

Maldives

In November 2009, the Government criminalized the use of children in prostitution and pornography. Some reports indicate that some children work as domestic servants in private households and others are exploited in forced prostitution. There is a lack of coordination mechanisms and social programs to protect and assist children that may be engaged in these worst forms of child labor. The lack of evidence of other worst forms of child labor may be indicative of a small problem, or a hidden one.



Statistics on Working Children and School Attendance

Children	Percent
Working	Unavailable
Attending School	Unavailable
Combining Work and School	Unavailable

Prevalence and Distribution of the Worst Forms of Child Labor






There are reports of limited numbers of children exploited in the worst forms of child labor in the Maldives, mainly as child domestics in private households.³¹²¹ It is common for children from smaller islands, where secondary education is not available, to live with “host families” on larger islands, where they perform domestic chores in addition to attending school.³¹²² Some of these children are sexually abused by their hosts or families, and some never even receive any education.³¹²³ The number of children moving to larger islands for an education appears to be declining as the Government of the Maldives has established more schools in the islands.³¹²⁴ Separate reports indicate that forced prostitution of girls is also a problem in the Maldives.³¹²⁵ In general, data on working children in the Maldives is scarce, making it difficult to understand the scope and nature of the issues.

Laws and Regulations on the Worst Forms of Child Labor

The Employment Act establishes 16 as the minimum age for work, and 18 as the minimum age for work that may have a detrimental effect on a child’s health, education, safety, or conduct.³¹²⁶ Minors under age 16 cannot be required to work during school hours or after 11 p.m.³¹²⁷ Research has not found evidence of laws or regulations that specify the “forms of work that may have a detrimental effect on a child’s health, education, safety, or conduct” under the Employment Act.

Although the Maldivian Constitution establishes the right to education, Maldivian law does not establish an age for compulsory schooling. The absence of a compulsory education law places children under age 16 at risk of involvement in the worst forms of child labor as they are not required to be in school and are below the minimum age for work. The Employment Act and the Constitution both prohibit forced labor, and

the Constitution prohibits slavery and servitude.³¹²⁸ There is no forced conscription into the military, and the voluntary recruitment age is 18.³¹²⁹ The Child Sex Abuse (Special Provisions) Act, which was passed into law in November 2009, criminalizes the use of children for prostitution and pornography,³¹³⁰ with a penalty of up to 25 years imprisonment.³¹³¹

	C138, Minimum Age	No
	C182, Worst Forms of Child Labor	No
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	No
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	None
	Free Public Education	Yes

Institutional Mechanisms for Coordination and Enforcement

Research found no evidence that the Government of the Maldives has established a coordinating mechanism to combat the worst forms of child labor in domestic service and forced prostitution.

The Ministry of Health and Family's (MHF) Department of Gender and Family Protection Services enforces child labor provisions of the Employment Act.³¹³² During the reporting period, the MHF employed three labor inspectors, each of whom inspects for all violations of the Act.³¹³³ They identified no child labor violations.³¹³⁴ Research did not identify any efforts to provide training to officials responsible for enforcing child labor laws or the number of child labor-related inspections carried out during the reporting period. A Labor Tribunal composed of lawyers and human resource professionals examines and adjudicates labor-related

cases.³¹³⁵ In addition, the Maldives established a Labor Relations Authority, which began workplace inspections in September 2010.³¹³⁶

The Ministry of Human Resources is mandated to maintain a "blacklist" of employers who violate any provision of the Employment Act, preventing them from employing new workers until violations are corrected.³¹³⁷ It is not known whether this "blacklist" has been used for violations of the child labor provisions of the Act.

Other agencies are responsible for enforcement of criminal laws regarding the worst forms of child labor. The police force's Family and Child Protection Unit has jurisdiction over cases related to child sexual exploitation, including child prostitution and pornography.³¹³⁸ Reportedly, most persons detained on Child Sex Abuse Act charges were released pending sentencing, although it is not clear what proportion of these perpetrators were charged with prostitution or pornography as opposed to other forms of child sexual abuse covered by the law.³¹³⁹

The police force and the Department of Immigration and Emigration are charged with identifying victims of trafficking in persons. The Government provided training to these officials during the reporting period on identification of trafficking victims.³¹⁴⁰ No training was provided on investigation or prosecution of trafficking crimes, however, and officials did not prosecute or convict any perpetrators of trafficking.³¹⁴¹

Government Policies on the Worst Forms of Child Labor

On May 15, 2009, the Maldives became an official member state of the ILO, and the Government is collaborating with the ILO on a work plan covering a range of labor issues, which could provide a platform for efforts to combat the worst forms of child labor.³¹⁴²

The Government's Poverty Reduction Strategy Paper includes specific goals related to increasing the capacity of the MHF to provide support services to children; improving data collection and analysis on vulnerable children; and coordinating, monitoring and evaluating child protection services provided by social service providers and NGOs.³¹⁴³ The fourth United Nations Development Program Country Program (2008-2010) sets a goal to increase income and employment

opportunities and improve health, nutrition, education, and protection status for the most vulnerable and marginalized women and youth in the Maldives by 2010.³¹⁴⁴

The question of whether these poverty alleviation policies have an impact on the worst forms of child labor does not appear to have been addressed.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The MHF provides general protection and rehabilitation services, such as counseling, medical

treatment, and educational assistance, to vulnerable children.³¹⁴⁵ The Government has publicly stated that since the majority of its budget for child and family services goes to persons in need of medical support as well as staff training costs, nearly all of the government's child protection programs and services are funded by international donors.³¹⁴⁶

Research found no evidence of any programs to address the worst forms of child labor for children engaged in domestic service or those that may be exploited in forced prostitution.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in the Maldives:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Employment Law or enact regulations specifying the types of work that are detrimental to children's health, education, safety, or conduct.
- Enact a compulsory education law.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Establish a coordination mechanism among government agencies to combat the worst forms of child labor in domestic service and forced prostitution.
- Ensure appropriate training of officials responsible for enforcing laws related to the worst forms of child labor.

IN THE AREA OF POLICIES:

- Conduct research on the prevalence of the worst forms of child labor to determine if better targeted policies and services are necessary.
- Assess the impact that existing poverty alleviation policies may have on addressing the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Develop and implement programs to address the worst forms of child labor, specifically to provide assistance to children that may be exploited in domestic service or forced prostitution.
- Provide all children with access to quality secondary school options to reduce the reliance on "host family" domestic work situations.

³¹²¹ Data provided in the chart at the beginning of this country report are not available from the data sources that are used by USDOL. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section.

³¹²² U.S. Embassy- Colombo, *reporting, November 12, 2010*

³¹²³ U.S. Department of State, “Maldives,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136090.htm>. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹²⁴ U.S. Embassy- Colombo, *reporting, November 12, 2010*

³¹²⁵ U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹²⁶ *Employment Act*, (October 13, 2008), articles 6, 7; available from [http://www.employment.gov.mv/Resources/Employment%20Act%20\(English%20Translation\)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf](http://www.employment.gov.mv/Resources/Employment%20Act%20(English%20Translation)%20entitled%20to%20enforcement%20from%20the%20date%20of%2013th%20October%202008.pdf). See also Law Library of Congress official, E-mail communication to USDOL official, August 10, 2010.

³¹²⁷ *Employment Act*, article 9.

³¹²⁸ Ibid., article 3. See also *Constitution of the Republic of Maldives*, (2008), article 25; available from <http://www.presidencymaldives.gov.mv/publications/constitution.pdf>.

³¹²⁹ Coalition to Stop the Use of Child Soldiers, “Maldives,” in *Child Soldiers Global Report 2008*, London, 2009; available from <http://www.childsoldiersglobalreport.org/content/maldives>.

³¹³⁰ Siraj Hussain, E-mail communication to USDOL official, September 23, 2010.

³¹³¹ U.S. Department of State, “Country Reports- 2009: Maldives.”

³¹³² Ibid., section 7.

³¹³³ U.S. Embassy- Colombo, *reporting, February 17, 2010*. See also Government of Maldives, *Employment Tribunal*, [online] 2009 [cited April 7, 2010]; available from http://www.employmenttribunal.gov.mv/index_en.html. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹³⁴ U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹³⁵ Ibid. See also Government of Maldives, *Employment Tribunal*. See also U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹³⁶ U.S. Embassy- Colombo, *reporting, November 12, 2010*

³¹³⁷ U.S. Department of State, “Country Reports- 2009: Maldives,” section 7.

³¹³⁸ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Concluding Observations: Maldives*, CRC/C/MDV/CO/3, Geneva, July 13, 2007; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/432/55/PDF/G0743255.pdf?OpenElement>.

³¹³⁹ U.S. Department of State, “Country Reports- 2009: Maldives.”

³¹⁴⁰ U.S. Department of State, “Maldives,” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm>.

³¹⁴¹ U.S. Embassy- Colombo, *reporting, February 17, 2010*.

³¹⁴² U.S. Embassy- Colombo, *reporting, February 17, 2010*. See also ILO, *The Republic of Maldives becomes 183rd ILO member State*, Press Release, Geneva, May 18, 2009; available from http://www.ilo.org/global/About_the_ILO/Media_and_public_information/Press_releases/lang--en/WCMS_106306/index.htm.

³¹⁴³ Government of Maldives, *Poverty Reduction Strategy Paper*, Male, January, 2008; available from http://planipolis.iiep.unesco.org/upload/Maldives/Maldives_PRSP_2008.pdf.

³¹⁴⁴ United Nations Development Program, *UNDP Country Programme Maldives (2008-2010)*, July, 2007; available from http://www.undp.org/asia/country_programme.html.

³¹⁴⁵ UN Committee on the Rights of the Child, *Written Replies by the Government of Maldives Concerning the List of Issues Received by the Committee on the Rights of the Child Relating to the Consideration of the Second and Third Combined Periodic Report of Maldives*, CRC/C/MDV/Q/3/Add.1, Geneva, March 5, 2007, para. 2 (g); available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/408/24/PDF/G0740824.pdf?OpenElement>. See also UN Committee on the Rights of the Child, *Consideration of Reports of States Parties (continued): Maldives*, CRC/C/SR.1391, Geneva, January 30, 2009, para. 3; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/403/89/PDF/G0940389.pdf?OpenElement>.

³¹⁴⁶ UN Committee on the Rights of the Child, *Written Replies- 2007: Maldives*.