

FROM EXPLOITATION TO DECENT WORK : SHAPING INCLUSIVE POLICIES ADVANCING RIGHTS OF MIGRANT WORKERS

POLICY RECOMMENDATIONS

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This study was conducted as part of the “Labour Migration Project,” supported by a grant from The Asia Foundation.

Published date

June 2024

Published by

Public Interest Law Centre [PILC]

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The Public Interest Law Centre [PILC], a non-governmental organisation in the Maldives, determined to identify, inform and encourage areas of reform to conduct a study titled “Vulnerabilities and Pathways to Exploitation of Bangladeshi Migrant Workers in Maldives”, which examines issues and challenges faced by migrant workers in the Republic of Maldives, specifically those from Bangladesh. The Study strives to provide stakeholders with a clear, fact-based understanding of migration patterns, processes, and complexities; identify gaps and needs in responding to risks and vulnerabilities related to migration, employment, and the rights of migrant workers; and propose action-based policy recommendations for public institutions, recruiters and agents, and civil society to deter and prevent high-risk migration and exploitative labour practices.

This Policy Paper, informed by the Study, delves into the multifaceted challenges that Bangladesh migrant workers encounter in the Maldives. It outlines the key findings, innovative strategies and policy implications that have emerged from rigorous examination of the issue, and aims to inform and encourage Government and policymakers, to craft inclusive, rights-based, and sustainable policies to counter the issue and inspire positive change.

Initially, this paper provides rationale and context for the issue of Bangladeshi migrant workers, diagnosing the issue and explaining the broad goals and underlying motivations for the Paper. Following which, an overview of the processes carried out in conducting the Study is provided, along with activities carried out to disseminate the information of the Study and the methodology of formulating this Paper.

As the situation of Bangladesh migrant workers in the Maldives is multifaceted, this Paper is designed to contain separate issue-based subheadings as detailed below, whereby each subheading consists of an examination of the specific issue. The sections outline the findings of the Study and are developed to provide policymakers and stakeholders with a clear understating of the challenges at hand and the potential avenues for progress backed by evidence. It suggests innovative strategies and policy options and recommendations, as well as policy implications.

AREAS FOR REFORM

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| 1. Legislative framework | 8. Discrimination and abuse |
| 2. Institutional framework | 9. Labour exploitation, forced labour and trafficking in persons |
| 3. Labour migration mechanism | 10. Inter-country coordination |
| 4. Recruitment | 11. Labour administration system |
| 5. Legal status | 12. Decentralisation |
| 6. Working conditions | 13. Access to justice |
| 7. Workplace protections and incidents | |

The Paper concludes with a summary of recommendations, providing an insight into the bigger picture, and highlights the imminent need to attend to and rectify the issues faced by migrant workers in the Maldives.

BACKGROUND

In an ever-globalizing world, the contribution of migrant workers has become an integral aspect of our social and economic landscape. Yet, the dedication, resilience and courage of these individuals often go unnoticed. From rural islands to bustling cities, these individuals leave the familiarity of their homelands in search of better opportunities and a brighter future for themselves and their families.

Migrant workers in the Maldives form a major percentage of the workforce in tourism, hospitality, construction, agriculture, and fisheries services. High-skilled workers are also employed in the education and health sector, addressing workforce shortages. These individuals bring diverse skills and expertise, adding value to the workforce and driving innovation. Moreover, their willingness to take on jobs that may be less desirable to the native population, contributes immensely to economic growth and stability.

Despite their essential contributions, migrant workers in the Maldives, specifically those originating from Bangladesh, face a plethora of challenges that often remain hidden from mainstream discourse. From difficult migration processes and legal complexities, to exploitation, precarious working and living conditions, discrimination and social marginalisation, these workers encounter a myriad of obstacles.

Resolving challenges faced by migrant workers immediately, is not only a matter of humanitarian concern, but also a strategic approach to building fairer societies, bolstering economies, and fostering a more inclusive and sustainable future.

The main objective of the Study was to understand the challenges faced by the migrant community in the Maldives by exploring the interplay between migration, labour exploitation, and trafficking. This was analysed by identifying the current issues and challenges faced by Bangladeshi migrant workers. Given the topic's sensitive nature, it is particularly relevant for policymakers to grasp the relationship between these components, particularly regarding the personal experiences of migrant workers. This would assist stakeholders in identifying key areas for improvement, including loopholes in the existing framework that exacerbate the issues and challenges facing the migrant community.

The Study assumes that the decision of a Bangladeshi worker to migrate to the Maldives is influenced by three main factors: (1) the individual's positive or negative evaluation of the Maldives; (2) the person's perception of economic potential in the Maldives; and (3) perceived gainful economic opportunities, influenced by kinship-based relations, which describes the person's perceived self-efficacy or ability to adjust with the Maldivian society.

Structural barriers such as lack of access to legal services and socio-economic marginalization are likely to play less influence on decision-making. As a result, skills, knowledge, and other resources are not critical determinants for a migrant's perception of economic activities in the Maldives.

METHODOLOGY

The Study focused on the Maldives as a destination country for Bangladeshi migrant workers, intending to identify major issues and challenges faced by the Bangladeshi migrant workers residing in the Maldives, examining labour migration, labour exploitation, and human trafficking.

Initially, a desk review of existing literature regarding migration, labour exploitation, and trafficking in person was conducted to capture the situation. Previous research, reports, documents published by the State, international and local sources, newspaper articles, and information collected from cases undertaken by the PILC were reviewed. The existing policy framework was summarised and reviewed, focusing on the institutional mechanism.

Additionally, interviews with key stakeholders were conducted to evaluate mechanisms and to study relevant local and international literature on migrant workers to identify gaps and systematic loopholes. The information was then evaluated in light of the legislative and institutional framework for migrant workers in the Maldives and dominant human trafficking indicators.

Field work was carried out for the Study, on both documented and undocumented Bangladeshi migrants, in Bangladesh and in the Maldives. Although the population is subjected to data discrepancies due to the unavailability of data, the target population of this Study was set based on the available data. The resident Bangladeshi working-age population, estimated at 128,538 at the time of data collection, was considered the target population for this Study. A total of 847 responses from 17 locations were collected to capture an accurate depiction and maintain the validity and reliability of the data.

A quantitative survey was conducted using a purposive, convenient sampling method to identify the issues and challenges faced by the Bangladeshi migrant community and the prevalence of the problems identified. The survey instrument was based on the ILO Human Trafficking Indicators, of which had been adapted to the scope of the Study. The collected data were analysed using Statistical Package for the Social Sciences [SPSS]. This approach is intended to delve into the topic to understand the prevalence of issues faced by the migrant community and to evaluate the interplay between migrant workers, agencies, and stakeholders in formulating and exacerbating the issues and challenges. The interaction between the identified issues was construed by analysing existing legislation, policies, and their implementation. The three components are interlinked with a commonly shared underlying issue: violation of human rights and labour rights, exacerbated by systemic discrimination, racism, and xenophobia.

1. LEGISLATIVE FRAMEWORK

The findings of the study illustrate that despite the framework governing labour migration and trafficking in persons, human rights and labour rights violations continue to persist. To remedy which, a more comprehensive framework, in line with internationally recommended standards, should be enacted and implemented in the Maldives.

1.1 Ratify and domesticate the international conventions relevant to labour migration

The global framework concerning migration, employment, and trafficking of migrants elaborates on and builds on the international instruments and treaties to which the Maldives is party to. While Maldives has ratified 8 out of the 9-core international human rights treaties, the only one not ratified, is the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families [ICRMW]. Despite expressed commitments by various Governments to protect the rights of migrant workers and their families, Maldives has yet to ratify ICRMW, with or without reservations, due to concerns based on the country's cultural, traditional, and religious beliefs.

As for conventions of the International Labour Organisation [ILO], Maldives ratified 10 conventions, covering areas such as forced labour, freedom of association and right to organise, collective bargaining, equal remuneration, discrimination, minimum age, occupational safety and health and worst forms of child labour. However, Maldives has yet to sign important instruments that protect the rights of migrant workers, such as the ILO Migration for Employment Convention and the ILO Migrant Workers (Supplementary Provisions) Convention.

- *Ratify and domesticate the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.*
- *Ratify and domesticate ILO Migration for Employment Convention and the ILO Migrant Workers (Supplementary Provisions) Convention.*
- *Ratify and domesticate other related conventions, and recommendations to ensure that migration management laws are not subject to easy manipulation.*

1.2 Improve implementation of laws

Rights and freedoms of migrant workers are protected in the Maldives, through certain articles in the Constitution of the Republic of Maldives, and various laws enacted in relation to labour regulation. There are 3 (three) key pieces of legislation that were enacted to govern the highlighted distinct areas but interlinked areas (migration, employment and prevention of trafficking) to ensure that the rights enriched in the Constitution are further safeguarded. Despite the established framework, the findings of the study highlight that the provisions and guarantees provided by law are not implemented in practice.

- *Allocate sufficient human and financial resources to ensure effective implementation of the laws in place.*

- *Provide stakeholders with adequate knowledge, capacities and tools to comprehensively implement guidelines in place.*
- *Support implementation of local laws informed by international directives, laws, and case laws to ensure protection of migrant workers and their employers.*
- *Review and evaluate the existing mechanisms to enforce the legislative framework, its effectiveness, and impact on the lived experiences of workers.*

1.3 Adopting a rights-based approach to implementation of laws

Despite the fundamental rights and freedoms enshrined in the Maldivian Constitution, local laws and its implementation do not adequately safeguard the human rights and labour rights of migrant workers as stipulated. This could be owed to the fact that achieving these rights are not considered the optimal goal or outcome of implementation of laws.

- *Adopt a rights-based approach to implementing local laws, to address to inequalities which lie at the heart of the highlighted issues, to redress discriminatory practices and remedy unjust distributions of power.*
- *The rights of migrant workers ascribed by law must be highlighted and tied to the corresponding responsibilities and obligations placed onto employers by law.*
- *The rights of workers must be enshrined and protected without distinction made based on nationality and legal status. Laws and policies enacted, where possible, must apply uniformly to all persons.*

1.4 Improved advocacy and awareness on the legislative framework

To make up for the lax monitoring and enforcement of laws and given that the current mechanism is heavily reliant on migrant workers themselves to identify and report violation of laws, awareness and advocacy activities must be conducted to inform all parties involved of the due procedures, safeguards in place, and the rights and protections afforded to them by law.

- *Create awareness and improve advocacy among employers, stakeholders and the migrant population on the legislative frameworks in place*

2. INSTITUTIONAL FRAMEWORK

2.1 Enhance interagency coordination

With reference to the web of connections among agencies in facilitating and monitoring migration, labour, and in combatting trafficking in persons, it is vital for the key stakeholders involved to coordinate in managing the labour migration regime. This highlights the cruciality of recognising the work conduct by one agency by the other, sharing of data, and recognition of actions, penalties and fines imposed across agencies. Contradictory actions taken by different agencies deter workers from obtaining positive results, as their grievances remain unaddressed.

- *Improve data sharing across agencies*
- *Recognise actions and implementations of agencies across stakeholders. Government agencies to coordinate with each other wherein actions and sanctions implemented by one agency be recognized by others*
- *Ensure non-duplication and precise distribution of resources and mandates amongst stakeholders*
- *Promote the involvement of NGOs and CBOs within the labour migration regime by providing incentives.*

2.2 Ensure independency, transparency and accountability of organisations

Given that the mandate to govern labour migration lay with the Ministry of Economic Development, instances where actions and sanctions imposed by delegatory agencies are not recognised and are overridden by the Ministry were highlighted. This in turn, infringes the independency of established agencies, primarily, the Labour Relations Authority [LRA].

- *Ensure the independence of monitoring agencies.*
- *Ensure the independence of enforcement agencies.*
- *Require third party financial and performance audits to ensure transparency, and to evaluate performance.*
- *Enable LRA, through allocation of sufficient resources and more legal authority, to impose sanctions and administrative actions in relation to violation of laws and regulations relating to migrant workers.*

3. LABOUR MIGRATION MECHANISM

3.1 Proactive management of the labour migration system

Following the initial establishment of the labour migration mechanism, the system has since been subject to rapid changes to accommodate the growing population of migrant workers and their demands. However, these adaptations continue to be reactionary, whereby changes are brought to redress issues arising from implementation of the mechanism. Exemplary instances are highlighted with the mechanism to report workers as having absconded from employment, as well as the regularisation mechanism.

- *Adopt proactive approaches to managing the migration system, with evidence-based planning and policymaking.*
- *Reconsider the framework and parameters for regularisation programmes and focus on proactive preventative measures.*

3.2 Improved transparency of the migration management system

As the mechanism continues to expand with the identification of issues, ad hoc remedies to address issues implemented on a case-by-case basis contributed to the complexity and inconsistency of the measures. These unwritten policies and practices, and the lax monitoring of which provides leeway for non-compliance, and exploitation. In turn, this increases the complexities of the mechanism, making it difficult for stakeholders, employers and migrant workers to navigate the system. Furthermore, unwritten policies and practices, and the lax monitoring of which provides leeway for non-compliance, and exploitation.

- *Ensure establishment of clear and transparent procedures for the migration management system.*
- *Ensure transparency of policies and mechanisms established.*

4. RECRUITMENT

4.1 Increase understanding of recruitment supply chains and facilitators

To fully understand how the labour migration regime impacts migrant workers and to build accountability and safety for workers, it is essential to understand how recruitment chains work.

- *Conduct studies on the recruitment supply chains to the Maldives to determine how irregular recruitment and migration occur and improve the effectiveness of licensing and registration of labour recruiters to increase transparency and accountability.*
- *Recognise the complexities of recruitment supply chains, whereby laws and regulations are enacted and implemented with reference to the dimensionalities and complexities involved in the recruitment process in reality.*
- *Incorporate the realities and practical implementation of laws, and factor in its consequences on the migrant population in formulating recruitment guidelines.*
- *Develop and disseminate educational materials and online and in-person training that raises employer awareness about risks and consequences related to unethical recruitment.*

4.2 Increase regulation and monitoring of recruitment supply chains and facilitators

Despite the established laws and policies governing recruitment of migrant workers, the lax implementation results in the infringement of fundamental labour rights and human rights of workers during the recruitment process, as highlighted by the Study. As the current mechanism has continued to be paper park, the findings highlight the need to envisage the lived realities of workers, and the functioning of the recruitment supply chains into formulation of policies.

- *Revise legislation to ensure that recruitment is only facilitated through registered recruitment agencies.*
- *Ensure that improved inspections are carried out in addition to implementing the licensing schemes for recruitment agencies and improve screening of applicants by conducting criminal record checks.*
- *Regularly publish the names and contact details of all licensed and registered recruiters.*
- *Regularly publish details of recruiters under investigation for non-compliance and whose licence or registration has been suspended or revoked, and the reasons for such actions. Sub-agents should have their names and contact details publicly available in local-level government offices or other relevant institutions.*
- *Level the playing field to ensure that recruiters and employers comply with the same international standards and that exploitative recruiters are not able to profit from*

undercutting compliant agencies. To this end, parties found to be in violation of fair recruitment principles should be barred from providing such services.

- *Require license and registration holders to report annually on the steps taken to combat exploitation, including addressing risks of trafficking in persons and forced labour, to ensure that regulation remains consistent and to reinforce combating exploitation.*
- *Support and/or establish consider supporting and/or establishing electronic platforms that will allow workers and their organizations, civil society organizations (CSOs) and employers to independently review recruiters and periodically assess them.*
- *Implement a strengthened supervisory and enforcement mechanism in line with international standards to ensure the incorporation of recruitment agencies within the process, as means to eliminate recruitment fraud and labour exploitation by employers.*
- *Practically and fully include recruitment agencies in the recruitment process.*

4.3 Prohibition of deceptive and exploitative recruitment practices

Despite the legislative framework on recruitment in place, abusive recruitment is observed in the Maldives, where workers are often lured to indebting themselves for large amounts of money to secure purportedly lucrative employment in the Maldives, resulting in the workers being subjected to labour violations, forced labour, and, in some instances, trafficking.

Recruiters and recruitment agencies often leverage the vulnerabilities of migrant workers, resulting from deception, by capitalising on the significant advantage they have over migrants and exploiting the socioeconomic status of workers by recruiting a substantial population from rural communities, thus resulting in the community's reliance on the inflow of remittances for its stability.

- *Prohibit, in practice, the charging of recruitment fees and related costs to migrant workers.*
- *Obligate employers to conduct due diligence on their supply chains to ensure that no recruitment fees have been charged to workers.*
- *Obligate employers to establish financial compensation schemes to refund any recruitment fees charged to workers.*
- *Introduce a system whereby employers can also be held jointly liable where their workers are subjected to abusive recruitment practices.*
- *Introduce a range of penalties, commensurate to the harm caused to the migrant worker, aimed at employers who subcontract non-compliant or illegal recruiters.*
- *Establish a grievance mechanism through which recruitment related issues can be highlighted by all parties involved, including stakeholders, migrant workers and employers.*

4.4 Penalising deceptive and exploitative recruitment practice

Sufficient penalties and monitoring mechanisms are yet to be established to curb deceptive and exploitative practices. Hence, practices such as charging of recruitment fees, debt bondage, deception related to employment, wages, and accommodation remains a common practice in the Maldivian foreign labour market, despite these being indicators of forced labour.

- *Establish a firewall between immigration authorities and regulatory bodies responsible for recruitment to encourage reporting while protecting migrant workers.*
- *Develop and implement meaningful, globally recognized and evidence-based ratings, rankings, and reward schemes for labour recruiters to incentivise compliance with applicable national laws and policies and ethical recruitment standards.*
- *Introduce ethical recruitment standards as a condition of entry into Government projects.*
- *Proactive identification, reporting and penalisation of exploitative and deceptive practices, as opposed to reliance on the migrant community to report such abuses.*

4.5 Promote fair and ethical recruitment practices

The lax monitoring of supply chains and non-recognition of the complexities involved has resulted in unreliability of recruitment service providers, whereby their reputation has been tarnished, even for recruitment parties that operate within the scope of the law. This, in turn, highlights the importance of enacting and implementing fair recruitment principles and considering labour migration and matters related to it from a rights-based perspective.

- *Ensure fair and ethical recruitment practices, through imposing legal obligations on recruiters to comply with a globally recognised ethical code of conduct for recruitment.*
- *Adopt or, where necessary, strengthen laws and regulations to promote fair and ethical recruitment in compliance with international standards. Relevant laws and regulations should encompass all stages of the recruitment process.*

5. LEGAL STATUS

5.1 Increase awareness on legal status of migrant workers

The findings of the study illustrate that workers are often unaware of their legal status, or ways in which they could become undocumented. As a result of which, they cannot remedy irregularity within the ascribed period of time.

- *Ensure, in law and in practice, that workers are made aware of their legal status, including provision of clear guidelines regarding procedures, processes, terms of entry, exit, stay, employment, and residence.*
- *Create awareness on how migrant workers become undocumented.*

5.2 Prevent workers from falling into irregularity

The Study indicates that the majority of workers migrate to the Maldives through regular channels, following which they fall into irregularity for various reasons. However, the current mechanism places the burden on workers to remedy their statuses despite this.

- *Prevent workers from falling into situations of irregularity by amending the legislative framework.*
- *Incentivise employers to maintain the legal statuses of their migrant employees.*

5.3 Abolish the sponsorship system linking migrant workers to their employers to maintain legal status

The legal framework relating to migrant workers in the Maldives, is designed in a way that workers are legally bound to their employers, who assume the role of sponsors for their residency. Workers are not allowed to enter or leave the country or transfer employment without the explicit permission of the employer or sponsor. Upon evaluating the Study's findings regarding the legislative framework in place, it is evident that the sponsorship arrangement must be overhauled to protect workers' rights, freedoms, and dignity.

- *Effectively remove the sponsorship arrangement to increase the agency and autonomy of workers, removing them from being bound to their employers.*
- *Replace the mandatory obligation for employers to provide accommodation and grant a living allowance to the workers to enable them to seek accommodation independently.*
- *Prohibit, both in law and in practice, the confiscation or retention of passports.*

6. WORKING CONDITIONS

6.1 Ensure fair and timely compensation for workers

Migrant workers have the fundamental right to fair wages that reflect the value of their labour and are equivalent to those of local workers performing similar tasks. This encompasses timely payment of wages, adherence to minimum wage laws, and compensation for overtime work. Ensuring wage rights involves implementing and enforcing robust legal frameworks that prevent wage theft, underpayment, and deductions without consent.

- *Guarantee that migrant workers receive fair wages comparable to those of local workers.*
- *Enforce timely payment and compensation.*
- *Include migrant workers in minimum wage laws.*
- *Mandate payments through monitored bank transfers to ensure accountability.*
- *Encourage employers to ensure that workers have full, unhindered access to their own bank accounts for wage deposits.*

6.2 Establish clear terms of employment

Transparency in employment contracts, clear communication of wage details, and access to grievance mechanisms are crucial for protecting these rights. Upholding wage rights not only promotes economic justice and social equity but also empowers migrant workers to contribute meaningfully to both their host and home countries' economies.

- *Require clear and transparent employment contracts detailing terms of employment.*
- *Ensure that the terms of employment are adequately and accurately conveyed to workers.*
- *Promote practical information sharing, which could include initiation of pre/post departure mandatory trainings.*

7. WORKPLACE PROTECTIONS AND INCIDENTS

7.1 Ensure workers are provided safe and healthy workplaces

Studies show that immigration status and unskilled labour add to the risks of unfair, unsafe, and unhealthy working environments. This can be seen in practice, with a significant number of complaints and cases lodged by migrant workers with the LRA.

- *Effectively implement the Occupational Safety and Health Act.*
- *Ensure workers are provided with personal protective equipment and safety guidelines.*
- *Address the issues of living conditions of migrant workers, by implementing and enforcing national and international standards that mandate safe, hygienic, and spacious living conditions. This includes ensuing provision of basic amenities such as water, sanitation and hygiene, cooking facilities, and laundry services, alongside ensuring structural safety and fire prevention measures.*
- *Ensure autonomy of migrant workers by discarding the sponsorship arrangement and allowing workers to seek their own accommodation.*

7.2 Improve access to healthcare

Although policies permit undocumented workers to acquire health insurance, workers are often unaware of this. Instances where healthcare service providers deny workers access to healthcare based on their legal status, including refusing treatment for those without identification documents or work permits, continue to be prevalent, occasionally leading to fatalities. Therefore, even where workers are documented and have identification documents, valid work permits, and bank accounts, they may still face barriers to accessing healthcare.

- *Remove barriers in accessing healthcare.*
- *Introduce comprehensive social protection and healthcare schemes for migrant workers, inclusive of undocumented workers. This should go beyond injury compensation.*
- *Conduct awareness sessions on healthy living, and national campaigns on preventing non-communicable diseases and communicable diseases*

7.3. Increase monitoring and enforcement

Despite the framework delineating health and safety standards, the study illustrates that occupational safety and health incidents continue to prevail. It is also noted that penalties are not imposed for non-compliance with set standards, which in turn does not deter violation of laws.

- *Strengthen and adequately resource monitoring and inspection mechanism.*
- *Impose adequate sanctions for non-compliance with regulations.*
- *Carry out regular monitoring and inspection of accommodations.*
- *Carry out proactive inspections at workplaces following workplace incidents and injuries to ensure protection and prevention.*

8. DISCRIMINATION AND ABUSE

8.1 Increase awareness and advocacy regarding non-discrimination and prevention and reporting of abuse

Workers should be made aware of what constitutes discrimination and abuse, as the findings of this Study show that workers are not aware when they are being abused or discriminated against and therefore are likely to be ambivalent towards their experiences.

- *Ensure workers are aware what constitutes discrimination.*
- *Ensure workers are aware what constitutes abuse.*
- *Improve advocacy efforts to impose adequate sanctions on those who discriminate against, or abuse workers.*
- *Take measures to address hate speech against migrants workers that lead to systematic abuse and discrimination.*

8.2 Ensure access to remedies for workers and imposition of adequate sanctions for non-compliance

Workers should also have meaningful access to appropriate and effective remedies for safe, fair, gender-responsive reporting and complaint mechanisms and support in cases related to abuse, violence, and harassment.

- *Workers should be enabled to change their workplace or employer, if discriminated against or abused.*
- *Provide safeguards so that workers are not punished for reporting discrimination or abuse, and/or participating in investigation or lawsuit or opposing discrimination or abuse.*
- *Require employers and stakeholders to respond appropriately to discrimination and abuse or to report it to individuals who are authorized to respond.*
- *Provide prompt and effective corrective and preventative action when necessary.*
- *Implement measures to prevent and address physical and verbal abuse in the workplace, including effective grievance mechanisms and legal protections for workers.*

9. LABOUR EXPLOITATION, FORCED LABOUR AND TRAFFICKING IN PERSONS

9.1 Strengthen and enforce the legislative framework to combat exploitation, forced labour and trafficking

Migrant workers face widespread exploitation through practices such as wage theft, excessive working hours, and unsafe conditions, driven by economic desperation and lack of legal protections. Despite frameworks to prevent trafficking and forced labour, the Maldives remains a significant hub for human trafficking. Addressing these issues requires strong legal frameworks, enforcement, and international cooperation to safeguard their rights and well-being.

- *Strengthen enforcement of laws against trafficking, forced labour, and fraudulent recruitment.*
- *Address the continuum of experiences of workers, recognising that exploitation exists at different levels, which at its extreme amounts to forced labour through means of trafficking by imposing measures of various levels.*
- *Strengthen regulations and oversight to prevent exploitation of migrant workers, including through unregistered recruitment channels.*
- *Strengthen regulations to prevent deceptive recruitment practices and ensure workers have access to accurate information about their employment.*
- *Monitor and enforce regulations to prevent movement restrictions imposed by employers.*

9.2 Enhance capacity of stakeholders to combat exploitation, forced labour and trafficking

Although the local framework details guidelines to be imposed to combat exploitation, forced labour and trafficking in persons, the implementation of the framework remains lax. To remedy which, the capacity of stakeholders to address these issues must be enhanced.

- *Enhance coordination among stakeholders to improve prevention efforts and victim assistance.*
- *Allocate resources to support anti-trafficking initiatives, including the operation of shelters for victims. Ensure proper investigation and prosecution of trafficking cases, with adequate resources and support for victims.*
- *Enhance training for law enforcement to identify trafficking victims during raids and screenings.*
- *Invest in training and resources for law enforcement agencies to improve conviction rates.*
- *Conduct comprehensive research and surveys to gather data on trafficking in persons and migrant living conditions.*

9.3 Increase advocacy and awareness to identify exploitation, forced labour and trafficking.

In spite of the violations of human rights and labour rights identified throughout the study, the extent to which respondents considered themselves as having been deceived or exploited remained relatively low. This indicates the need for increased advocacy and awareness efforts to increase knowledge on what constitutes exploitation, forced labour and trafficking.

- *Increase awareness among migrants and stakeholders about trafficking indicators and reporting mechanisms.*
- *Implement comprehensive support systems for workers vulnerable to exploitation, including access to legal aid, psychosocial support, and safe migration pathways.*

10. INTERCOUNTRY COORDINATION

Intercountry coordination in relation to migrant workers is crucial for ensuring fair treatment, protection of rights, and fostering mutual economic benefits. Effective coordination involves bilateral and multilateral agreements that standardize labour conditions, enforce legal protections, and facilitate safe migration processes. It helps address challenges such as exploitation, discrimination, and human trafficking by setting consistent regulatory frameworks and sharing best practices.

- *Increase collaboration between government agencies of origin and destination. support developing and implementing effective recruitment regulations.*
- *Strengthen cross country coordination to work against imposition of recruitment fees both at source countries and the Maldives.*
- *Strengthen international relations/bilateral understanding between source countries and the Maldives.*
- *Prioritise information sharing between source countries and the Maldives.*
- *In negotiating and concluding Bilateral Labour Agreements. Memorandums of Understanding, and trade agreements include provisions to promote ethical recruitment and labour practices.*
- *Include consular protection and consider mechanisms to ensure regular review, evaluation, and effective monitoring and implementation in frameworks for cooperation.*
- *Explore the potential for expanding government-to-government involvement in recruitment, including through public–private partnerships.*
- *Support establishment of Migrant Resource Centres in countries of origin.*
- Resource the deployment of labour attachés to destination States
- Establish and promote capacity building initiatives pre- and post-migration to safeguard workers from falling into exploitative situations.

11. LABOUR ADMINISTRATION SYSTEM

A labour administration system is crucial to ensuring effective and ethical practices in labour administration. Such a system is intended to cater to three main areas: policy shaping, formulation, and implementation. When the geographical dispersion of the country is accounted for, the need for a system encompassing several public administration bodies, including local governments, to govern and ensure the cooperation of which an approach is offered is highlighted.

The formulation of labour policies, monitoring, and implementation has been unfairly biased in favour of businesses. This may be remedied by consolidating the four components of labour administration; labour inspection, labour relations, employment, and research into one ministry with specific labour mandate/portfolio. This would contribute to developing and maintaining a climate to promote economic efficiency and social equity.

- *Establish a labour administration system which is in line with the ILO Convention No: 150 and Recommendation No: 159.*
- *Establish a separate employment department to oversee employment facilitation, monitoring labour market, data collection and maintenance, which would contribute to a holistic approach to issues faced by migrant workers.*
- *Promote research and subsequent evidence-based policymaking and implementation to ensure that the policies on paper does not negatively impact migrant workers, employers, stakeholders and the general labour market.*

12. DECENTRALISATION

While Maldivian laws and policymaking is centralised, enforcement and monitoring mechanisms are decentralised. However, the hesitancy on the part of the State to decentralise authority to local councils has curtailed the ability and effectiveness of the decentralised system in performing to the best possible standard, specifically in exercising supervisory roles. Even where responsibility is delegated, it is evident that capacity-building initiatives on the subject and service provision focusing on transparency and integrity in providing services must be conducted before local governments can take on such a responsibility.

- *Enhance fiscal decentralisation and ensure operational budgets of local councils are based on realistic requirements made through detailed consultations.*
- *Delegate functions of stakeholders to councils to ensure effective implementation, monitoring and enforcement across the country.*
- *Enable the local councils, in practice, to manage their resources without undue interference from the central, based on work plans formulated by individual units of the councils.*
- *Allocate designated human resources to ensure monitoring and implementation of delegated tasks.*
- *Conduct trainings on evidence-based decision making in exercising powers of the local councils.*

13. ACCESS TO JUSTICE

While access to justice is a fundamental human right and an essential aspect of ensuring fair treatment and protection against exploitation and abuse, migrant workers often face significant barriers, including language barriers, unfamiliarity with the legal system, and fear of retaliation or deportation. These obstacles can prevent them from seeking redress for issues such as wage theft, unsafe working conditions, and discrimination.

Ensuring access to justice requires comprehensive measures, such as providing legal aid, translation services, and advocacy support. It also involves creating an inclusive and transparent legal framework that recognizes the rights of migrant workers and facilitates their participation in legal processes. By removing these barriers and ensuring equal access to justice, societies can protect the dignity and rights of migrant workers, promote social equity, and foster a more inclusive and just environment for all.

- *Increase and promote legal literacy in areas related to migration, employment and trafficking.*
- *Strengthen the mechanisms for addressing wage disputes and grievances.*
- *Establish and enforce robust legal frameworks to prevent wage theft and underpayment.*
- *Provide migrant workers with protection from retaliation and negative repercussions.*
- *Establish a national mechanism for legal aid, affording legal assistance for migrant workers who seek to pursue labour-related issues/claims.*
- *Provide translation services as a right, without delay throughout the migration cycle.*
- *Expand the range of remedies which workers can seek where they have been extorted or exploited, making sure that access to them is easy and free to migrants.*
- *Support and fund the establishment of toll-free, 24-hour hotlines to ensure that appropriate assistance is offered to those who need it, that workers are adequately informed about grievance mechanisms, and to monitor patterns of labour exploitation.*
- *Review the tribunal process to align it with international best practice and make it more accessible and less bureaucratic.*
- *Provide training to labour attachés and/or social welfare attachés in grievance and dispute resolution mechanisms to adequately support migrants working abroad.*
- *Establish shelters for victims of exploitation, forced labour and trafficking in persons.*

CONCLUSION

In light of the prevailing discourses surrounding labour migration in the Maldives, this policy paper delves into the often-overlooked vulnerabilities and exploitation pathways faced by Bangladeshi migrant workers. By dissecting the legislative and institutional mechanisms shaping their experiences, the Study offers crucial insights into the systemic challenges plaguing the migration management system.

From the onset of recruitment to the working conditions endured, the analysis reveals a stark reality of unregulated practices leading to debt bondage, wage theft, and precarious employment. The power dynamics between employers and workers exacerbate these issues, leaving migrants vulnerable to exploitation and discrimination.

Central to these challenges is the absence of comprehensive legal frameworks safeguarding migrant rights, particularly in areas such as occupational safety, health, and industrial relations. The study underscores the pervasive biases embedded within the system, perpetuating discriminatory practices, and hindering migrant workers' access to justice.

By reframing the discourse on labour exploitation through a human rights lens, the study challenges the notion of a hierarchical suffering experienced by migrant workers. It emphasizes the need for inclusive policies that uphold the dignity and rights of all workers, regardless of their status.

As the Maldives grapples with these pressing issues, the findings of this Study serve as a call to action for policymakers to adopt a rights-based approach in addressing the vulnerabilities and exploitation faced by Bangladeshi migrant workers. It is imperative that policy formulation and implementation prioritize the protection and empowerment of migrant workers, ensuring a fair and equitable labour migration mechanism in the Maldives.



**Migrants
Matter**

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