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Migration in South Asia: Poverty and Vulnerability

Maldives Poverty Report 2020

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Author's Introduction

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Introduction

Over the past 30 years, there has been a huge influx of migrant workers into the Maldives and major internal migration from atoll to the capital Male. Under liberalising economic policies over this period, the growth and demands of the tourism, construction and business sectors, in particular, paved the way for this exponential influx. Similarly, propelled by population consolidation policies and centralisation, the need for employment, healthcare and education became the main drivers for internal migration.

The influx of immigration took place under an authoritarian institutional framework that had failed to protect basic rights for the people in general and for migrant workers in particular. Constitutionally, there is now a relatively progressive labour rights framework for migrant workers. However, gaps still exist in the overall legal framework and more so in enforcement. In practice, discrimination, exploitation and trafficking of migrant workers have been pervasive. Successive governments failed to prioritise to address issues facing them. Little civil society and organised labour activism exists on their plights.

The internal migration also created and accompanied its own problems. Increase in urban inequality, living costs, employment especially among the youth, a housing crisis, pollution, and the transformation of the capital Male as one of the most densely populated cities in the world, are some of the related problems.

This country report primarily aims to examine the patterns and intensity of migrant workers and internal migration, the factors behind those patterns, the legal framework in place on migrant workers, and the systematic issues related to migration in the country. However, it also examines internal migration and the related issues. The report concludes by suggesting recommendations towards addressing issues related to migration.

The report consists of three sections. The first section examines the historical trajectory of migration, followed by key factors behind it in the Maldives. The second section analyses the key legislative framework applicable to migrant workers in the Maldives. The third and final section explores main systematic issues related to migration.

1. Migration: Trajectory, Patterns, and Factors

1.1 Country Context

Approximately 1,190 islands of the Maldives make up a total land mass 297.8 km². The islands are grouped into 26 low-lying atolls. The highest point is just 2.4 metres above the sea level.

A population 378,114 people are dispersed across about 200 of these islands (National Bureau of Statistics, 2018). One-third of them are now concentrated in the tiny capital, Male – an outcome of internal migration largely since 1970s (see 1.X).

The 1970s marked the most crucial modernising juncture for the Maldives (Maloney 1981). The country opened up to the world capitalist system and started to partake of the emerging international system as a nation-state after it gained independence from its Protectorate, Britain, in 1965.

The introduction of tourism in 1972, propelled later by the first airport in 1981, proved to be the single most important development that paved way for rapid modernisation of the country. Powered significantly by tourism, GDP per capita in the Maldives increased substantially between the 1980s and the 2000s (Rasheed, 2013, p. 33). The GDP stood at US\$11,151 in 2017 compared to just US\$200 in 1978 (World Bank, 2019). Tourism accounts for about 28% of the GDP.

Another key industry that significantly contribute to the economy is fishery. Agriculture remains a minor industry. The growth in the tourism sector also saw a substantial expansion in the construction, business and finance, and social and community services sectors (Rasheed, 2013; Transparency Maldives, 2015).

The rapid growth of the economy resulted in positive developments in several areas, including life expectancy, which increased to over 77 years by 2015, and reduction in poverty. According to 2016 Household Income and Expenditure Survey, based on the national low poverty line (MVR 74, approximately \$5) of half the median of total expenditure, 8.2 percent of the population is poor.

Notwithstanding the increase in GDP per capita and improvements in living conditions, inequality within the main urban centre of the capital Male as well as between Male and atolls is noteworthy. While only 1.7 percent of the population in Male is considered poor, 12.8 percent of the population in the atolls are poor. The gap is even more striking with the high poverty line of the median total expenditure: while 21.3 percent of the population in Male are poor, a staggering 64.7 percent of the population in the atolls are poor. The Gini Coefficient, which measures inequality, for the country is 0.313. However, inequality in the capital, Male, is higher (0.284) than in the atolls (0.276) (see HIES 2018).

Similarly, unemployment remains an issue. Using a broad definition of unemployment, however, the 2014 Human Development Report suggested there was a significant rise in unemployment in the years preceding the report. According to this definition, the unemployment rate in atolls was at 34 percent and 17 percent in Male in 2010 (UNDP, 2014,

p. 62). The 2016 Census also shows there was especially an increase in youth unemployment rate between 2006 (6.4%) and 2014 (7.2%) (Census, 2015).

As the next sub-sections will show the trajectories and patterns in especially the internal migration within the Maldives and immigration into the country are closely related to the economic changes and their surrounding issues.

1.2 Trajectory and Patterns in Migration

1.2.1 Emigration

The Maldives is mainly a migration destination country and one of significant internal migration. However, increasing number of Maldivians also migrated to other countries especially since the early 2000s. There were approximately 3,000 Maldivians living abroad in 2015, mostly in Sri Lanka, Australia, United Kingdom, and India. The main reasons for emigration for these people were employment and education (IOM, 2018).

The Maldives has resident diplomatic and/or consular offices in all these countries except Australia. There seems to be no major concerns publicly reported of any systematic socio-economic or other discriminatory issues faced by the small Maldivian diaspora communities in these countries.

1.2.2 Internal Migration

Internal migration in the Maldives is a significant phenomenon, more so since the 1980s. Most internal migration takes place from atolls to the capital Male. The data shows exponential growth in population in Male, accounted for significantly by migration from atolls. In 1921, the Male' population was 6,127. According to the 2014 Census data, approximately, 38 percent (approximately 150,000) of the Maldivian population lived in Male. Male' therefore had the highest migrant population (56 percent of the population) (see IOM, 2018). The population growth between Male and the atolls is also stark. By 2006 the population growth rate of Male' reached 5.59 percent, while the figure for overall annual national population growth was 1.69 percent (Census, 2015).

Key Drivers

The key driver behind the internal migration to Male from atoll has been the growing inequality between Male and the atolls (UNDP, 2015; Census, 2015; IOM, 2018). The factors behind this inequality included the development of tourism focused around Male, expansion of the public and private sector, and better health and educational facilities in the capital (Census, 2015, p. 21). As explained above in key areas such as employment and poverty, there are huge gaps between the capital and the atolls. In fact, the only urban area in the country according to the Census report is Male. People from atolls therefore migrate in search for jobs and basic needs such as employment, education and healthcare.

Besides socio-economic inequalities, internal migration has also taken place, and is likely to take place, due to climate and natural disaster-induced displacement. As the islands are very low-lying – the highest point being 2.4 metres above the sea-level – the Maldives is

particularly vulnerable to sea-level rises. As the size of the islands is very small, urban settlements in many islands are very close to the shorelines.

The 2004 Indian Ocean Tsunami illustrates the extreme vulnerability of the Maldives. The tsunami killed 108 people in the Maldives, caused damages of up to 62% of the Maldivian GDP, and resulted in at least 12,000 Internally Displaced People (IDPs) by mid-March 2005 (Crshaw, 2017). Some islands were completely uninhabitable and entire populations had to be relocated to other islands. Many IDPs remained in temporary shelters for several years after the tsunami.

Similarly, coastal erosion, swells and water contamination have also forced some communities to be relocated in the past. From 2007, the people of Maakandoodhoo island had to be relocated to other islands because of coastal erosion and water pollution. As the islands are very low-lying, even with mitigation measures, climate change and associated rise in sea level will likely be a major driver of internal migration and possibly even emigration in the future (see Stojanov et al., 2017; Kelman, 2019).

1.2.3 Immigration

Even though there were a few expatriate workers before 1970s, the number started to increase since 1970s, and substantially increase from 1990s. In 1990, there were an estimated 8,689 migrant workers (MPND, 2005, Transparency Maldives, 2015). According to the Maldives' Immigration (Maldives Times, 2019), by January 2019, there were 144,607 migrant workers – a 17-fold increase within under 30 years.

Weak administration and reporting processes have resulted in unreliable statistics, and since 2012, no data on the number of foreign migrant workers in the Maldives are included in the statistical yearbooks of the Maldives. Out of the 144,607 migrant workers, the government has claimed there were an estimated 63,000 'illegal' migrant workers (Maldives Times, 2019). Such high figures of 'illegal' migrant workers also therefore further suggest that the actual number of foreign migrant workers in the country may be underestimated.

In 2011, Bangladeshi nationals make up 57% of the regular foreign migrant worker population, followed by Indians (23%), Sri Lankans (10%), and Filipinos (1.5%).

According to ILO (2013), regular foreign migrant workers make up the majority of four sectors: construction (88%), community and social services (78%), tourism (72%), and financial and business services sector (72%) (see also MDNP, 2010).

Foreign migrant workers make up 44% of workers in the "professional" category and 21% of workers are classified under the "technician" category at the high end of the occupational distribution. At the low end, 56% of "service" workers are foreign migrant workers, 61% are in "craft-related" employment, and 76% are in "elementary" occupations (ILO, 2013; Transparency Maldives, 2015).

A Field Survey Report published by the International Organisation for Migration in 2014 reports that the majority of male migrants work in the construction and service sectors, while female migrants are mainly employed as domestic workers.

Key factors

As apparent by the above analyses, the increase in migrant workers is largely an imperative of economic liberalisation and privatisation since especially 1980s. The expansion in the tourism and construction sectors, both largely privately owned, in particular, created the demands for foreign labour.

Other factors included the infrastructure shortcomings, weak higher education sector, and lack of local skills (see Rasheed, 2013, pp. 58-59). The growing income inequality within the South Asian region is also suggested to be a reason for the increase as migrant workers seek opportunities in other countries (Transparency Maldives, 2015, p. 6). IOM Field Survey in 2014 also suggest that majority of respondents from migrant workers interviewed mentioned as reasons for coming to the Maldives 'better salary' or 'better job opportunities' (IOM, 2014; 2018).

2. Legal Framework and Stakeholders Relevant for Immigration

As far as the legal framework for employment of migrant workers were concerned, there are 'very [few] theoretical differences' between local workers and migrant workers (Wisham, 2018, p. 23). The Maldives has also ratified several international conventions relevant to migrant workers. Overall, the political liberalisation since 2003 and adoption of a more liberal constitutional and legislative instruments also positively impacted on the larger legal framework applicable to migrant workers. This section examines the applicable legislative framework and key stakeholders, followed by in the next section the issues and challenges that exist.

2.1 Maldives Constitution (2008)

Following significant external and internal pressure for political liberalisation, the Maldives adopted a new constitution in 2008. A major outcome of the liberalisation process and adoption of the new constitution was an overall advancement in the legal protection of human rights as per international standards. Consequently, these changes also show improvement in the protection of rights applicable to foreigners and migrant workers.

Article 17 provide overall non-discrimination based on national origin and related aspects. It states: 'Everyone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island.' This universalist provision 'ideally means that mistreatment of any kind of migrant workers is downright unconstitutional to say the least' (Wisham, 2018, p. 21). Besides this stipulation, other relevant constitutional provisions include:

Article 25 - No one shall be held in slavery or servitude, or be required to perform forced labour (except for compulsory military service, service required in cases of emergency or calamity threatening the life or well-being of the community, or service required pursuant to a court order).

Article 30 (b) - Everyone has the freedom to form associations and societies, including ... the right to form trade unions, to participate or not participate in their activities.

Article 31 - Every person employed in the Maldives and all other workers have the freedom to stop work and to strike in order to protest.

Article 32 - Everyone has the right to freedom of peaceful assembly without prior permission of the State.

Article 35 - Children and young people shall not be harmed, sexually abused, or discriminated against in any manner and shall be free from unsuited social and economic exploitation. No person shall obtain undue benefit from their labour.

Article 37 (b) (c) (d) - Everyone is entitled to just and safe conditions of work, fair wages, equal remuneration for work of equal value, and equal opportunity for promotion.

Everyone has the right to rest and leisure, including limits on hours of work and periodic holidays with pay.

Everyone has the right to spend time at rest and leisure. In order to provide this right to each employed person, the maximum number of working hours have to be determined as well as the length of paid holidays.

2.2 International Commitments

The Maldives participates in several International Labour Organisation conventions relating to labour rights, and has been a member state of the ILO since May 2009.

In January 2013, the Maldives ratified the eight ILO Fundamental Conventions on dealing with four categories of fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation. The eight ILO fundamental Conventions are:

1. Forced Labour Convention, 1930 (No. 29) ,
2. Abolition of Forced Labour Convention, 1957 (No. 105) ,
3. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) ,
4. Right to Organise and Collective Bargaining Convention, 1949 (No. 98) ,
5. Equal Remuneration Convention, 1951 (No. 100) ,
6. Discrimination (Employment and Occupation) Convention, 1958 (No. 111) ,

7. Minimum Age Convention, 1973 (No. 138) , and
8. Worst Forms of Child Labour Convention, 1999 (No. 182).

Besides the Fundamental Conventions, the Maldives has ratified two Technical Conventions:

Seafarers' Identity Documents Convention (No. 185) and

Maritime Labour Convention, 2006 (MLC, 2006).

In 2002, as a Member of the South Asian Association for Regional Cooperation (SAARC), the Maldives adopted and signed the SAARC Convention on Prevention and Combating Trafficking in Women and Children, which establishes a regional taskforce designated to combat trafficking in South Asia.

The Maldives has not ratified any of the four Governance (Priority) Conventions including the Labour Inspection Convention, which requires countries in which the Convention is ratified to adopt the stated proposals with regard to the organisation of labour inspection in industry and commerce, and the Employment Policy Convention, which requires countries in which the Convention is ratified to declare and pursue, as a major goal, an active policy designed to promote full, productive and freely chosen employment.

In addition, the Maldives has not yet ratified three complementary and sequential international standards which provide the core definitions of rights of migrant workers. These are the ILO Migration for Employment Convention, 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The ILO notes that the content of these instruments is broader than defining applicable human rights. Numerous provisions in each add up to a comprehensive agenda for national policy and for consultation and cooperation among States in areas including labour migration policy formulation, exchange of information, providing information to migrants, orderly return and reintegration.

ILO Convention 97 provides the foundations for equal treatment between nationals and regular migrants in areas such as recruitment procedures, living and working conditions, access to justice, tax and social security regulations.

The two main objectives of ILO Convention 143 are to regulate migration flows, eliminate clandestine migration and combat trafficking and smuggling activities; and to facilitate integration of migrants in host societies.

The 1990 International Convention extended the legal framework for migration, treatment of migrants, and prevention of exploitation and irregular migration. The content of ILO Conventions 97 and 143 formed the basis for drafting the UN Convention, which expanded and extended recognition of economic, social, cultural and civil rights of migrant workers rights.

The Maldives is also not party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, which supplements the United Nations Convention against Transnational Organized Crime

Finally, the Maldives is among thirty three UN Member States not to participate in the intergovernmental conference to adopt the Global Compact for Safe, Orderly and Regular Migration, which provides a unifying framework of common principles, commitments and understandings among participating Member States on all aspects of international migration, including the humanitarian, development, and human rights-related aspects.

2.3 Statutory and Regulatory Framework

A number of statutory laws and regulations exist pertaining to migrant workers and generally tend to provide mechanisms to further protect the constitutional provisions. However, some discrimination still exists. Key laws and regulations include:

1. Maldives Immigration Act (2007)
2. Employment Act (2008)
3. Anti-Human Trafficking Act (2013)

Maldives Immigration Act (2007)

The Immigration Act 2007 establishes the rules for entry, departure and deportation of foreign nationals.

Article 15: Establishes the work visa, a permit to remain in the Maldives for the duration of the permit granted to a foreign national visiting the Maldives for the purpose of working, where a work permit has been obtained by that foreign national consistent with the regulations of the concerned authority.

Hence, without a work visa, it is illegal for migrant workers to be employed and/or work in the Maldives.

Employment Act (2008)

Provisions in the Act further expand on the constitutional rights applicable to migrant workers. Hence, for example, prohibition on unfair dismissal is equally applicable to migrant workers (see Article 21 (a) and (b)). The Act also mandates the Minister responsible for labour to enact and publish regulations to govern the employment of foreigners in the Maldives, carrying out of employment by foreigners, employment and dismissal of foreigners and other related matters.

An amendment to the Act in 2013 made payment of a Ramadan bonus to workers optional for migrant Muslim workers, which constituted a discrimination against them. Similarly, a remittance tax of 3% charged also arguably constituted a discrimination against migrant workers.

Anti-Human Trafficking Act (2013)

The Anti-Human Trafficking Act was passed by Parliament and ratified to prevent trafficking of persons through and across the Maldives and to make trafficking in persons a criminal offense in the Maldives. In line with the Palermo Protocol, the Act criminalises offenses such as forced labour and fraudulent recruitment as acts of human trafficking.

It prescribes punishments and provides for prosecution of perpetrators as well as protection and assistance to victims to promote and protect the rights of trafficked victims. The penalty for a trafficking offense is imprisonment up to 10 years, extendable up to 15 years if children are involved.

Protection for victims provided for by the Act includes the designation of public officials and NGO representatives who are given the authority to identify potential victims, and entitles victims to receive care under the law, including shelter, healthcare, counselling, translation services, and police protection. The Act also provides a 90 day period during which victims can receive services while deciding on whether to volunteer assistance to authorities in a criminal case. The law also allows victims to lodge civil cases and for judges to order compensation during a criminal case.

Regulation on Employment of Foreign Workers in the Maldives (2011)

This Regulation is issued under Article 63 of the Employment Act and Articles 32, 33 and 35 of the Maldives Immigration Act.

It requires that employers must apply for a foreign worker quota, pay a security deposit for the migrant worker, ensure that work permits are issued before a foreign migrant worker can begin working in the Maldives, apply for a work permit card within 15 days of arrival, pay a monthly work visa fee, receive the foreign migrant worker at the port of entry, and register the migrant worker at the registry maintained by the relevant island or city council.

Work Visa Regulation (2010)

The Work Visa Regulation was issued according to the Maldives Immigration Act (2007), and stipulates that foreign migrant workers who enter the Maldives for work must have a valid work visa. The Regulation also sets out the conditions for entry of work visa holders which includes:

A passport with minimum of 6 months validity;

A security deposit paid to the Department of Immigration and Emigration 48 hours prior to arrival;

Honest and truthful answers to questions from Immigration Officers;

Specification of the purpose of entry;

An employment approval from relevant authorities; and

Being over 18 years of age.

Documents and payments for a work visa include:

Completed visa application;

Original employment contract or attested copy;

Original of employment approval;

Passport with 6 months validity;

Monthly visa fee;

Annual visa card fee;

Employer's National ID card or Registration Certificate of the company

2.4 Regulatory Bodies

The major regulatory stakeholders relevant to issues regarding foreign migrant workers are:

1. Maldives Immigration
2. Labour Relations Authority
3. Employment Tribunal
4. Maldives Police Service
5. Prosecutor General's Office

Maldives Immigration, formerly the Department of Immigration and Emigration, is the main authority responsible for migrant workers in the Maldives. The Immigration Act (2007) and the Work Visa Regulation (2010) require that migrant workers should have a valid work visa, which is issued by Maldives Immigration. It is also responsible for issuing quotas to employers in the various economic sectors in which foreign migrant workers are employed.

Employers holding the necessary quota can apply to Maldives Immigration, which takes deposits from employers for each migrant worker they employ to cover the cost of a one-way Economy class ticket to the migrant's country of nationality and an estimated rate for food and transportation, in case of deportation.

The Labour Relations Authority, established under Article 77 of the Employment Act (2008), is responsible for monitoring compliance with the relevant laws and regulations and to implement the "administrative steps" to improve compliance and awareness, as well as providing technical information and advice to employers and employees.

The Employment Tribunal is established under Article 64 of the Employment Act and oversees individual rights disputes and adjudication processes. Although Article 87 (a) of the

Employment Act on the composition of the Tribunal stipulates that the Tribunal must consist of seven members appointed by the President for a five year term, the Tribunal website currently only lists three members.

2.5 Other Stakeholders

MACI and MATI

As the two groups representing the industry interests of the two biggest employers of foreign migrant workers, Maldives Association for Construction Industry (MACI) and Maldives Association for Tourism Industry (MATI), are major stakeholders in issues related to foreign migrant workers. Established in October 2001, MACI represents the construction industry. It is chaired by a President elected from among its members and governed by a 15-member executive board. MATI was established in August 1982, and represents the tourism industry, with 15-member executive board.

Civil Service Organisations

Civil society organisations, such as Teachers Association of Maldives and Tourism Employees Association of Maldives, registered under the Associations Act (2003) advocate for worker rights in the absence of registered unions and labour organisations, including issues related to foreign migrant workers.

Labour Recruiters

According to Transparency Maldives' Maldives Migrant Worker System Assessment (2015), 25 employment agencies were registered at the Ministry of Economic Development in 2014, and 16 agencies were registered in 2015. However, there is no mechanism to determine how many of the 243 registered labour recruitment service providers are now active and offering these services.

3. Issues and Challenges

3.1 Internal Migration

Internal migration within especially the capital has transpired in several socio-economic and environmental issues.

Besides the growing income and wealth inequalities between the atolls and the capital and within the capital as explained above, internal migration to Male has contributed to a) a housing crisis and b) overpopulation and pollution.

3.1.1 A Housing Crisis

Housing is a basic right provided for in the 2008 Constitution as well as in the UN conventions that the Maldives has ratified (see HRCM, 2017). However, at a national level, some 12,000 families in the Maldives do not have adequate housing and '85 percent of the households in Malé are either crowding in with other families or living in

temporary/makeshift living space' (HRCM, 2017, p. 13). While the average household size for Male stood at 7.4, according to the 2006 Population and Housing Census, for example, 23% of Male households live in one room, 54% live in two rooms, and 77% live in three room (cited in HRCM, p. 13; also see UNDP, 2015, p. 61).

The HRCM Report on Housing therefore concluded that about 68% of the households could be considered overcrowded according to "adquate housing" criteria. It also concluded given the overcrowdedness, Male' is likely to be the city with the highest number of slums in a capital city of any Middle Income Country (HRCM, p.13).

In the capital, 63% of the households live in rented housing, while it is just 5% in the atolls (HEIS, 2018). Similarly, in Male, 23% of the expenditure by households is on rent, while it is just 1% in the atolls. The high demand for rental housing has led to exhorbitant rents compared to average income. In 2016, the average rent for Male stood at \$830, while the average household income was about \$2,400 (HIES, 2018).

3.1.2 Overpopulation and Pollution

The total land area of the capital Male is about 1.98 square kilometers. Based on the 2014 Census figures for Male population, therefore, about 66,000 people live per square kilometre in Male, making the Maldivian capital the 10th most densely populated area in the world (Hameed, 2018). The overpopulation in the capital has put enormous pressure on water and sanitation as well as to seemingly insurmoutable crisis of traffic congetion in the capital.



Aerial photo of Male. Photo: Shaheelias.

3.2 Immigration

Migrant workers have been described as ‘the most vulnerable and marginalised group of people’ in the Maldives (Transparency Maldives, 2018). They 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’ (United States Department of State, 2018).

Given this situation, the Maldives is placed under Tier 2 Watch List of human trafficking by the United States, showing that the Maldives does not comply with its Trafficking Victims Protection Act (TVPA) of 2000. The environment for their dire situation is encouraged by larger institutional and policy implementation challenges. This section explores the key issues migrant workers face and the contexts that encourage and enable those issues.

3.1.1 Trafficking

The Maldives is a destination country for men, women, and children subjected to forced labor and sex trafficking and a source country for Maldivian children subjected to human trafficking within the country (US State Department, 2018). Migrant workers face conditions of forced labor, including fraudulent recruitment, confiscation of identity and travel documents, withholding or nonpayment of wages, and debt bondage (US State Department, 2018).

Migrant workers pay the equivalent of approximately \$1,000 to \$4,000 in recruitment fees in order to migrate to Maldives, which also contributes to the risk of debt bondage inside the country. 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.

The US State Department report also states that 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 Male, the capital. Some underage Maldivian children are transported to Male from other islands for forced domestic service and some of whom are also reportedly subjected to sexual abuse.

Since the 2013 Anti-Human Trafficking Act was passed, three Bangladeshi men were sentenced to 10 years in jail for sex trafficking in November 2016. However, there have been no convictions since. Trials have been stalled in four different trafficking cases against five Maldivian and seven Bangladeshi defendants and the Prosecutor General’s office pressed sex trafficking charges against one Maldivian defendant. In October 2017, three prosecution witnesses testified in favour of the first Maldivians charged with human trafficking (Maldivian Independent, 2017).

According to the TIP Report, observers noted that some traffickers operate with impunity, exploiting their connections with influential Maldivians and alleged the government was

more likely to prosecute foreign suspects than Maldivian suspects. Observers also reported that some officials warned businesses in advance of planned raids for suspected trafficking offences and other labour abuses. The government has not reported any investigations, prosecutions, or convictions of government officials complicit in human trafficking offences.

3.2.2 No Adequate Housing

According to IOM survey in 2014, a total of 178 out of 210 migrants interviewed mentioned difficulties. Such difficulties included 'access to housing' (37%), 'unsatisfied with the salary level' (34%) or 'working conditions, e.g. security, health, contracts or rights (20%)'. The UN Special Rapporteur on Adequate Housing also noted that housing and living conditions of migrant workers were a recurrent issue and had assessed they endured 'hardship' in their sites and 'poses serious problems, including discrimination' (UN Special Rapporteur, 2010). They are forced to share small spaces with many others without adequate ventilation and basic facilities such as kitchen (see also IOM, 2018). Often they are forced to live in the places they work, including construction sites.



A migrant workers' living quarter (Photo: Maldivian Independent)

In the capital, 'as many as 30 men' may be 'sharing 3m x 3m flats without running water or sanitation facilities'. Human Rights Commission of the Maldives has also reported that 'these workers have to queue at public water taps to access clean water and often have sleeping shifts as not all of them are able to fit into the space they occupy at the same time' (HRCM, p. 15).

3.2.3 Lack of Adequate Healthcare

Crucially also, the majority of migrants had no medical insurance (74%) (IOM, 2014) and the local state healthcare system of Aasandha does not cover them. Undocumented migrant workers, lacking passports (because they have been confiscated) or work permits also may be denied medical care.

A Bangladeshi migrant worker, Kabeer Hussain, who worked as a cashier at a shop in the capital, for example, reportedly died in 2019 after he was unable to seek treatment as hospitals refuse to serve expatriates without passports or work permits (Maldives Times, 2019).

3.2.4 Over-work and Unsafe Working Conditions

A video and photos showing 200 migrant workers packed into a small ferry that became viral on social media in 2018 highlighted the inadequate safety in the working conditions that migrant workers face in the Maldives. The workers were travelling to a resort under construction crossing a sea beyond the capacity of the ferry and without sufficient life jackets.

Migrant workers face grave occupational safety and health issues especially in the construction industry (IOM, 2018). A WHO Report in 2008 stated that 'Construction workers mostly migrant labourers are exposed to the risk of accidents from fall and injuries from other objects' (WHO, 2008, p. 4). There have also been reports of death from falling because of inadequate safety measures.

In August 2018, for example, a Bangladeshi migrant worker died after falling into a brick laying machine in Fares Island, where a resort was being developed (Maldivian Independent, 2018).



Independent

A former Bangladeshi High Commissioner to the Maldives alleged that workers' death due to lack of safety precautions is a 'commonplace' in the Maldives (Mohsin, 2017).



A ferry carrying migrant workers to a resort under construction (Photo source: social media)

3.2.5 Other Issues

Migrant workers also faced a range of other issues. According to Labour Relations Authority, non-payment of wages was a key issue (cited in IOM, 2018). There have also been several cases of violence and xenophobic attacks against migrant workers (see, for example, Minivan News, 2015).

3.2 Challenges Surrounding Immigration

3.3.1 Loopholes, gaps, and corrupt practices in the system

In 2018, the Anti-Corruption Commission of the Maldives found that administrative and procedural shortcomings and gaps related to migrant workers have resulted in corruption, leading to human trafficking (ACC Maldives, 2018). One issue in this respect is the lack of record keeping of migrant workers at the local council level. Only 44 out of 181 local council offices maintained a register in 2018. A second issue is related to lack of monitoring mechanism for migrant workers who may migrate within the country. A third issue is lack of a monitoring mechanism within the Immigration Authority that ensures rules and laws related to migrant workers are enforced. Finally, there is also no comprehensive database of migrant workers maintained by the authorities (ACC Maldives, 2018, pp. 3-4).

A report Transparency Maldives (local chapter of anti-corruption watchdog Transparency International) also claimed that there was 'evidence of significant loopholes within the [migration] system that can facilitate corruption' (Transparency Maldives, 2015, p. 22). Such evidence included the huge sums paid by migrant workers to recruitment agents within the Maldives and their own countries of origin in order to migrate to the Maldives as explained previously.

The corruption involved in recruitment seems to be systemic and government's own assessment found that the immigration authority is implicated in corruption related to immigration of migrant workers (Transparency Maldives, 2019). Recruitment agents are also believed to pay bribes to state officials and private sector companies to recruit people from certain countries (Transparency Maldives, 2015, p. 23). Employers are also able to get permission from the immigration authority to bring more workers than the quota allocated for them. They often then subcontract those workers to other employers (see IOM, 2018, p. 165). These gaps in the system and corrupt practices together increase the vulnerability of migrant workers to the abuses, exploitation and trafficking as explained previously.

Although the government enacted anti-trafficking legislation in 2013, enforcement is very weak. For example, the steering committee under the Prevention of Human Trafficking Act has not convened a single time since 2017 and has not produced any required annual reports to be submitted to the President and Parliament (Transparency Maldives, 2019). While enforcement gaps therefore exist, some of the agencies such as the Labour Relations Authority and Employment Tribunal mandated to address labour related issues may also be genuinely overburdened (Transparency Maldives, 2015; see also IOM, 2018).

3.3.2 Limited Civic and Organised Action

Migrant workers' issue is not a political or electoral priority issue in the Maldives and does not receive organised attention. While the Maldives has many civil society organisations, civil society is very weak in the country (see Rajje Foundation, 2008). There has been sporadic activism on migrant workers' issues, often limited to a very active social media in the country. Transparency Maldives is perhaps the only NGO in the country that does any advocacy on migrant workers. There are also no formal unions in the Maldives, although there are some labour related associations such as Tourism Employees Association of the Maldives (TEAM) or Teachers Association. Thus, the main pressure that exists for the government to address issues related to migrant workers comes from external actors such as the US.

3.3.3 Political Economic Challenges

While the Maldives' has generally a liberal legal architecture for migrant workers, the gaps in enforcement, as well as the regress in some areas suggest the influence of the imperatives of neoliberal political economic regime in the country. In other words, while certain formal liberal rights do exist, they often remain at the level of law.

Thus, although there has been talk of minimum wage for a while, so far such a law has not been passed, sustaining the neoliberal race to the bottom of the wages and the drive for maximum profit. Similarly, the economic discriminations against migrant workers also suggest the influences of neoliberal imperatives. For example, migrant workers are denied certain benefits such as the bonuses for the fasting month of Ramadan that are otherwise given to their Maldivian counter-parts, and a new remittance tax on migrant workers has been introduced since 2016 while there is no an income tax system at all in the country.

These key challenges related to governance, civic action and neoliberal political economic imperatives together mean it is unlikely that issues related to migrant workers will be adequately addressed in the near future.