking offenses. While the Ministry of Gender, Family, and Social Services identified six child sex trafficking

cases and 15 potential child labor trafficking cases, it did not refer them to MPS-HTU; it was unclear whether the MPS Family and Child Protection Department investigated the cases on other charges. The Prosecutor General's Office (PGO) initiated one new prosecution of two alleged sex traffickers. The prosecution was ongoing at the close of the reporting period. The government completed prosecutions in two cases initiated in previous reporting periods. In the first case, the court convicted one individual of procuring commercial sex, sentenced him to seven years' imprisonment, and acquitted him of human trafficking. The case was pending appeal of the acquittal at the close of the reporting period. In the second case, the court acquitted two defendants and convicted the third of unlawful restraint of a person, withholding of travel documents under the PHTA, and sentenced him to more than four years' imprisonment. This was the first conviction under the PHTA since 2016. In the previous reporting period, PGO had appealed the dismissal of a child sex trafficking investigation, and the case was pending in high court at the close of the reporting period.

The government took steps to investigate select reports of trafficking-related corruption, but corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. During the previous reporting period, the Controller of Immigration alleged the former government had illegally issued quotas relating to the number of migrant workers allowed, which in turn facilitated fraudulent recruitment and human trafficking, and the Minister of Economic Development (MED) similarly alleged in public remarks that Maldivian recruiters bribed senior officials in exchange for larger quotas to bring in more migrant workers. While the government had dismissed several senior immigration officials during the previous reporting period, it did not investigate any of these allegations or file charges against any of the dismissed officials. Civil society alleged labor inspectors accepted bribes in exchange for not reporting labor violations. Private employers and some government agencies, including education and health ministry officials, held foreign employees' passports. The Labor Relations Authority (LRA) referred to MPS-HTU one case of passport retention by a private employer, but authorities did not report any investigations into passport retention among the government ministries. Observers stated some traffickers operated with impunity due to connections with influential Maldivians. Observers reported some officials warned businesses in advance of planned raids to investigate labor violations.

Immigration continued to implement a mandatory trafficking training for new recruits, and MPS-HTU reported all of its current officers had previously received trafficking-specific training. Despite these trainings, officials continued to conflate human trafficking with migrant smuggling, and government efforts focused primarily on transnational labor trafficking to the possible detriment of sex trafficking. Government officials acknowledged the need for increased training on identifying and investigating trafficking cases, especially among MED, MPS, and 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. Authorities recognized the lack of cooperation 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. The absence of dedicated foreign language interpreters for victims and witnesses among law enforcement and social service providers continued to hamper law enforcement and victim protection efforts.

## **PROTECTION**

The government identified slightly more trafficking victims but maintained inadequate screening and protection efforts. Officials identified one sex trafficking victim and five potential labor trafficking victims—one Maldivian and four foreigners—compared to one potential forced labor victim identified in the previous reporting period. Additionally, the Ministry of Gender, Family, and Social Services identified six child trafficking victims and 15 potential child labor trafficking victims, all Maldivian, compared with identification of 13 potential child trafficking victims the previous reporting period. The government did not have standard procedures to identify trafficking victims or refer them to care. It did not formally adopt the SOPs for victim identification, protection, and referral that NAHTSC had finalized in 2016. Although MPS had disseminated the SOPs to its officers in the past, government agencies did not uniformly employ them, at times resulting in the failure to identify, and the deportation of, potential trafficking victims. While all agencies could screen for trafficking, only MPS-HTU could officially declare an individual a trafficking victim. MPS and social service providers did not have a clear understanding of the differences between sex

trafficking and sexual abuse, especially in cases of children; this made the true number of sex trafficking victims unknown.

No ministry had funding that could quickly assist trafficking victims, and despite a statutory requirement requiring a shelter, the government did not have a shelter that could accommodate trafficking victims. Victims were entitled to rehabilitative services, including counseling, interpretation, and police protection; in practice, however, the government did not always provide these services. One NGO provided shelter and services to one trafficking victim during the reporting period. Article 32 of the PHTA provided a 90-day reflection period during which victims could receive services while deciding whether to assist authorities in a criminal case. PGO could only provide a victim support officer to trafficking victims if their cases went to prosecution. The judiciary could provide protections for child trafficking victims who participated in trials against their alleged traffickers. Despite convicting two individuals for trafficking-related offenses, prosecutors did not request restitution for the victims.

In September 2019, MED conducted a large-scale drive to register thousands of undocumented migrant workers. By February 2020, it had enrolled more than 31,000 previously unregistered migrant workers in the program. At one point, more than 90 percent of migrant workers seeking registration did not have possession of their passports. MED inquired about participants' work histories and backgrounds but did not screen for indicators of trafficking. In December 2019, immigration officials joined the drive and began some screening for trafficking. The government did not identify a single trafficking victim through the drive. There were reports the government inappropriately penalized potential labor and sex trafficking victims. While the government screened for physical confinement before arresting foreign women in commercial sex, it did not adequately screen for fraud or coercion. Foreign trafficking victims could receive a special visa allowing them to remain in Maldives and work during the course of the investigation and prosecution, but no victims received this visa during the year. The PHTA permitted the deportation of identified victims who had voluntarily entered Maldives illegally. Civil society reported immigration officials did not adequately screen for trafficking among undocumented migrant workers who applied for voluntary departure.

## **PREVENTION**

The government modestly increased anti-trafficking prevention efforts. The NAHTSC, composed of senior government officials, coordinated government and NGO anti-trafficking efforts, including implementation of the national action plan. A mid-reporting year portfolio transfer between ministries and lingering confusion on the role of lead agency for combating trafficking continued to stymie collaboration. In July 2019, the government transferred the trafficking portfolio from MED to the Ministry of Defense (MOD). In December 2019, the MOD convened the NAHTSC for the first time in more than two years. For most of the reporting period, hampered by its lack of meetings, the NAHTSC 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 2020, the NAHTSC drafted and finalized a 2020-2022 national action plan. MPS-HTU maintained a trafficking hotline but did not receive any calls during the reporting period. Officials noted a need to increase awareness of the hotline, and civil society reported the lack of Bengali-speaking hotline operators could have been a barrier to the large number of suspected Bangladeshi trafficking victims.

In September 2019, the government created a special task force distinct from the NAHTSC to address migrant workers' issues, including human trafficking and illegal employment. In September 2019, the task force instituted a cap of 150,000 unskilled workers from each country. As the number of Bangladeshi unskilled workers in Maldives exceeded 150,000, the ban prevented further recruitment of unskilled labor from Bangladesh. For the second year, a draft memorandum of understanding on human trafficking between the Maldivian and Bangladeshi governments awaited finalization by Maldivian officials at the end of the reporting period.

LRA had the authority to inspect all worksites, including private homes, and it carried out approximately 200 inspections in 2019, compared to 357 in 2018. LRA, however, lacked the resources, staff, and training necessary to fulfill its mandate. LRA generally received numerous complaints of non-payment of wages and mediated such claims with the employer. If an employer did not agree to mediation, LRA could file a civil case in the labor tribunal to impose a fine. Officials and civil society, however, reported the government did not enforce settlements the tribunal adjudicated, so employers often refused to pay fines without repercussions. Neither LRA nor the tribunal referred labor violations to

police for criminal investigation. LRA could request MED to blacklist foreign recruitment agencies with repeated or serious labor violations. MED did not always implement LRA's recommendations. Despite repeated LRA's recommendations to blacklist certain agencies, those agencies continued to operate. Immigration also inspected establishments that employed migrant workers and issued warnings to six establishments for lack of proper documentation, including invalid work visas. It did not report any further action against the establishments. LRA continued to use an online portal on each island for island councils to report the number of individuals, including migrant workers, but some councils did not push businesses to register their employees with the portal because they did not want to expose the plethora of undocumented workers.

Civil society reported a continued lack of significant efforts to raise awareness of trafficking among the most vulnerable groups. MPS-HTU conducted an awareness program on child sexual exploitation and child-safe tourism for island and atoll councils and guesthouse operators. The government did not make efforts to reduce the demand for commercial sex acts or for child sex tourism. The government reported increased concerns that traffickers could use resorts and guesthouses to facilitate child sex tourism, in part because no government agency had the authority or resources to monitor these establishments for such crimes.

## **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. Traffickers subject 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—to practices indicative of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt-based coercion. Migrant workers pay approximately \$2,500 to \$4,000 in recruitment fees to work in Maldives, contributing to their risk of debt-based coercion upon arrival. Officials reported an increasing number of Bangladeshi workers fraudulently obtained 12-month work visas while only possessing the requirements for three-month visas; it was unclear what roles each the worker, employer, and recruitment agency allegedly played in this scheme. 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. Civil society reported labor traffickers targeted Bangladeshi minors who entered the country on work visas and falsified passports. Police reported an increase 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 traffickers. South Asian women may be victims of forced labor in domestic service in Maldives. Traffickers may have targeted migrant workers on fishing and cargo boats in Maldivian for forced labor. Traffickers use Maldivian minors in forced criminality, including the transportation of drugs for criminal gangs. Sex traffickers exploit women and girls from Maldives and other South Asian countries and—to a lesser extent—women from Africa, Asia, and Eastern Europe in Maldives. Some impoverished parents act as traffickers, allowing sex traffickers to exploit their children in exchange for financial assistance. Some traffickers bring women from South Asia into Maldives under the guise of tourism and force them into commercial sex. Specifically, police reported an increase in traffickers bringing Bangladeshi women into Maldives on tourist visas and exploiting them in commercial sex. Some employers transport Maldivian children from other islands to the capital for domestic work, where employers sexually abuse some, and others are vulnerable to labor traffickers. Traffickers may have exploited Maldivian women in sex trafficking in Sri Lanka. Traffickers have exploited Maldivian children in child sex tourism.