

## Maldives (Tier 2)

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 overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Maldives remained on Tier 2. These efforts included amending the Prevention of Human Trafficking Act (PHTA) to criminalize all forms of sex and labor trafficking and remove a transportation requirement to constitute a trafficking offense. The government increased the number of prosecutions and charged a senior government official allegedly complicit in trafficking crimes under the PHTA for the first time. However, the government did not meet the minimum standards in several key areas. The government decreased overall trafficking investigations and did not report any convictions for the second consecutive year. Victim identification and protection efforts remained weak, and officials continued to identify only a small number of human trafficking victims. A government shelter for trafficking victims—completed during the previous reporting period—was inoperable, leaving no facility to support survivors. The government remained without official standard operating procedures (SOPs) to refer victims to care and support services, and it did not effectively identify indicators of human trafficking among Maldives' large migrant worker population or consistently screen potential human trafficking victims for indicators. Similarly, the government did not hold employers or recruitment agencies accountable by filing any charges despite reports of labor violations.

### PRIORITIZED RECOMMENDATIONS:

- Significantly increase investigations, prosecutions, and convictions for all forms of trafficking, including officials complicit in trafficking-related crimes, while respecting due process.
- Increase efforts to identify victims and screen migrant workers, particularly undocumented individuals, for human trafficking.

- Train officials on the government’s victim identification SOP and finalize and formally adopt SOPs for victim referrals and support services.
- Significantly increase oversight of labor recruitment agencies and employers and refer trafficking indicators, such as non-payment of wages and passport retention, to police for criminal investigation.
- Increase cooperation with migrant source-country governments through memoranda of understanding (MOUs) and other measures to improve labor conditions for migrant workers.
- Increase anti-trafficking training for front-line officials and train immigration officials and labor inspectors to identify and refer suspected trafficking cases to police.
- 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.
- Open the trafficking victim shelter, establish consistent protection services, including psycho-social support, and provide support for foreign victims.
- Increase public awareness of human trafficking—especially among migrant workers—through widespread media campaigns.
- Re-establish regular anti-trafficking training for diplomats.
- Ensure anti-trafficking materials are available in appropriate languages for migrant workers and provide access to adequate interpretation and translation services for trafficking victims.

## PROSECUTION

The government maintained anti-trafficking law enforcement efforts. During the reporting period, the government enacted amendments to the Prevention of Human Trafficking Act (PHTA), which

aligned the Maldives' definition of human trafficking with the 2000 UN TIP Protocol. As amended, the PHTA criminalized sex trafficking and labor trafficking. The PHTA prescribed penalties of up to 10 years' imprisonment for trafficking offenses involving an adult victim ("human trafficking") and up to 15 years' imprisonment for those involving a child victim ("child trafficking"). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The PHTA amendment added a clause allowing the government to seize assets used in trafficking or gained through the profits of trafficking and defined the parameters under which courts can rule regarding human trafficking victim compensation.

The government investigated one trafficking case, compared with two trafficking cases investigated in the previous reporting period. The government prosecuted three alleged traffickers for forced labor, compared with no prosecutions initiated during the previous reporting period. It continued to prosecute trafficking cases initiated in prior reporting periods involving five alleged suspects, including three for sex trafficking and two for unspecified exploitation. For the second consecutive year, the government did not convict any traffickers during the reporting period. The government continued to reallocate a significant amount of financial and personnel resources away from nearly all aspects of its law enforcement operations to focus on the pandemic, affecting the ability of law enforcement to report and investigate cases and delaying the prosecution of all criminal cases. Maldives Police Service (MPS) and the Anti-Corruption Commission (ACC) continued to investigate 27 recruitment agencies from the previous reporting period on criminal and civil violations and suspended the licenses of all 27 agencies. Although the investigations—which began in 2019—remained ongoing, MPS forwarded four cases to the Prosecutor General's Office (PGO) in January 2022 seeking charges against several current and former Maldives Immigration (MI) officials and officials from several labor recruitment agencies for alleged collusion in manipulating the foreign worker recruitment quota system to facilitate fraudulent recruitment practices and potential trafficking. MPS sought charges of abuse of authority against the MI officials. The Ministry of Gender, Family, and Social Services (MOGFSS) did not report any cases of child sex trafficking during the reporting period. MPS did not report any investigations of "child commercial sexual exploitation," compared to investigating 291 incidents of child commercial sexual exploitation in the previous reporting period, including referring 115 cases for prosecution. Although the courts

reopened in April 2021, they alternated between in-person sessions and virtual hearings due to the ongoing pandemic. To adapt to pandemic-related restrictions, MPS continued to use special investigative guidelines that included virtual meetings with witnesses and an online portal for MPS to submit cases electronically to the PGO.

The government took steps to investigate select reports of trafficking- related corruption, though corruption and official complicity in trafficking crimes remained significant concerns. The government did not report any convictions of government employees complicit in human trafficking crimes. In August 2021, PGO filed human trafficking charges under the PHTA against a ruling Parliamentarian for the first time, who was the managing director of a construction company contracted to develop a resort, alleging non-payment of salaries and intimidation, as well as exploitation of two labor trafficking victims among 200 migrant workers at a resort construction site who protested over these conditions, common indicators of forced labor. In addition, Sri Lankan police arrested a former senior Maldivian government official in July 2021 for alleged involvement in a child sex trafficking ring in Sri Lanka; the government did not report an investigation of the case. In January 2022, MPS arrested a police officer involved in a potential trafficking case. Civil society alleged labor inspectors accepted bribes to not report labor violations. Private employers held foreign employees' passports. Observers assessed that 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.

The MPS Anti-Human Trafficking Department conducted trainings on human trafficking for MPS South, South Central, and Upper South Police Division staff, although travel restrictions due to the pandemic prevented trainings from occurring outside Malé. MI continued to implement a mandatory trafficking training for new recruits. Despite these trainings, officials continued to conflate human trafficking with migrant smuggling. Government officials previously acknowledged the need for increased training on identifying and investigating trafficking cases, especially among Ministry of Economic Development (MED), MPS, and Labor Relations Authority (LRA) personnel. Some officials reportedly stated that because trafficking in Maldives involved primarily Bangladeshi migrant workers, it had therefore diminished following the return home of the majority of these workers due to the pandemic. Civil society reported law enforcement and judges' lack of awareness

and training on the PHTA likely contributed to the dearth of successful prosecutions. The government did not report conducting human trafficking trainings or capacity-building programs for judges or other judiciary figures during the reporting period. 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, and no cases have been received through the system. Authorities recognized the lack of cooperation with source-country governments as an obstacle to investigating cases with foreign victims or perpetrators. The government did not report cooperating with foreign officials on anti-trafficking activities. 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 made insufficient protection efforts. Officials identified three trafficking victims, compared with two during the previous reporting period. All three victims were women from Thailand exploited in sex trafficking. The three victims received repatriation assistance to Thailand, per their request. The government had a formal SOP for victim identification but lacked an SOP for referring identified victims to care. The government continued to utilize victim identification guidelines passed in 2016, which provided basic instructions for identifying potential victims and referring victims for care. The government continued to revise its draft victim assistance and shelter service regulation to establish SOPs on shelter operations and provision of victim services; these SOPs remained under technical review at the end of the reporting period. NGOs reported the lack of cohesive victim identification and referral SOPs describing specific roles for agencies may have resulted in a lack of referrals and the possibility that victims were not identified. While all agencies could screen for trafficking, only the Anti-Human Trafficking Department could officially declare an individual a trafficking victim. Although MPS had disseminated the victim identification SOP from 2016 to its officers in the past, government agencies did not uniformly employ them. MPS and MI conducted regular joint inspections at guesthouses and spas in Malé and reported screening vulnerable groups such as female migrant workers suspected to be involved in commercial sex. However, in May and June 2021, MPS and MI reportedly placed more than 300 undocumented

migrant workers experiencing homelessness in a temporary facility in Hulhumalé prior to deportation without conducting any screening for trafficking. 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.

Although the government completed construction of a shelter for trafficking victims in February 2021, the facility was unable to house trafficking victims during the reporting period following structural damage from rain; the government was still identifying a more viable location for a permanent shelter at the end of the reporting period. The Anti-Trafficking in Persons Office (ATO) provided temporary shelter in guesthouses to three victims, in addition to food and medical care. 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 provided victim support 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. Although the amended PHTA allowed the state to seize assets used in trafficking or gained through the profits of trafficking, there were no reports of victims filing suits against traffickers for damages.

MED continued its re-registration and regularization program initiated in September 2019, which aimed to provide temporary documentation and legalize undocumented foreign migrant workers and repatriate both documented and undocumented workers wishing to return to their home country. MED reported the program slowed due to the pandemic and the government eventually suspended its activities in December 2021, although MED restarted the program in February 2022. MED registered approximately 1,700 migrant workers as part of this initiative since March 2021; however, the government did not report whether it screened any of these workers for human trafficking indicators. Separately, MI reported screening 1,577 migrant workers for trafficking indicators during operations with police from March to September 2021, including undocumented migrant workers who applied for the government's voluntary repatriation program and workers who lodged complaints with MI—mostly concerning non-payment of salaries, withheld passports, or inadequate housing—against their employers. However, no victims were identified through these screening measures during the reporting period. Observers reported the government's screening processes may be inadequate given the limited number of trafficking victims identified in

recent years, despite the significant proportion of undocumented workers among the large migrant laborer population in the country. NGOs reported concerns that the government was able to identify only two potential victims among 200 expatriate workers at a resort during the previous reporting period.

There were reports the government penalized potential labor and sex trafficking victims. In the case involving a resort construction site, MPS arrested 19 potential trafficking victims who participated in a protest in 2020 with approximately 200 foreign migrant workers; although the government identified two labor trafficking victims among the workers, officials charged 13 workers with various crimes related to property damage but later revoked charges against two workers. The court found the 11 migrant workers guilty and issued sentences of various lengths. The government repatriated most of the approximately 200 migrant workers and initiated proceedings to deport the 11 recently-convicted migrant workers. MPS reported they screened the 200 workers for signs of trafficking and identified only two victims. While the government screened for physical confinement before arresting foreign national women in commercial sex, it did not adequately screen for fraud or coercion. Foreign national trafficking victims could receive a special visa allowing them to remain in Maldives and work during the investigation and prosecution. However, the PHTA permitted the deportation of trafficking victims who entered Maldives without authorization.

## PREVENTION

The government maintained anti-trafficking prevention efforts. The National Anti-Human Trafficking Steering Committee (NAHTSC), composed of senior government officials and overseen by the ATO, remained the lead interagency committee responsible for coordinating the government's efforts to combat human trafficking and held several virtual meetings during the reporting period. The NAHTSC continued to focus on five key areas of the Anti-Human Trafficking National Action Plan (NAP), adopted in March 2020, to adapt to reduced resources due to the pandemic. The Ministry of Defense continued to allocate a dedicated office space for the ATO staffed by the director of anti-trafficking and a consultant for policy and outreach. The 2022 State Budget allocated 1 million Maldivian rufiyaa (MVR) (\$64,850), a decrease from the 1.99 million MVR (\$129,050) in the 2021 budget, to fund the work of the ATO and the implementation of the NAP. A

baseline study to collect data throughout the country's atolls to inform anti-trafficking priorities for 2021 remained postponed due to pandemic-related travel restrictions.

The sixth amendment to the Employment Act, ratified during the previous reporting period, continued to regulate the presence of foreign workers. The act limited the number of foreign workers that can enter Maldives from any single country to 100,000 and included provisions for prioritizing Maldivians for employment. In addition to limiting the number of migrant workers coming from any one country, the quota was intended to help the government better track the number of current migrant workers and reduce opportunities to manipulate the recruitment system. The policy outlined procedures for worker recruitment and employers providing accommodation for workers, among other policies related to recruitment. MED continued to issue employment agency permits according to the Employment Agency Regulations issued in 2016. The regulations included expatriate workers regulations, allowed blacklisting of agencies in violation of the Employment Act, prohibited the withholding of foreign worker passports subject to a penalty of 5,000 MVR (\$324), and prohibited work outside the scope of the approved work permit. In addition, the regulations prohibited charging workers recruitment fees subject to a penalty of 5,000 MVR (\$324) and suspension of the agency's license to operate in Maldives. During the reporting period, MED fully automated the work permit process to reduce the risk of recruitment agencies submitting fraudulent documents. MED also maintained a process for foreign migrant workers to change employers by submitting an online employer change request to obtain a new work permit. The government proposed an MOU with Bangladesh regarding Bangladeshi migrant workers in Maldives; however, for the fourth consecutive year, the draft remained pending. The government reported no new action to prevent forced labor in supply chains.

LRA had the authority to inspect all worksites, including private homes, and it carried out 124 inspections in 2021, compared with approximately 70 inspections in 2020 and 200 in 2019. LRA identified 23 potential cases of child labor, including 14 child labor violations, although it did not report any cases of forced child labor or child commercial sexual exploitation during the reporting period. LRA lacked the resources, staff, and training necessary to fulfill its mandate, and anti-trafficking training remained inconsistent. It did not report providing any anti-trafficking training for inspectors during the reporting period. LRA generally received numerous complaints of non-



payment of wages and mediated such claims with the employer or issued fines against the employer if mediation failed or the employer committed repeated violations. Neither LRA nor the tribunal referred labor violations to police for criminal investigation. Observers reported tribunal delays resulted in some labor trafficking victims being pressured to settle out of court rather than pursuing charges before a tribunal. LRA could request to MED that it blacklist foreign recruitment agencies and employers with repeated or serious labor violations. MED did not always implement LRA's recommendations, and despite repeated recommendations from LRA to blacklist certain agencies and employers, those agencies and employers continued to operate. MI also inspected establishments that employed migrant workers. LRA continued to use an online portal for island councils to report the number of individuals, including migrant workers, on each island, however implementation was inconsistent as some councils did not push businesses to register their employees with the portal.

Civil society reported a continued lack of significant efforts to raise awareness of trafficking among the most vulnerable groups. In July 2021, the government launched a month-long social media awareness campaign. The government issued campaign material targeting Maldivians and migrant workers through social media platforms in Bangla, Hindi, Sinhala, English, and Dhivehi. The ATO ensured Maldivians were included in awareness campaign posters to prevent the stigmatization of foreign migrant workers and reduce racialized perceptions of trafficking victims. The government did not make efforts to reduce the demand for commercial sex acts or for child sex tourism. While anecdotal reports suggest that there have been cases of children being exploited for commercial sex acts or child sex tourism, there were no confirmed cases during the reporting period. The government previously 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. The dedicated TIP hotline operated by the government remained suspended during the reporting period due to a lack of dedicated staff. The MPS Anti-Human Trafficking Department operated a 24-hour helpline, although the hotline did not identify any victims. Civil society reported that the lack of Bengali-speaking hotline operators could have been a barrier to the large number of suspected Bangladeshi trafficking victims. The government did not report any anti-trafficking training for diplomats during the reporting period.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Maldives. There have been no recent reports of traffickers exploiting victims from Maldives abroad. Foreign migrants, especially from Bangladesh, India, and Sri Lanka, continued to experience particular risk of labor and sex trafficking during the reporting period. Foreign migrant workers comprise approximately one-third of the population of Maldives, including at least 60,000 undocumented workers. Traffickers subject an unknown number of foreign workers—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. Despite prohibitions on worker-paid recruitment fees, migrant workers may pay approximately \$2,500 to \$4,000 in recruitment fees to work in Maldives, contributing to their risk of debt-based coercion upon arrival.

In recent years, officials reported an increasing number of Bangladeshi workers fraudulently obtained 12-month work visas while only possessing the requirements for three-month visas. 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. The government reported that withholding passports and non-payment or under-payment of wages to migrant workers remained the most common trafficking indicators in Maldives. Civil society reported labor traffickers target Bangladeshi children who enter 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 waters for forced labor. Traffickers use Maldivian children in forced criminality, including the transportation of drugs for criminal gangs. In December 2021, Cuba's Ministry of Public Health announced the two countries signed a medical collaboration agreement and a brigade

of Cuban doctors would depart for Maldives. The Department of State has previously identified indicators of forced labor in Cuba's medical missions overseas.

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 or under the pretext of employment as massage therapists and then 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 to the capital from other islands for domestic work, where employers sexually abuse some, and others are vulnerable to labor traffickers. Traffickers have exploited Maldivian children in child sex tourism.