

## OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

### 2014 Trafficking in Persons Report

Tier 2

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 200,000 documented and undocumented foreign workers in Maldives—primarily Bangladeshi and Indian men in the construction and service sectors—experience forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage. Migrant workers pay the equivalent of approximately \$1,000 to \$4,000 in recruitment fees to migrate to Maldives, contributing to their risk of debt bondage after arrival. In addition to Bangladeshis and Indians, some migrants 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 Sri Lanka, Thailand, India, China, the Philippines, Eastern Europe, and former Soviet countries, as well as some girls from Bangladesh and Maldives, are subjected to sex trafficking in Maldives. Some Maldivian children are transported to the capital, Malé, 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.

The Government of Maldives does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government passed its first anti-trafficking law, opened its first shelter for trafficking victims, distributed pamphlets about rights to migrant workers in a number of other languages, blacklisted some companies for fraudulent recruitment practices, and convicted a trafficker, reportedly the first such conviction in Maldives. However, serious problems in anti-trafficking law enforcement and victim protection remained. The government did not adequately train police and other officials on trafficking, nor did it provide authorities with procedures to identify victims among vulnerable populations and refer those victims to protective services. Consequently, the government penalized some victims for offenses committed as a result of being trafficked and also deported thousands of migrants without adequately screening for indications of forced labor. As in previous years, authorities did not criminally prosecute any labor recruitment agents or firms for fraudulent practices. Passport confiscation was a rampant practice by private employers and government ministries, who withheld the passports of foreign employees and victim witnesses in trafficking prosecutions; the government did not prosecute any employers or officials for this offense.

#### **Recommendations for the Maldives:**

Develop guidelines for public officials to proactively identify victims among vulnerable groups, such as undocumented migrants and women in prostitution, and train officials on their use; develop systematic procedures for the referral of victims to care providers and train officials on their use; ensure that victims are not penalized for acts committed as a result of being trafficked; increase efforts to investigate and prosecute suspected trafficking offenses, respecting due process; increase efforts to monitor and punish labor recruitment agents and firms engaging in fraudulent practices; train law enforcement officials on the new anti-trafficking law; continue to offer shelter and specialized services to identified victims; finalize and implement the standard operating procedures for shelter operations and victim

services; amend the Prevention of Human Trafficking Act to ensure victims who enter Maldives illegally are offered rehabilitative services if they prefer to remain in the country; enforce prohibitions against passport retention by employers and government agencies; raise public awareness of human trafficking through media campaigns; consider providing legal temporary residency for foreign victims to allow them time to recover and assist with investigations and prosecutions; provide translators to law enforcement and labor authorities to ensure foreign workers are able to participate in inspections, investigations, and prosecutions against their alleged traffickers; improve inter-ministerial coordination on human trafficking issues; and accede to the 2000 UN TIP Protocol.

## **Prosecution**

The Government of Maldives strengthened anti-trafficking law enforcement efforts. In December 2013, the government passed its first anti-trafficking law, the Prevention of Human Trafficking Act, which prohibits many, but not all, forms of sex and labor trafficking under Articles 12, 13, 14, and 16. The law prohibits internal and transnational trafficking but generally requires that the acts of exploitation be predicated on movement, although it also prohibits debt bondage and some forms of child trafficking without requiring movement. It also does not criminalize child sex trafficking in the absence of coercion. Article 13 is also overly broad in certain respects; for example, it includes compelling a person to undergo a medical test after being transported as a form of trafficking in persons. The law prescribes penalties of up to 10 years' imprisonment. These penalties are sufficiently stringent, but are not commensurate with those prescribed for other serious crimes, such as rape.

The government reported investigating one new labor trafficking case in 2013, a decrease from four cases in 2012. Authorities did not initiate any new prosecutions in 2013, compared with two sex trafficking cases in 2012 and no cases in 2011. The government reported its first known trafficking conviction in August 2013; the trafficker had recruited three Thai women to work as massage therapists, but forced them into prostitution upon their arrival. The Maldivian court convicted the trafficker under a Ministry of Justice circular that penalized forced prostitution, making it punishable by four to eight years' imprisonment; the court sentenced the trafficker to four years' imprisonment.

Government officials continued to conflate human trafficking with human smuggling and the presence of undocumented migrants in Maldives. Observers noted that trafficking-specific training was needed government-wide, especially for investigators, prosecutors, and judges. The government partnered with an international organization to provide trafficking-specific training to 56 prosecutors during the reporting period. An international organization also provided training to 49 representatives from the Department of Immigration and Emigration (DIE), police, Labor Relations Authority, and Ministry of Health and Gender; this training led to the creation in December 2013 of specialized units within the police and DIE charged with coordinating investigations into potential trafficking violations. Law enforcement efforts continued to be hampered by the absence of foreign language interpreters for victim-witnesses. Authorities did not report collaborating on transnational investigations with foreign counterparts. The Government of Maldives did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking, despite reports that some government officials may have been involved in labor recruiting practices that can lead to trafficking. There were also reports that organized crime groups, some of which operate prostitution rings, received political support.

## **Protection**

The Maldivian government demonstrated some progress in victim protection. The December 2013 anti-trafficking law created several protection measures. This included the designation of specified public officials and NGO representatives authorized to identify potential victims of trafficking; potential victims are entitled to receive rehabilitative services under the law, including shelter, health care, counseling, translation services, and police protection. The law also created a 90-day reflection period, during which victims are eligible to receive services while deciding whether to assist authorities in a criminal case. However, identified victims who voluntarily entered Maldives illegally were subject to deportation. Foreign victims assisting an investigation or prosecution could receive a renewable visa. The law also permitted victims to make a civil claim for compensation and for judges to order compensation during a criminal case.

Authorities reported identifying 10 victims during the reporting period, compared to seven (four Thai women and three Maldivian girls subjected to sex trafficking) in 2012. In January 2014, the government opened a state-run shelter exclusively for female trafficking victims, which offers foreign and domestic victims psychological counseling and medical care. The shelter assisted two victims during the reporting period. Victims were free to leave the shelter at will. Authorities reported spending the equivalent of approximately \$1,400 to shelter trafficking victims during the reporting period. The government continued to develop national guidelines and standard operating procedures for victim care, but these were not finalized during the reporting period. The DIE maintained a shelter for undocumented male migrant workers, but this shelter did not provide trafficking-specific services. The government did not operate a shelter facility specifically for children. Authorities lacked written procedures for proactively identifying or referring victims to protective services, which led to victims being inappropriately penalized for unlawful acts committed as a direct result of having been trafficked. Observers noted that police are not trained to screen children in prostitution for signs of trafficking. The government deported migrant workers without screening them for indications of human trafficking; some of these immigrants were subsequently identified as trafficking victims by foreign authorities. The government did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. In 2013, three victims testified in court against their trafficker, although in other cases authorities deported victims without involving them in a criminal case. Observers reported that victims were often afraid of making statements to the police because they did not believe effective action would be taken on their behalf. In March 2014, the Ministry of Home Affairs and an international organization organized a network of NGO care providers to connect victims to services more effectively.

## **Prevention**

The Government of Maldives did not demonstrate significant progress in preventing trafficking. The Maldivian authorities did not prosecute any labor recruiters or agencies for fraudulent recruitment practices, despite the establishment of an investigative unit responsible for recruitment agency oversight in 2011. Police continued to blacklist Maldivian recruitment agencies that engaged in fraud and forgery, and at least five of these blacklisted companies were fined in 2013; although the DIE reportedly enforced the blacklists, there were indications that previously blacklisted agencies resurfaced under different names. Observers reported that Maldivian firms could recruit large numbers of workers without authorities verifying the need for the number requested; this led to an oversupply of workers, many of whom went into debt to pay recruitment fees for jobs that did not exist. Government ministries and others frequently held the passports of foreign workers they employed, as well as foreign victims in trafficking cases. Immigration officials received, on average, 60 cases per month of employers confiscating migrant workers' passports. Authorities reported working with employers to have the passports returned, and during the

reporting period in 2014, they fined two private employers for the practice; however, authorities have never prosecuted an employer for withholding passports.

The government transferred responsibility for coordinating national anti-trafficking efforts from the Ministry of Gender, Family, and Human Rights (MGFHR) to the Ministry of Youth and Sports; the Ministry of Youth and Sports' Deputy Director led a newly-formed steering committee on trafficking, which included representatives from the judiciary, parliament, police, and an NGO, among others. The committee met at least seven times in the first quarter of 2014 and continued implementing the 2013-2014 national action plan, particularly by furthering development of national guidelines for victim assistance. Observers noted that the portfolio shift disrupted many activities being implemented by the former steering committee. Additionally, experts from the MGFHR were not appointed to the new committee, further lowering the number of committee members trained on trafficking issues. The MGFHR plan to operate a hotline for migrants was canceled following the portfolio switch. The Ministry of Foreign Affairs continued an anti-trafficking awareness campaign for which media outlets provided airtime and print space for messages on trafficking. The government continued to provide seminars for media outlets to sensitize journalists to trafficking issues. The government did not publish any reports assessing its anti-trafficking efforts or report any efforts to reduce the demand for commercial sex acts. Maldives is not a party to the 2000 UN TIP Protocol.