

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

2018 Trafficking in Persons Report

MALDIVES: Tier 2 Watch List

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 significant efforts during the reporting period by launching an online case management system and elevating its anti-trafficking unit status to department level for greater access to resources and funding. Immigration officials created and implemented a pre-departure screening system for Bangladeshi migrant workers in part to reduce fraudulent recruitment. However, the government did not demonstrate increasing efforts compared to the previous reporting period. 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 inhibiting proactive identification of victims and, at times, resulting in the deportation of victims. The government's investigation of possible trafficking cases decreased sharply, possibly as a result of poor victim identification efforts. Trafficking victim protection services were limited—victims lacked regular access to psycho-social support, interpreters, and a dedicated shelter. Therefore Maldives was downgraded to Tier 2 Watch List.

RECOMMENDATIONS FOR MALDIVES

While respecting due process, increase investigations, prosecutions, and convictions against all forms of trafficking, and against officials complicit in trafficking-related crimes; amend the Prevention of Human Trafficking Act (PHTA) to bring the definition of human trafficking in line with the 2000 UN TIP Protocol; formally adopt SOPs for proactive identification of trafficking victims and referral to protection services, and train all relevant government officials on their use; re-establish the state-run shelter and consistent rehabilitation services, including psycho-social support and interpretation; finalize and implement the SOPs 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; and raise public awareness of human trafficking through media campaigns.

PROSECUTION

The government decreased its anti-trafficking law enforcement efforts during the reporting period. The PHTA criminalized some, but not all, forms of sex 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 seven to 15 years imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The Maldives Police Service (MPS) reported investigating one labor trafficking case, a decrease from 10 forced labor and one sex trafficking case during the previous reporting period. The Prosecutor General's Office (PGO) continued prosecuting four labor trafficking cases against five Maldivian and seven Bangladeshi defendants from the previous reporting period. It also initiated the prosecution of one new sex trafficking case against one Maldivian defendant compared with four new prosecutions in the previous reporting period. The government did not secure any convictions during the reporting

period compared with three foreign nationals convicted under the PHTA in the previous reporting period.

MPS reported the elevation of the anti-human trafficking unit from a unit level to a department level under the Head of Crime Investigations to increase its future access to resources and funding. In May 2017, MPS, in partnership with an international organization, launched an online trafficking case management system which also allowed potential victims to submit cases to the police online; however, it was only available in English, which limited its utility. Maldives Immigration continued to implement a mandatory training curriculum on trafficking for new recruits. MPS conducted a training during the reporting period for two officers who separately participated in an international anti-trafficking training conference with the Republic of Korea. 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 cases. Government officials acknowledged a need for more training.

Private employers and some government agencies held the passports of foreign workers they employed. These included the education and health ministries, which held the passports of foreign teachers and health care workers. Maldives Immigration 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 or investigated potential labor or trafficking crimes among these populations. Authorities recognized the lack of law enforcement cooperation agreements with source country governments as an obstacle to investigations in 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 continued to hamper law enforcement and victim protection efforts. Observers stated some traffickers operated with impunity because of 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. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.

PROTECTION

The government decreased its victim identification and protection efforts. The government did not identify any victims during the reporting period, a decrease from 18 in the previous reporting period. Two victims identified in a previous reporting period continued to receive services from the government. Victims were 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 psycho-social support, interpretation services, and a dedicated shelter. The government had not reopened or constructed a new dedicated trafficking victim shelter since 2014, reportedly due in part to budget constraints. The government housed two victims identified in a previous reporting period in guesthouse facilities. 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. The police reported two victims received extensions of the reflection period.

The government did not formally adopt SOPs for victim identification, protection, and referral that the Anti-Trafficking National Steering Committee (NSC) finalized in a previous reporting period. Although MPS reported it had disseminated the SOPs to its officers in the past, other government agencies were not aware of these SOPs; this at times resulted in the deportation of potential victims without an investigation. Foreign victims may 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.

PREVENTION

The government demonstrated mixed efforts to prevent human trafficking. While it implemented a pre-departure screening system for Bangladeshi migrant workers in part to reduce fraudulent recruitment, overall government anti-trafficking coordination decreased. The Ministry of Economic Development (MED) had responsibility for coordinating government and NGO anti-trafficking efforts through the NSC. The NSC did not meet during the reporting period; however, a lower-level advisory body met quarterly. The government had a 2015-2019 national action plan; however, several agencies continued to report overall government coordination was weak. The government's anti-trafficking infrastructure largely excluded the Ministry of Gender and Family, which had previously held the chair of the steering committee. This arrangement increased coordination challenges. The NSC failed to comply with a legal requirement to develop an annual report of its activities and submit it to parliament. The government continued to promote its trafficking hotline through banners at the airport; the hotline received 20 calls during the reporting period, none of which resulted in investigations or referrals to services.

Maldives Immigration created and implemented the pre-departure screening system for Bangladeshi migrant workers. The system required Bangladeshi employment agencies to register in the system and agree to standard wage and safety conditions. The system also established electronic contracts with migrant workers that recruiters could not amend. The government's revised regulations on all foreign employment agencies required agencies to be licensed and fully compliant with regulations by July 2017. MED made 40 inspection visits to agencies in 2017. During the reporting period, the Labor Relations Authority stopped blacklisting labor-recruiting companies and individuals for labor-related infractions due to the belief that blacklisting was ineffective as companies could register under a new name to continue operations. Maldives 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, 3,499 undocumented workers enrolled in this program. 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 100,000 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 Africa, Asia, Central Asia, and Eastern Europe, as well as girls from Bangladesh and Maldives, are subjected to sex trafficking in Maldives. Some women from South Asia are forced into prostitution after entering the country with their trafficker under the guise of tourism. 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.