

THE MALDIVES (Tier 2)

The Maldives is primarily a destination country for migrant workers from Bangladesh and India trafficked into forced labor and, to a lesser extent, a destination country for women trafficked for the purpose of commercial sexual exploitation. An unknown number of the 80,000 foreign workers currently working in the Maldives (primarily in the construction and service sectors) face fraudulent recruitment practices, confinement, confiscation of identity and travel documents, debt bondage, or general slave-like conditions. Twenty thousand of these workers do not have legal status in the country, yet both legal and illegal workers were vulnerable to conditions of forced labor. While some migrant workers have paid agents up to \$4,000 for the opportunity to work in the Maldives, most pay \$2,000; these high fees may create vulnerabilities for debt bondage, as noted in a recent ILO report on forced labor. A small number of women from Sri Lanka, Thailand, India, and China reportedly are trafficked to Male, the capital, for purposes of commercial sexual exploitation. A small number of underage Maldivian girls reportedly are trafficked to Male from other islands for domestic servitude. Trafficking offenders usually fall into two groups: wealthy families that subject domestic servants to forced labor; and some of the 200 registered employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and subject them to conditions of forced labor upon arrival.

The Government of the 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 acknowledged the human trafficking problem on the Maldives and began taking steps to confront it effectively, though overall efforts were insufficient.

Recommendations for The Maldives: Draft and enact legislation prohibiting and punishing all forms of trafficking in persons; develop and implement systematic procedures for government officials to identify victims of trafficking among vulnerable groups such as undocumented migrants and women in prostitution; ensure that identified victims of trafficking are provided necessary assistance and are not penalized for unlawful acts committed as a direct result of their being trafficked; increase efforts to investigate and prosecute trafficking offenses and convict and sentence trafficking offenders; raise public awareness to human trafficking through media campaigns; and take steps to ensure that employers and labor brokers are not abusing labor recruitment or sponsorship processes in order to subject migrant workers to forced labor.

Prosecution

The Government of the Maldives undertook minimal anti-trafficking law enforcement efforts during the last year. Although the Maldives does not have an anti-human trafficking law, its constitution prohibits forced labor and slavery and some laws covering sexual offenses and child protection can be used to prosecute sex trafficking and child trafficking offenses. The sexual offenses statute (Section 173 of the Rules of Procedure adopted in February 2008) prescribes penalties of up to 15 years, imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. While overall awareness of the

Maldives, trafficking problem seemed low among law enforcement personnel, the government provided them with some training in the recognition of trafficking victims. These officials, however, did not vigorously investigate possible cases of labor trafficking. The government prosecuted one case of forced labor during the year. A migrant worker had been chained in a small room for days and let out only for work; his employer was convicted and sentenced to only four months imprisonment. A case of suspected transnational sex trafficking was investigated, but the case was dropped due to lack of evidence.

Protection

The Maldivian government made no discernable efforts to identify or assist victims of trafficking for labor exploitation. Over the year, there were reported cases of foreign workers suffering from conditions of fraudulent recruitment, confinement, withheld pay, physical abuse, poor living conditions, and even debt bondage; however, authorities' efforts to identify trafficking victims among these exploited workers were weak. The government provided no services, such as shelter, counseling, medical care, or legal aid, to foreign or Maldivian victims of trafficking. When workers in distress sought assistance from the government, they were returned to their countries of origin, as the government lacked adequate resources to support them. The government's general policy for dealing with trafficking victims was to get them out of the country as quickly as possible, noting that deportation is less costly than incarceration. Two foreign women identified by police as sex trafficking victims in 2008 were provided temporary shelter before being repatriated with the help of their home country's diplomatic mission in Male; there was no criminal prosecution related to their exploitation. There were no reported investigations of internal trafficking of Maldivian or transnational sex trafficking. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenses and did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. The government did not ensure that victims of trafficking were not penalized for unlawful acts committed as a direct result of their being trafficked, though there were no reports during the reporting period of the government deliberately punishing trafficking victims.

Prevention

The Maldivian government made minimal efforts to prevent human trafficking over the reporting period. The government conducted one anti-trafficking informational campaign, however, in January 2008, which attempted to educate the public on the provisions of the 2008 Employment Law. Various government ministries and agencies lacked any mechanism (such as a committee or plan of action) for coordination on anti-trafficking matters. However, various ministries were in frequent contact and relied on their personal relationships rather than a formal mechanism for contact. The government did not take any measures to reduce the substantial demand for forced labor on the islands, though it did start operations of a Labor Tribunal that will address the main form of trafficking in the country. The Maldives has not ratified the 2000 UN TIP Protocol.