



Transparency Maldives, national contact for Transparency International, is a non-partisan organization that promotes collaboration, awareness and undertakes other initiatives to improve governance and eliminate corruption from the daily lives of people. Transparency Maldives views corruption as a systemic issue and advocates for institutional changes that will punish and prevent corruption.

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Executive Director's Note

Welcome to the 4th edition of Transparency Review, the quarterly human rights and governance digest published by Transparency Maldives. The last few months have not been very encouraging on the human rights front. They have not been hopeful harbingers of reassurance as to the future of the Maldives. The last edition of Transparency Review was dedicated to Yameen Rasheed, a young human rights activist, blogger and an advocate of justice and anti corruption, who was murdered in April. It was a painful exercise to go through his inspirational social media activities, his heartwarming and stimulating blog 'The Daily Panic' as well as his ardent and tireless efforts to find his friend and journalist Ahmed Rilwan who was abducted in 2014. The process of bringing that edition of Transparency Review to fruition made all of us realize the importance of the work we all do in advocating for universal human rights, good governance, anti corruption and justice. And that, despite the melancholic outlook of the events that has since transpired, it was not an option for any one of us to give up. So it is with that understanding we once again try and reorganize ourselves and bring you this edition.

As we try to map the human rights situation for this quarter, we are continuously reminded about the uphill battle to ensure gender equality, the constant scourge of xenophobia that seem to plague the Maldivian society, the gulf between human rights and freedoms and their practical application, the debilitating effects of human trafficking on ensuring human dignity as well as the endemic issues of corruption and money laundering. These are not light hearted or easy issues to be talking about. But at least unless they are continuously brought into the narrative of development and governance, they have a tendency to be forgotten amidst the inaudible white noise of bureaucracy.

Executive Director
Mariyam Shiuna

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Colourless, Feckless

Yameen Rasheed , 8 November 2013

Our noble ‘colourless’ friends might dismiss him as a mere rabble rouser who ‘disturbed the peace’, but today one-fifths of humanity live in an independent society because of Gandhi’s refusal to sit in silence and be ‘neutral’ about the whole oppression thing. Today, I’m afraid, the Mahatma and his movement would have been reduced to yet another colour by these “colourless” folks.

There is a malaise in the country that I’ve been meaning to vent out about.

I must begin by saying there are plenty of people I strongly and vehemently disagree with, but nevertheless admire. To take an extreme example, I’ve often said that Osama bin Laden could have easily lived the rest of his life in filthy luxury.

But he was passionate about a cause – as distasteful as it was – and went out of his way to stand up for his principles. I believe it was his principles – no matter how deeply flawed – that led him to go fight his war in barren mountains, and in a weird, twisted way, I find that admirable.

Despite all my criticism of Islamist politicians and salafists, I do believe that there are many among them who are genuinely led by a desire to do the right thing, even if I disagree wholeheartedly with their narrow, literalist definition of ‘the right thing’. I might be a left-leaning liberal, but I understand the motivations and passion that drives my counterparts on the right, and I fully respect them.

In other words, I sincerely respect people who make a stand for something.

This post is about the other kind of people. The people who stand for nothing. The people who are content with the status quo. The ones that refuse to hold an opinion on anything. The ones who don’t care. The irresponsible. The indifferent. The idiots.



Using non-violent disobedience, Gandhi led India to independence and inspired many civil rights and freedom movements across the world.

The so called ‘Colourless’ that has emerged after the recent coup d’etat in the Maldives is a prime example. To avoid commenting on the tragic and violent loss of the country’s infant democracy, this group has chosen to hide behind terms like ‘peace’ and ‘non-violence’.

They won’t protest against any obvious injustice or brutality, because doing so would taint them with a colour. They won’t come out and say they are happy with the current state of affairs or the proxy dictatorship, because that, again, would attribute to them a colour.

By doing so, they might think they have broken new ground in achieving

‘neutrality’ and ‘peace’. To dissent, in their minds, is to cause strife. To protest, in their fancy world, is to disturb the peace. To make a stand, by their definition, is to provoke. To express an observation on plainly visible facts, to them, is to become a mindless slave of a party ideology – in other words, to reduce yourself to ‘a colour’.

There is no right or wrong in their world. Just colours. And these folk are above it all, and choose to be Colourless.

Well. Thankfully, I’m not, right? So I’m going to take the liberty to call them out on this moral cowardice.

Peace and non-violence are noble concepts. Indifference is not. Objectivity is a wonderful thing. But fairness does not equal to being blind to facts. You do not become “non-judgmental” by refusing to judge. You become non-judgmental by being fair in your judgment, and not being afraid to judge based on observable evidence.

When they talk about ‘non-violence’, the ultimate paragon of non-violence to me has always been Mahatma Gandhi. ‘Ahimsa’, or non violence, was a creed he lived by. But unlike our friends in ‘colourless’, his belief in peace didn’t translate into inaction, indifference or cowardly silence. He expressed dissent in the strongest terms.

The man led millions in non-violent resistance, and fought injustice and tyranny. He called for civil disobedience, and non-cooperation, and protests, and rallies and marches. His anger, his dissent ultimately overthrew a deeply rooted Empire.

Our noble ‘colourless’ friends might dismiss him as a mere rabble rouser who ‘disturbed the peace’, but today one-fifths of humanity live in an independent society because of Gandhi’s refusal to sit in silence and be ‘neutral’ about the whole oppression thing. Today, I’m afraid, the Mahatma and his movement would have been reduced to yet another colour by these “colourless” folks.

I consider “I am colourless. I chose not to

take sides” a criminal statement to make given the crisis the country has fallen into. To watch in silence as tyranny takes place is neither noble, nor admirable.

Furthermore, it is plain ridiculous to assign a colour to every opinion. To say Anni did something wrong doesn’t make you blue or pink. To say the country’s democratically elected government was toppled amid violence doesn’t make you a yellow. It makes you fair. It proves you have a head on your shoulders that can think for itself.

So, please, dear colourless, do not wander in the delusion that your indifference is ‘peaceful’. At best, it is cowardly. At worst, future generations may look back and blame you for watching in smug silence, while the country’s first real chance at democracy got raped in broad daylight.

~Peace!

[First published: 3rd March 2012] –
Daily Panic

Fundamental Rights & Freedoms: from Paper to People

Maldives is a low-lying archipelago scattered across the Indian Ocean with a lengthy history. However, its stint with democracy and human rights have been short-lived and to this day continues to face blatant human rights violations by the State.

Fundamental human rights and freedoms are inextricably linked to the quality of human life and the manner in which a person is able to belong to a community, society, country and/or the world. Human rights are not (or at least not meant to be) just mere words on paper. They are meant to have meaning in the wider world and they are also meant to be practically applicable within the lived realities of people. That is precisely why fundamental rights and freedoms should be legally enforceable and justiciable. The word “justiciable” is particularly important to bear in mind since justiciability of rights is directly dependent on their enforceability and redress should they be violated. It is therefore imperative upon the State (the party who is tasked with the protection, fulfillment of and respect for fundamental rights) to ensure that the people (the party to whom fundamental human rights should be an inherent) are

afforded their fundamental rights.

But how does that happen and what place does human rights have in the everyday life of people? And remember that point earlier about how human rights should not be just mere words on paper? How can we reconcile with human rights in theory and its practical application? How does the actual intent of universality fare in terms of the application of rights?

To attempt at a discourse, this article will take some examples from Maldives and make a case about the importance of understanding human rights as a concept and the similarities and differences from its conceptual ideal, in the way it is enjoyed by people.

Human rights have had a long history and they have been discussed and debated in different contexts during different

periods of time. The specific rights and the times when they were most significantly spoken of and debated about depends on the situation of the countries where the discussion was taking place. Whether it was the French Revolution or the colonization of India or the civil rights movement in the US, human rights have been often contentious but important nonetheless. A more agreed upon set of fundamental human rights was compiled in 1948 by Eleanor Roosevelt at the behest of the United Nations with the intention of ensuring a universal set of values that needed to be upheld by everyone in every country. It was different from how human rights was perceived in individual countries and importantly this particular document was the outcome of the humanity having been at the brink of annihilation with the atrocities committed during the Second World War. The UN having agreed in its charter:

“To save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to regain faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,”

published the Universal Declaration of Human Rights (UDHR) detailing the fundamental rights and freedoms that should be abided by all the States Parties of the UN. The UDHR with its 30 specific human rights that every

person, regardless of their nationality, ethnicity, gender, social status, colour, creed, disability, immigration status, etc should be afforded became the first ever internationally accepted document to guarantee fundamental freedoms and rights. While the UDHR itself is not a Convention with signatories, the objective of the UN Charter gave it the same force and together with the two key UN Conventions, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), it became the International Bill of Rights. The International Bill of Rights together with the seven core human rights Conventions created an international legal mechanism to protect the fundamental human rights of everyone in the world. At least on paper.

The practical application of fundamental rights still fall on the individual states and the discrepancies in the way State Parties provide these rights through their local legislations still leave miles to be desired. While the international obligations are impressive and very comprehensive, they are nonetheless political promises made by politicians at a political gathering. The actual practice was to occur when they got back to their own countries. While there were mechanisms to monitor the implementation of the human rights conventions, the repercussions of failing to uphold the universal human rights standards were at best ineffective and allowed States impunity to pick and

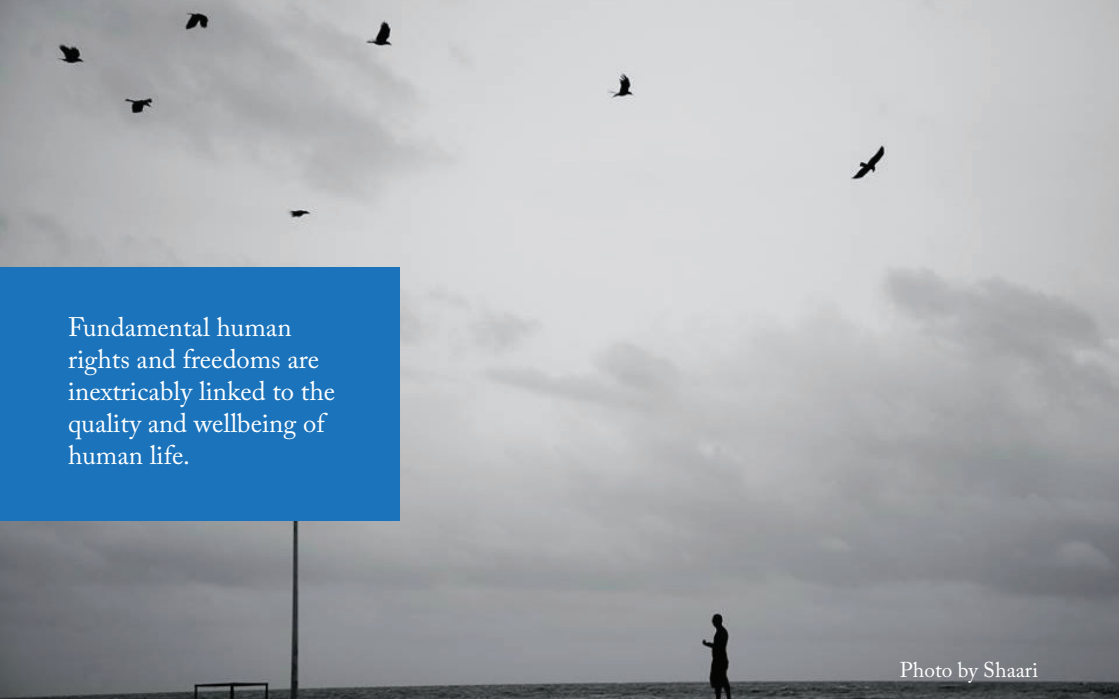


The signing of the UN Charter in San Francisco, 1945

choose rights they would afford their citizens. The principles of universal human rights in practice were not universal at all. In addition, the political discourse within the United Nations was often about the interests of the more powerful countries and smaller and internationally less significant countries had the blunt end of the stick. But often the leaders of such countries found this negligence quite useful since it allowed for their inability to live up to their human rights obligations let go with a slap on their wrists. And it is always the people that suffered. While international condemnation and statements show solidarity and concern, they do little to

alleviate the situation of these countries. Let's take a look at a good example of this.

Maldives is a low-lying archipelago scattered across the Indian Ocean with a lengthy history. However, its stint with democracy and human rights have been short-lived and to this day continues to face blatant human rights violations by the State. The first democratic elections in the country was held in 2008 where President Mohamed Nasheed emerged victorious, thereby heralding the arrival of democracy after 30 years of an authoritarian regime. However, his government was short-lived when in 2012, the opposition teamed up with



Fundamental human rights and freedoms are inextricably linked to the quality and wellbeing of human life.

Photo by Shaari

the police and the military to bring about a coup that toppled not just the government but also the democratic process initiated in 2008. Even prior to 2012, while President Nasheed was in power, there was still a lot of discussion about the country's human rights obligations. Although police brutality became exponentially lower, there were still complaints about the use of force during protests as well as the will of the government to allow for decentralization of power to the people. In addition, housing and employment rights were hot topics during that period. Democracy was ushered in, international human rights were being domesticated and yet on the ground, human rights was not as effortlessly realized as on paper. After the coup, the initial efforts to realize human rights took a sudden downturn. From 2012 onwards, fundamental

human rights as prescribed in the 2008 Constitution became more of a burden to the State than a legal obligation. Over the years attempts were made (most successfully) to counteract the rights in the Constitution either through disabling legislations or direct amendments to the Constitution. What is interesting is that human rights on paper may not translate into positive implementation but the abrogation of those very rights on paper did not seem to find any difficulty in its implementation. Respecting, protecting and fulfilling human rights was becoming cumbersome, while curtailing those very rights did not require much more than just putting those on paper. Somehow fundamental rights and freedoms seem to be working in reverse. And governments were becoming more and more apprehensive of human rights and freedoms.

For example, in 2016, the government decided that the freedom of expression was hindering the ability of state officials to function without overt public criticism. Hence they introduced the Anti-Defamation Act that made some expressions a criminal offence and placed hefty fines on individuals, journalists and media organizations. The same year they introduced an amendment to the Freedom of Assembly Act that limited any protests without state permission, to a small area, quite removed from the public. The amendment was completely against the very spirit of the Constitution that guaranteed everyone the right to freedom of peaceful assembly without prior permission from the State. And yet its legality was never challenged and the right to freedom of peaceful assembly continue to be curtailed by the Police, citing the amendment.

Apart from the civil and political rights there are serious gaps in healthcare, particularly between urban and rural areas. Although there is a dearth of extensive research, anecdotal evidence provides reason to suggest that healthcare in the atolls were in serious jeopardy. The failure of governments to properly support a decentralized governance system and to empower local councils has led to conspicuous socio-economic inequalities between those in the capital and those in rural islands. The capital Male' is one of the most congested islands in the world and housing problem remains an endemic issue with little

solution in sight. Although the literacy rate is very high, education for children with disabilities remain quite problematic. Gender equality is continuously threatened both by cultural norms and societal values as well as by religious fundamentalism and the lack of government policies to address the debilitating issues. Rights of migrant workers continue to be ignored by the State leading to the blatant derogation of their fundamental rights. And yet Maldives is a signatory to 8 of the 9 core human rights conventions.

Why is there such a gulf between fundamental rights and freedoms on paper and how it is implemented? Why is the implication of abrogating from international human rights obligations so muted? The general observation points to the fact that human rights and freedoms are often seen as impositions on the State and are more often than not seen as additional burdens. The nexus between governance and the provision of rights are not always realized. The protection of human rights and freedoms become an ornamental addition as opposed to an intrinsic part of a good governance process. The answer therefore lies in both an institutional as well as an overhaul of the mindset of the public. The rights on paper and the challenges to its implementation need to be studied with a view towards a progressive understanding. The purpose of a government needs to be inextricably linked to their human rights obligations and civil and political rights need to be more consciously related to socio-economic rights as well.

Money & Corruption

The challenges we face to tackle corruption are numerous. While public institutions are weak, obstruction to anti-corruption work makes it extremely difficult to address the issue in the Maldives.

Popular control over the decision-making process is what ultimately democracy is about, at least in theory. It provides citizens and political leaders fair and equal opportunities to participate in government. Across the world, the biggest challenge to this ideal is the unbalancing effect corrupt money has on politics. Corrupt money infiltrates government, political parties, and elections and perverts the course of justice. The negative effects of corruption are magnified in emerging democracies where institutions and rule of law is weak.

A quick scan of news headlines of local media outlets in Maldives reveals that corruption is one of the most pressing issues in the country. In the Maldives Marketing and Public Relations Company (MMPRC) corruption scandal, the biggest corruption scandal to rock the country, nearly US\$ 80 million dollars were embezzled from state funds. The stolen money, in addition to enriching

government officials, was used to buy influence within the security forces and pumped into political parties and election campaigns.

In October 2015, addressing the nation following the arrest of Vice President Ahmed Adeen on allegations of masterminding the presidential speedboat blast, President Yameen Abdul Gayoom painted a picture of corruption brimming at the highest levels of government. He alleged that Vice President Adeen exploited his position to amass personal wealth, which he used to buy influence within the security forces, finance the ruling Progressive Party of Maldives (PPM) and sponsor the election campaigns of MPs.

In September 2016, Al-Jazeera released an exposé in which three associates of Vice President Adeen admit to delivering bags of cash to Adeen, President Yameen and other senior government officials.

Washing machine that washes black money



Politician carrying a sack of money

Eid celebrations in H.Dh. Kulhudhuffushi highlighting the widespread corruption and money laundering in the Maldives.

On 14 August 2017, speaking at a PPM campaign rally President Yameen, in an attempt to distance himself from these accusations, alleged that the embezzled money was in fact used to finance the election campaigns of MPs. In March 2016, MP for Hoarafushi constituency in a televised debate in the Parliament alleged that it was not just ruling party MPs who benefited from the embezzled MMPRC money but also the opposition MPs. He went on to admit that he personally went around distributing bundles of cash to opposition MPs to get their support for key votes. What is evident at this point is that embezzled

MMPRC money has infiltrated the government, security services, political parties, independent institutions and electoral campaigns.

Relevant institutions including the Anti-Corruption Commission (ACC) has been investigating the MMPRC corruption scandal for over two years now. The Government for its part has reiterated on many occasions that they are serious about tackling corruption and President Yameen declared, on January 2017, that he will cooperate with any investigation conducted by the ACC. In May 2017, the ACC announced that it has questioned

President Yameen but did not reveal the nature of questions posed.

However, the compromised leadership of ACC and the actions of government poses serious questions over ACC's ability to conduct an impartial and complete investigation into the MMPRC scandal. The head of ACC is one among state officials including Supreme Court justices and heads of other watchdog institutions who were handed luxury flats by the government, in April 2015. More recent evidence suggests that the ACC is used as a tool by the government to target and silence opposition politicians. In March 2017, MP Farish Maumoon was summoned by the ACC regarding an audit report produced in 2008 on Theemuge, the then presidential palace. Just before MP Farish was summoned for questioning he spearheaded a no-confidence motion against the Speaker of the Parliament, a key ally of the government. In August 2017, former President Maumoon Abdul Gayoom was summoned by ACC over the same matter. It was clearly a move to intimidate and silence the growing dissatisfaction with government by former key allies. MP Farish Maumoon has since then been arrested over alleged bribery of MPs ahead of the no-confidence motion against the Speaker.

Aside from the compromised leadership of the ACC, there are other issues that may hamper the quality of its investigations. One such issue is the low investigative capacity of the ACC.

A recently completed assessment of the ACC conducted by Transparency Maldives shows that the staff retention rate of the ACC is extremely low, with a 14% turnover in just the first six months of 2016. The turnover is the highest in the investigation department, which consists mainly of lawyers and finance experts.. The majority of the legal professionals most likely leave for better career opportunities, as they see working in a state institution like the ACC as an opportunity to build a solid base of experience before moving onto more rewarding employment opportunity in the private sector. The report also notes that there is an over reliance on witness testimony during investigations and that there is a lack of capacity to investigate complex financial crimes.

As highlighted in the report, the challenges we face to tackle corruption are numerous. While public institutions are weak, obstruction to anti-corruption work makes it extremely difficult to address the issue in the Maldives.

As a country we need to urgently address corruption at a national level and any such effort must be sincere and not to further short term political goals. Government must ensure independent functioning of institutions free from intimidation and political influence.

ENDS.

Sexism: The Detriments of the False Positive

Sexism often don't always show its apparent and long term detriment. Sometimes some of the most virulent forms of sexism may even con you to believe that there might be some good in such discriminatory practices.

Any conversation about gender equality, the empowerment of women or feminism is often pushed back by men who spin the issue around to take up the limited space occupied by women. Take the example of domestic violence. Countless research has shown that domestic violence is a highly gendered issue and disproportionately impacts women. In UK for example, research shows that almost 85% of reported domestic violence cases are perpetrated by males against women[1]. The same study suggests that the nature and extent of violence suffered by women were different from that of men because ultimately domestic violence is an assertion of power and most patriarchal societies place women in precarious position when it comes to power dynamics. But the conversation is often steered in the opposite direction by men who want a stake in being survivors of domestic violence. Their arguments are often laced with an intention to call out

certain statistics and practices as reverse sexist. That they disproportionately impact men because of an effort to create equality for women. It often hinders the gender equality discourse and although many will recognize it as common male rhetoric at not being a central part of a narrative, which they are so used to being, these conversations aim to filibuster the real issues at hand. And while it is easier to shrug off such calls for attention, there may be more of a necessity to actually evaluate some of the intersectionalities when it comes to the conversation about sexism. Not because of an inherent merit in the argument that whatever conversations center around women should also give equal weightage to men even when they are statistically a minority, but because in a patriarchal world, sexism might be concealed in more insidious forms than we can imagine.

Take the example of a bank or any

other service that requires people to stand in line for a considerable amount of time. Say this establishment has a token system that serves people based on their token number but allows for women to take precedence so that they don't have to wait for a long time. The rationale given by the bank is that often women take care of their children and they cannot afford to wait in line for the same amount of time that men can. Now this will be vehemently objected to by many men and call it out as reverse sexism and preferential treatment for women, which if was done for men would set lawsuits and activists after such an organization. There might even be women who consider this to be an important convenience to allow women to do shopping more conveniently. And in a warped way it might even be with an intention that is not inherently sexist. But this is where we tend to see how deep rooted patriarchy is in a society. That we can actually convince that a benevolent form of sexism in fact is another name for kindness and propriety. But lets unpack this issue shall we?

Firstly, the idea that women need to go back home sooner and cannot afford to stay longer is a highly gendered sentiment. It stems from the idea that all women are homemakers and child rearers whose primary responsibility is the wellbeing of her children and family. It internalizes the social construct about women's role in the society and, in a thinly veiled guise of kindness, tries to

perpetuate this notion through a policy seemingly helping women do what they are supposed to do. To men this is reverse sexism. There is a strong belief that policies that advocacy for women's empowerment and gender equality is inherently discriminatory towards men. To men this is a blatant violation of their rights and is absolutely unacceptable. But this is a false equivalence that is perpetuated without any consideration to either history or context.

Second, why does the bank provide this preferential treatment to women? What is the thought process behind the company or organizational policy? It most likely stems from the idea that women are not as resilient as men. That physical hardships are more likely to wear and take its toll on women and since men are rugged and ready for any form of physical activity, it only seems fair that women should be given other options and conveniences. And therefore women can cut the queue for the simple reason that she is a woman. Is that empowerment or is that the continuation of a patriarchal narrative that's driving policies to further weaken the equal status of women?

Policies such as the one mentioned above is not a result of gender equality work or a culmination of feminism. It is actually an antithesis of what feminism and gender equality movements stand for. These policies that many men call as reverse sexist are in fact an extension of patriarchy and the conventional form of sexism that women continue to undergo,



#WomensMarch held at the artificial beach on January 2017

but garbed in a more sinister attire. If you actually think about the genesis of such policies and to the rationale behind them, it is quite clear that they stem from an inherent belief that women are somehow of a lesser merit than men. Whether it be to stand longer in a queue or to do physical labour that requires time and effort. These policies are generated from a toolbox of patriarchal ideology that assume a savior and protector mentality for men and a weaker, in need of protection characteristic for women. So before calling these practices as reverse sexist and a blatant disregard for equality against men, it might be important to understand the intersectional significance of such policies.

As for women, it is also imperative to realize that sexism often don't always show its apparent and long term detriment. Sometimes some of the most virulent forms of sexism may even con you to believe that there might be some good in such discriminatory practices. They might try to ride on the proverbial backs of affirmative action, making them highly elusive and sometimes misconstrued as good. Sexism isn't wrong because of the immediate harm it causes. And what is misconstrued as reverse sexism is even more uglier because it tries to lure in the support of women by its short term or irrelevant benefits. When it comes to sexism, false positives are sometimes more detrimental than actual

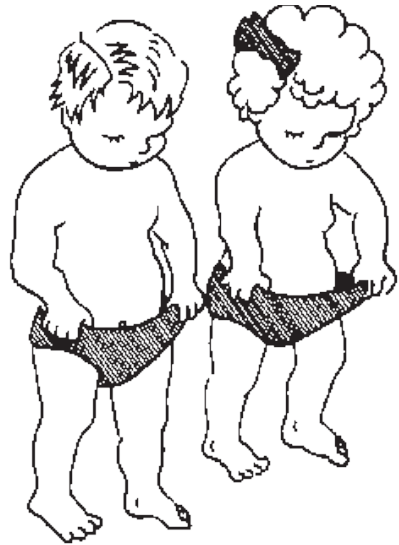
negatives because its that much harder to fight an enemy you don't always see.

This is particularly significant in Maldives because of the subliminal sexism that has lived and thrived in the societal undertones together with the apparent stereotyping we see in Maldives. There is a dubious culture of chivalry in Maldives that believes in the heroism of men who stand up for the weaker sex. This gallantry is often exacerbated by cultural norms and ideas that promote the notion that women need protection and men should afford it. And so many policies that promote this courteous nature of men are not seen as apparently sexist. Policies that promote women as housewives and create opportunities for them to reinforce that stereotype. Policies that, instead of helping women to break out of this societal mold, encourage them to maintain the status quo. These policies are often seen as a generous gesture by the majority male legislators and politicians for the women who are in dire need of their kindness and compassion. Some men see this as reverse sexism but very few see this as an extension of the patriarchy that exists in the country.

That is precisely why it is important to understand the narratives and rhetoric perpetuated by men. Why it is essential to unpack such arguments to reveal the kind of insidious sexism that lurks underneath its appearance of generosity.. For unless we are able to dismantle the false notions of reverse sexism, it will be very difficult to call patriarchy out for

what it really is. Or what it tries to be. Real empowerment of women can only come about through real policies formulated with a will to end gender discrimination. Not through sexist policies fabricated as progressive or generous. Gender equality is not charity but a right.

[1] <http://www.refuge.org.uk/about-domestic-violence/domestic-violence-and-gender/>



"OH! THAT EXPLAINS THE DIFFERENCE IN OUR PAY"

Human Trafficking in the Maldives: Part 1

Migrant workers pay approximately US\$2,000 to US\$4,000 in recruitment fees – part of it goes to the recruitment agency at his/her country and the other part to the Maldivian recruitment agency – and sometimes selling all their assets in order to pay the recruitment fees, contributing to their risk of debt bondage when they arrive in the Maldives.

July 30 is marked globally as the World Day Against Trafficking in Persons. Trafficking in persons or human trafficking is a serious crime and a grave violation of human rights and human dignity. As we strive to end the vile act of trafficking in persons, there are a number of issues of concern with the situation of human trafficking in the Maldives. This article is the first of a series that plans to highlight these issues.

The US Department of State's 2017 Trafficking in Persons Report (US TIP Report) indicates that Maldives is a destination country for men, women, and children subjected to forced labour and sex trafficking, and a source country for women and children subjected to labour and sex trafficking.

The Maldives acceded to the international

treaty governing trafficking in persons, the United Nations Convention against Transnational Organized Crime (UNTOC), in 2013, and its supplementary protocol, the Protocol to Prevent, Suppress and Punish Trafficking in Persons (UN TIP Protocol), in 2015.

In December 2013 the Maldives enacted the Prevention of Human Trafficking Act (PHTA), which made trafficking in persons a criminal offence. According to the Act, forced labour and fraudulent recruitment are considered human trafficking. The penalty for trafficking offence is a prison term of up to ten years that can be extended to fifteen years if children are involved.

Trafficking in Persons is defined in Article 3(b) as the recruitment, transportation, transfer, harbouring or



Some migrants workers live in barely liveable conditions with 10 to 20 workers living in one small room.

receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

PHTA, on the other hand, defines human trafficking as transportation, transfer, harbouring or receipt of persons, through unlawful coercive means, to compel a person to work or provide a service or enter an agreement which creates a legal obligation or marry an identified person or undergo an unnecessary medical procedure or test through unlawful

coercive means.

According to the US TIP Report, the PHTA definition of human trafficking is generally predicated on the movement of the victim, and, hence, does not confirm to the UN TIP Protocol. In other words, to constitute trafficking under the PHTA, transportation must be done for the purpose of compelling a person to provide work or a service, marry, or undergo an unnecessary medical procedure or test, which are forms of exploitation different from those in the UN TIP Protocol. One important act of human trafficking – recruitment – is not included in the PHTA.

The estimated official figure of the

migrant population in the Maldives, according to the latest census, is 58,683. The unofficial estimates are around 200,000, bringing the size of the migrant population in Maldives up to more than half of the country's total population.

Bangladeshi nationals account for about 60% of the foreign migrant workforce, followed by Indians (about 20%) and Sri Lankans (about 10%). The foreign migrant workers comprise more than 60% of employees in four economic sectors: approximately 90% in construction; 80% in community and social services; and 70% in both tourism and financial and business services sectors.

The bulk of the foreign migrant workers continue to be employed in the construction sector, mostly in elementary occupations, and are subjected to practices indicative of forced labour, including fraudulent recruitment, confiscation of identity and travel documents, withholding or non-payment of wages, and debt bondage.

Migrant workers pay approximately US\$2,000 to US\$4,000 in recruitment fees – part of it goes to the recruitment agency at his/her country and the other part to the Maldivian recruitment agency – and sometimes selling all their assets in order to pay the recruitment fees, contributing to their risk of debt bondage when they arrive in the Maldives. US TIP Report states that recruitment agents in source countries collude with employers and agents in Maldives to facilitate fraudulent recruitment and forced labour of migrant workers.

Once again, PHTA does criminalize forced labour – but only if a person is transported. Article 16 of the Act, on the other hand, criminalizes debt bondage without reference to transportation.

As reflected in the US TIP Report, the Government of Maldives must amend the PHTA to conform to the UN TIP Protocol's definition of trafficking in persons.

Xenophobia in the Maldives

Labelled and ostracised as “bangaalhee”, migrant workers are the most vulnerable as easy targets of blame and anger for political, economic and societal ills. Racism, xenophobia, discrimination, violence, intolerance and violation of fundamental rights is the lived reality of tens of thousands of migrant workers in the Maldives.

They come to the Maldives in search of a better life for themselves and their families back home. Some are hired as maids, nannies and carers. Others find work as builders, janitors, cooks, waiters, garbage collectors and tailors. In the beginning it may seem like life could be good here. But the unfortunate reality is it probably will not be.

Labelled and ostracised as “bangaalhee” (a derogatory term meaning “Bangladeshi” but used to describe low-skilled migrant workers irrespective of nationality), migrant workers are the most vulnerable as easy targets of blame and anger for political, economic and societal ills. Racism, xenophobia, discrimination, violence, intolerance and violation of fundamental rights is the lived reality of tens of thousands of migrant workers in the Maldives. The impact xenophobic

practices and bias-motivated violence has on migrant workers is devastating.

In July 2017, a Maldivian man was found dead with multiple stab wounds inside an ice plant, where he worked as an engineer, on the island of Ihavandhoo. Sumon Mia, a Bangladeshi man who also worked at the ice plant, confessed to the murder and was arrested. Four other Bangladeshi migrant workers were also arrested as possible suspects.

In response to the murder, Ihavandhoo Council imposed a curfew and restrictions on the island’s migrant worker community. The 200 or so migrant workers who reside in Ihavandhoo were asked to register at the council within five days and warned that those who failed to do so would be considered undocumented workers and deported. In addition to



Occupational hazards such as lack of proper safety measures at workplace is a major life threatening risk migrant workers face every day.

imposing a curfew of 10pm, the migrant worker community was also prohibited from gathering in public spaces with the exception of Friday afternoons between 2pm and 5pm. They were also banned from fishing, collecting wood, fronds or coconuts, and participating in events without invitation.

Although the Local Government Authority, the regulatory body of atoll and island councils, stepped in and annulled Ihavandhoo Council's decision on legal grounds, the Council continued to defend their position by describing migrant workers as a nuisance that threatened the peace and security

of Ihavandhoo. This demonising and dehumanising narrative was fuelled further when some media outlets published hateful articles against migrant workers.

A report by Sun Online, for instance, accused migrant workers of committing more crimes, especially those violent in nature, than Maldivians. Calling migrant workers a "threat to national security", the article framed murder as a crime only migrant workers commit. The article also accused migrant workers of being a threat to the country's sovereignty. Citing the power play between ethnic Fijians and Indian Fijians (descendants of labourers

brought to Fiji from India during the British colonial period) at the heart of the 2006 Fijian coup d'état, the article warned that the Maldives, with its rapidly increasing migrant worker population, was headed to a similar fate.

On 22 March 2015, Shaheen Mia, a 25-year-old Bangladeshi man, was murdered inside Lhiyanu Café in Malé where he worked as a waiter. The day before the murder, a dispute took place between Mia and a group of young Maldivian men when the former refused to serve coffee during a time the café was closed. The unhappy group vandalised the café before they left and returned again later that evening and threatened to burn down the café. The next day a group of four masked men barged into the café and stabbed Mia in the chest, sparking off a series of attacks against Bangladeshi workers.

On 24 March, two days after Mia's murder, the naked body of Kazi Bilal was found dead in the island of Thoddoo with a piece of cloth around his neck. On the same day, three migrant workers were also stabbed in three different locations in Malé and hospitalised.

In response to the violent attacks and entrenched discrimination, the migrant worker community in Malé planned to hold a peaceful protest on 27 March

in front of the Bangladesh High Commission. The Constitution of the Maldives guarantees every person on Maldivian soil—meaning both citizens and noncitizens—the right to freedom of assembly without prior permission of the State. However, migrant workers were forced to abandon the protest when the Department of Immigration and Emigration threatened to cancel the work visas of migrant workers who participated in the protest. The Economic Ministry reiterated the warning and stated that the protest was “a premeditated attempt to undermine Maldivian economy and business.”

To date no individual or group has been held accountable for the two murders and attacks against migrant workers.

This is all too common a story in the Maldives. Perpetrators of xenophobic practices and bias-motivated violence often act with impunity, while targets of such violence live in fear and are denied the equal enjoyment of fundamental rights and freedoms. And when the perpetrators are state institutions, xenophobic crimes and practices are particularly destructive as they amplify the vulnerable status of migrant workers.

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