



10 November 2022

JOINT PRESS STATEMENT: ENACT AND ENFORCE LAWS TO PROTECT MIGRANT WORKERS!

We are saddened and express our sincere condolences to the family and loved ones of the migrant workers who lost their lives and have been affected by the fire at a garage in Male' last night. The failure of the Maldivian government to ensure equal rights for migrant workers, ensure basic safety standards and codes, both in the workplace and living quarters, and end their exploitation result in migrant workers being disproportionately affected by the impacts of natural and human-made disasters.

Exploitation and trafficking of migrant workers in the Maldives have been highlighted by various reports and are evident from the incidents whereby migrant workers have been forced to live in inadequate and cramped living quarters. The discrimination that migrant workers face and the lack of political will to ensure equal rights for them, leave the migrant workers vulnerable and open for further exploitation. Repetition of incidents such as this not only pose a threat to migrant workers but also to everyone living in the community including women and children.

The Employment Act (2008) of the Maldives establishes responsibility upon the employer to provide adequate housing for their workers. The Prevention of Human trafficking Act (Law 12/2013), Section 11(h) establishes a person as being trafficked, if the person is unable to change their employment agreement or status of their marriage or such conditions due to coercive means of the employer or trafficker. This is a common issue that is highly underreported in the Maldives, even though it is mandatory by the laws and international instruments that the Maldives is party to. Section 31 of the Prevention of Human Trafficking Act mandates responsibility upon specific state authorities that are empowered to investigate and establish human trafficking related cases. The regulation on basic standards of housing for migrant workers (Regulation number R-15/2021) of the Ministry of Economic Development clearly defines basic standards of housing facilities for workers. The lack of

enforcement of these laws and regulations are appalling and a direct violation of the basic human rights of the migrant workers. 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. Despite the responsibilities the government has to bear as a signatory to the international conventions and laws, migrant workers in the Maldives continue to be 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.

We call upon the Maldives Police Service, Maldives Immigration, Ministry of Health, Ministry of Economic Development, Labour Relations Authority, Male' City Council and other state authorities to take immediate action and abide by their legal responsibility and ensure the safety and protection of human rights of the migrant workers in the Maldives. We also call on the authorities to hold those responsible, who have been negligent in ensuring adequate living conditions for the migrant workers affected by this incident, and those who continue to violate the laws and regulations concerning the rights of workers. Authorities need to uphold their legal, moral and ethical standards by setting precedence for a zero tolerance on violation of human rights in the Maldives without discrimination between local and migrant workers. The blatant disregard to the rights of the migrant workers is a direct reflection of the government's overall stance on basic human rights standards.

The lack of laws and enforcement of existing laws preventing the exploitation of migrant workers, as well as the delay in enforcing minimum wage for migrant workers by the State and the Parliament forces migrant workers to seek cheap and unsafe housing options and exposes them to further risk at places of employment. We call on the Parliament to immediately legislate minimum wage for migrant workers and uphold their basic human rights, including their right to freedom of association and collective bargaining to ensure the rights of migrant workers to live and work in a dignified manner. We also call on the Parliament to enact a Law on Occupational Health and Safety, including provisions to prevent and compensate the loss and damages for workers in instances of similar negligence. We further call on the government to ensure effective implementation of chemical storage regulations and ensure hazardous chemicals are not stored in residential areas.

We also call on the State authorities to ensure adequate support and relief to those who have been affected by the fire and call upon State entities to stand by their vows and responsibilities and ensure that the parties in need of assistance are provided access to financial, medical and mental health support and ensure complete fulfilment of their human rights.

Advocating The Rights of Children
Equal Rights Initiative
Family Legal Clinic
Hope for Women
Maldives Trade Union Congress
Mission for Migrant Workers Maldives
Public Interest Law Center
Transparency Maldives
Uthema