International Convention on the Elimination of all forms of Racial Discrimination

2025

SHADOW REPORT

ICERD

Submission from Human Rights Commission of the Maldives for information on Combined thirteenth to fifteenth periodic report of the Republic of Maldives to United Nations Convention on the Elimination of All Forms of Racial Discrimination

Human Rights Commission of the Maldives (HRCM)

2025

Acronyms

AEDP	Atoll Education Development Project
APF	Asia-Pacific Forum
AGO	Attorney General's Office
ATA	Anti-Torture Act
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CRPA	The Child Rights Protection Act
CSO	Civil Society Organization
DVPA	The Domestic Violence Prevention Act
ET	Employment Tribunal
FCSC	Family and Children Service Center
FGD	Focus Group Disscussions
GANHRI	Global Alliance of National Human Rights Institutions
HRCA	Human Rights Commission Act
HRCM	Human Rights Commission of the Maldives
ICCPR	International Convention on civil and political Rights
IDC	Immigration detention centers
ILO	International labor organizations
LRA	Labor relations authority
MCS	Maldives Correctional Service
MI	Maldives Immigration
MMA	Maldives Monetary Authority
MoE	Ministry of Education
MoED	Ministry of Economic Development
MoFA	Ministry of Foreign Affairs
MoFP	Ministry of Finance and Planning
MPS	Maldives Police Services
NGO	Non-Government Organization
NHRI	National Human Rights Institution
NPM	National prevention mechanism
OHCHR	Office of the United Nations High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PSM	Public Service Media
SDG	Sustainable Development Goals
SOP	Special operations procedure
UN	United Nations
UPR	Universal Periodic Review
WDC	Women's development committee

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Introduction

1. The Human Rights Commission of the Maldives (HRCM) was established under Presidential Decree on December 10, 2003. On August 18, 2005, the Human Rights Commission's Act (6/2006) (HRCA) was ratified, thereby making HRCM the first independent and autonomous statutory body in the Maldives. The amendments brought to the HRCA in August 2006 broadened the mandate and powers of HRCM, making it compliant with the Paris Principles. With the ratification of the Constitution of the Republic of the Maldives (Constitution) in August 2008, the HRCM was made an independent and autonomous constitutional body.
2. HRCM currently holds 'B' status under the Global Alliance of National Human Rights Institutions (GANHRI) and is an Associate Member of the Asia-Pacific Forum (APF)of National Human Rights Institutions (NHRI).
3. In December 2007, HRCM was designated by a Presidential Decree as the National Preventive Mechanism (NPM) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (OPCAT). As prescribed under the OPCAT, HRCM was designated as the NPM through legislation with the ratification of the Anti-Torture Act (13/2013) (ATA) in December 2013.
4. This report underlines priority concerns for the UN Committee on the Elimination of Racial Discrimination in relation to the second periodic report submitted by Maldives under Article 40 of the Covenant pursuant to the optional reporting procedure, due in 2021.
5. HRCM conducted field monitoring visits to the outer islands with a specific focus on assessing the situation of vulnerable groups, including migrant workers. Specifically, monitoring visits were carried out in 2017 and 2023 to assess the implementation status of the ICCPR, and in 2019 and 2024 in connection with the UPR process. In 2022, additional FGDs were conducted in the Greater Malé Region to gain deeper insights into the human rights situation of migrant workers, which were subsequently reflected in the Human Rights Report 2022. During the field monitoring visits, HRCM engaged with a wide range of stakeholders, including island councils, WDCs, schools, health facilities, FCSCs, police stations, CSOs, and parents, to gather comprehensive and diverse insights into the implementation of human rights obligations at the community level, including the rights and conditions of migrant workers.
6. To prepare this report, HRCM acquired information from relevant stakeholders, including the government authorities, institutions and civil society organizations in addition to the review of in-house monitoring data and complaints received concerning civil and political rights. This report reflects, information received by state institutions on efforts to implement this Convention, in-house monitoring data and findings from NPM's visits to places where persons are deprived of their liberty.
7. Reports submitted by HRCM under UN international human rights instruments, along with the corresponding concluding observations, are made publicly available on the HRCM's website.[1]

Article 1

8. Until 2014, the foreign national population in the Maldives constituted approximately 16% of the total resident population.[2] Recent census data from 2022 indicates a significant rise in the number of foreign workers residing within the nation.[3] Presently, foreign nationals comprise approximately 26% of the overall population, signifying that nearly one in four residents is a foreign national.[4] The substantial influx of migrant workers has gradually contributed to increased diversity with society,[5] with Bangladeshi nationals now constituting more than half of Malé's foreign-resident population.[6]

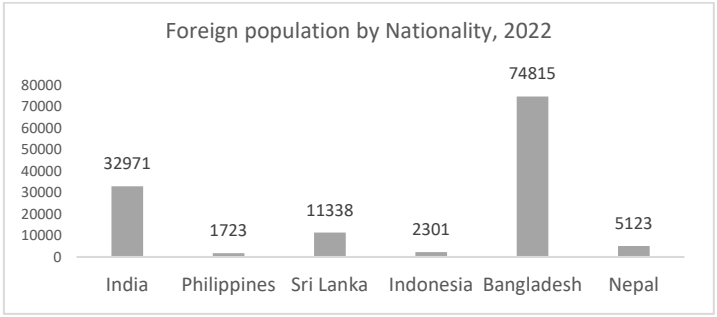

Figure 1: Maldives bureau of Statistics. Population movement and migration in Maldives, key findings from Census 2022

9. The Constitution guarantees equality and non-discrimination and allows affirmative measures for disadvantaged groups;[7] However, in the absence of a comprehensive anti-discrimination law, instances of discrimination based on race, nationality, and migrant status remain insufficiently addressed in practice. While constitutional guarantees exist, the lack of targeted enforcement mechanisms and specific legislative measures to address racial discrimination continues to pose significant challenges. Currently, the government had not indicated any plans to proceed with the enactment of an Anti-Discrimination Act.[8]

10. The current legislative framework lacks explicit provisions that address racial motives as aggravating circumstances in criminal offences. Specifically, neither the Penal Code nor other relevant laws recognise racial motives as factors that increase the severity of a crime or its penalty, and no other legal provision addresses this omission.[9] While the Penal Code criminalises acts of harm or incitement to harm based on race, nationality, colour, political ideology, or religion, it does not categorise racial motivation as a factor warranting harsher penalties.[10] This omission reflects a significant gap in acknowledging the serious nature of racially motivated offences and in upholding the rights of affected individuals by ensuring adequate protection, accountability, and access to justice.

11. The Employment Act further empowers the Minister to take administrative actions such as suspending State services, against employers who repeatedly violate wage-related provisions.[11] It also mandates establishment of regulations to enforce salary payments and impose penalties for compliance.[12] Additionally, complaints may be submitted to the ET on behalf of, or in respect of, a foreigner who alleges a breach of their employment contract.[13]

12. Maldives Immigration Act grant broad discretionary authority to the Controller of Immigration to revoke a foreign national's permit to remain in the country, including without prior notice.[14] While this framework allows the State to enforce immigration regulations and safeguard

national interests, the absence of clear procedural safeguards leave undocumented migrant workers vulnerable to protect against arbitrary action and deportation. Moreover, the requirement for immediate or near-immediate departure following revocation may disproportionately impact migrant workers in irregular situations.[15]

13. The HRCM investigated a case involving a migrant worker who was legally married to a Maldivian citizen and was the father of a Maldivian child. He was arrested by the MPS in connection with a drug possession case and subsequently handed over to Maldives Immigration without being afforded a trial. Maldives Immigration decided to deport him on the grounds that his visa had expired, despite the fact that he had submitted a visa renewal application prior to the deportation, which was not considered. He was permanently deported, disregarding his family ties and without due consideration of his right to family unity and procedural fairness. At the conclusion of the investigation, the HRCM advised the complainant to appeal the decision of Maldives Immigration before a higher court.

14. Health Care Profession Act affirms that migrant workers, regardless of status, are legally entitled to non-discriminatory health care.[16] Additionally, health professionals are also required to respect the dignity and needs of all service recipients.[17] Maldives Immigration Act allows for a "special visa" for medical treatment purposes.[18] Further, the Act allows for temporary accommodation of foreign nationals whose permit has been revoked but are unable to depart immediately.

15. Constitution affirms the right to education for all individuals without discrimination, including migrant children.[19] The CRPA explicitly prohibits discrimination against children on the basis of race, colour, national origin, and related factors, affirming the child's right to equal treatment regardless of ethnic or social background.[20]

Recommendations

- **Enact a comprehensive anti-discrimination law to give effect to constitutional guarantees of equality.**
- **Amend the Penal Code and other relevant legislation to explicitly recognise racial motivation as an aggravating circumstance in criminal offences, to ensure accountability, equality, and access to justice in line with international standards.**
- **Amend the Employment Act to explicitly define and prohibit wage theft as a labour rights violation, to ensure effective protection and redress for all workers in line with international human rights and labour standards.**
- **Amend the Maldives Immigration Act to include clear procedural safeguards, including prior notice, the right to be heard, and protection against arbitrary deportation, in line with international human rights standards.**
- **Amend the Maldives Immigration Act to explicitly guarantee continuity of medical care for all migrants, including those with revoked residency status, in line with the right to health and non-discrimination.**

Article 2

16. The continued absence of the Anti-Discrimination Act, initially planned for enactment in 2012, remains a matter of concern, particularly as the Government has indicated that there are currently no plans to pursue this legislation, citing the adequacy of existing constitutional provisions and sector-specific laws.[21] However, this position overlooks systemic challenges experienced particularly by migrant workers, in areas including employment, access to justice, detention, and freedom of expression.[22] The absence of a legal instrument specifically designed to address racial discrimination weakens institutional capacity of the respective stakeholders to proactively combat and remedy such discrimination. The migrant worker population, constituting approximately one-third of the total population, remains especially vulnerable. These individuals come from diverse ethnic, religious, and linguistic backgrounds, most notably from Bangladesh, India, Nepal, the Philippines, and Sri Lanka.[23]

17. Although Article 2(2) of ICERD and Constitution allows for the adoption of special measures to address systemic disadvantages, the government has not implemented any affirmative action policies aimed at addressing racial inequalities.[24] In the civil service and education sector, for example, foreign professionals are frequently hired under separate contract terms to locals and without harmonized compensation.[25] Although the National Pay Commission is currently consulting on pay disparities, no timeline or concrete measures have been shared publicly.[26] Furthermore, only two cases of discrimination against foreign teachers have been officially reported to ET, raising concerns about underreporting.[27] As observations made during monitoring trips revealed that teachers from different schools reported experiencing discrimination at times due to their foreign status.[28] Suggesting that additional cases may go unreported, potentially due to fear of reprisal, limited awareness of rights and reporting mechanisms, and a lack of trust in institutional responses. The absence of government-led campaigns to foster respect and tolerance among the public further exacerbates these concerns.

18. Additionally, The Maldives does not currently envisage ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[29] Given this position, it is imperative that the government establishes a comprehensive national regulatory framework that effectively safeguards the rights and well-being of migrant workers. Such regulations should be well-formulated, enforceable, and aligned with international human rights standards to ensure protection against exploitation, abuse, and discrimination. In the absence of formal commitment to the Convention, a strong domestic policy framework becomes essential to demonstrate the states accountability and commitment to upholding the fundamental rights of all workers, regardless of their nationality.

Recommendations

- **Expedite the drafting and enactment of the Anti-Discrimination Act to provide a clear legal framework for the prevention, prohibition, and redress of all forms of racial discrimination.**
- **Ensure equal pay for equal work by harmonizing salary structures between foreign and local civil servants, including teachers, and establish transparent, non-discriminatory contractual policies across all sectors of employment.**

- **Establish and ensure the effective implementation of safe, confidential, and accessible reporting channels for migrant workers and foreign professionals to report discrimination, harassment, or abuse without fear of retaliation or dismissal.**
- **Initiate nationwide public education campaigns aimed at promoting respect for cultural and ethnic diversity, with a specific focus on improving societal attitudes toward migrant communities.**
- **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

Article 4

19. The political movement known as "India Out", which gained prominence during the 2023 presidential campaign, presents a concerning case study. Although the movement was primarily positioned as opposition to the Indian military presence, it has taken on xenophobic undertones. Chants, banners, and online content used during these protests have, at times, employed derogatory language toward Indian nationals.[30] Following the elections, members of the political party associated with this movement who had gained prominent positions in the government had made further derogatory and racist remarks about the Prime Minister of India.[31] This progression highlights the consequences of the minimal action taken to address the initial hate speech and emphasizes the continuing risk posed by the normalization of racially charged political discourse. Following the derogatory and racist remarks made by the officials, India summoned the Maldivian High Commissioner to express its displeasure and to seek assurances that such remarks would not be tolerated.[32] The State responded by suspending these officials and the Foreign Ministry clarified that the officials' comments were personal opinions and did not represent the government's stance.[33] HRCM monitored over 50 protests in relation to this movement. [34] The Elections Commission did issue a formal letter of caution to the political parties most prominently associated with the "India Out" campaign and highlighted relevant laws in a press briefing.[35]

20. Former President Ibrahim Mohamed Solih issued a presidential decree in an effort to stop the "India Out" campaign, and to strengthen diplomatic relations between the Maldives and India.[36] However, the decree was seen by the opposition as a way to silence dissent and restrict freedom of expression and assembly. In response, HRCM conducted a legal review to determine whether the State had the authority to limit fundamental rights through such a decree. The review concluded that a presidential decree was not a valid basis to restrict any rights protected under the Constitution, especially freedom of expression, which cannot be limited even during a state of emergency.[37] The Commission sent an advisory letter to the government, stating this position clearly, while also acknowledging the State's efforts to address hate speech through the fifth amendment of the penal code.

21. Hate speech targeting Bangladeshi migrant workers remain a pervasive issue that reinforces negative stereotypes and fosters an environment of exclusion and dehumanization.[38] One of the most commonly used derogatory terms is "*Bangaalhi*," a word widely recognized for its pejorative connotation and frequently used in both public discourse and online platforms to demean and belittle Bangladeshi nationals.[39] The word was initially a neutral term used to refer to people from Bangladesh in the Maldives. However, over time, it began to be used in a derogatory context, especially as the large migrant workforce from Bangladesh became more visible in public spaces. The term is often associated with narratives that portray Bangladeshi

workers as inferior, unclean, or as a public nuisance, particularly when they gather in public spaces or are visible in everyday social life.[40] This form of racialized language is routinely seen in social media posts, meme pages, comment sections of online news outlets, and informal speech, contributing to a normalization of xenophobia. While some of these expressions may not meet the strict legal threshold for hate speech under domestic law, they clearly fall within the scope of racial prejudice and incitement to discrimination as outlined in Article 4 of ICERD. The repeated use of such terminology without legal or social accountability reinforces harmful attitudes and can escalate into more overt forms of discrimination or abuse. The absence of effective monitoring mechanisms, legislative safeguards, and public awareness campaigns allows these forms of hate speech to persist unchecked, undermining the dignity of migrant workers and violating the State's obligations under international human rights standards.

Recommendations

- **Introduce legal or disciplinary consequences for political actors, public officials, or parties who engage in or promote racially or ethnically discriminatory speech, including during election periods, and ensure enforcement through independent oversight.**
- **Set up accessible complaint and redress mechanisms for victims of racially or ethnically motivated speech or harassment, including mechanisms tailored to the needs of migrant workers who may face additional barriers to justice.**

Article 3 & 5

22. While racial apartheid does not exist in the Maldives, de facto segregation can be observed in areas such as housing, working conditions, and access to services.[41]

23. The Employment Act, together with the General Standards for Employee Accommodation, obligates employers to ensure that worker housing meets minimum requirements for lighting, ventilation, space, and essential facilities.[42] However, despite these legal obligations, enforcement remains inadequate, particularly in-migrant worker accommodations. In 2022, two major fires, one in Malé resulting in 10 deaths[43] and another in Gulhifalhu causing 76 injuries and one confirmed death,[44] underscored the serious human rights concerns related to unsafe and overcrowded living conditions. These incidents highlighted the urgent need to strengthen monitoring and enforcement mechanisms to safeguard the right to adequate housing and ensure the health, safety, and dignity of all workers, especially migrants.

24. Investigations by HRCM between 2013 and 2022 reveal ongoing barriers to healthcare access for undocumented migrant workers. Although emergency and life-saving care is typically provided regardless of legal status or ability to pay, access to routine healthcare remains limited due to the requirement for valid identification, which undocumented migrants often lack. Additional challenges include the absence of caretakers during hospitalization, and employer negligence.

25. Systemic issues such as the shift toward cashless payment systems further exclude migrant workers who often lack bank accounts or familiarity with digital banking, leading many to delay or forgo necessary medical treatment due to financial and documentation-related

concerns.[45] HRCM has observed that in certain cases it investigated**,** a government hospital had ceased accepting physical cash payments, creating significant barriers for undocumented migrant workers who lack bank accounts or are unfamiliar with digital banking systems. The MoFP informed HRCM that, in response to specific requests from healthcare providers, it has been lifting the restrictions and is working to resolve the issue. However, this issue still persists in some hospitals. [46]

26. The lack of access to national social health insurance schemes also leaves these workers without coverage, despite mandates for employers to insure documented employees.[47]

27. To reduce overcrowding in migrant worker accommodations and limit the spread of COVID-19, authorities relocated workers to temporary shelters.[48] However, substandard conditions at some of these sites sparked protests.[49] Following public outcry on social media over the state of an isolation facility for migrants on Vilivaru Island, the government issued an apology, acknowledging the site was uninhabitable and subsequently transferred the workers to alternative facilities.[50]Although migrant workers were included in the national immunization program, the outbreak in the capital city, Malé, disproportionately impacted the migrant worker population who were living in severely overcrowded and confined spaces, making physical distancing and reducing contact virtually impossible.[51]Local and international civil society organizations described their living conditions as "claustrophobic," "unsanitary," and "overcrowded."[52]

28. In July 2020, migrant workers at a resort construction site in Bodufinolhu, Baa Atoll, held a protest over unpaid wages for over six months and inhumane living conditions. [53] When police attempted to intervene, some workers, out of frustration, resisted using improvised objects such as metal rods and stones.[54] Authorities arrested 19 migrant workers in response to the protest, and media coverage largely framed the incident as a violent disturbance, overshadowing the workers' legitimate exercise of their right to protest and seek redress for labour rights violations. [55]

29. The HRCM's investigation found that, following the incident at Bodufinolhu, migrant workers were relocated to a facility managed by a state-owned enterprise, where the majority received legal assistance. However, access to legal representation for those in detention was initially delayed due to documentation issues and COVID-19 quarantine measures. HRCM also intervened when employers attempted to engage with migrant workers on wage-related issues without legal counsel during unauthorized visits to the facility. Several workers were paid their outstanding wages, and the remaining claims were filed with the ET. Several cases were resolved through out-of-court settlements, and the LRA initiated action against the employer for unresolved wages. While some workers were deported after receiving their due wages, others chose voluntary repatriation.

30. The Bodufinolhu incident was not isolated.[56] In mid-July 2020, a large-scale protest was held in Hulhumalé by migrant workers demanding payment of wages that had been withheld for several months.[57] The situation escalated, resulting in property damage and clashes with the police. Subsequently, authorities arrested 41 workers in connection with this protest.[58] Government officials, including the Defence Minister and Chief of Defence Force, publicly

portrayed these actions as a threat to national security, framing migrant workers as potentially dangerous and undermining the legitimacy of their grievances.[59]

31. These protests exposed systemic failures in labour governance and migrant protection in the Maldives.[60]

32. While Maldives has endorsed the Durban Declaration and Programme of Action over 20 years ago, there are no action plans to specifically implement the Durban Declaration and Programme of Action at the national level.[61]

Recommendations

- **Ensure the effective enforcement of minimum housing standards to prevent overcrowded and segregated living conditions, thereby upholding the right to adequate and non-discriminatory living conditions for all workers.**
- **Implement culturally sensitive awareness campaigns in schools, workplaces, and public media to combat racial prejudice and promote equality, inclusion, and respect for diversity.**
- **Strengthen the capacity and operational effectiveness of the existing labour inspection unit to ensure regular, unannounced inspections of workplaces and accommodations specifically monitor employer compliance with mandatory health insurance requirements, and impose appropriate sanctions for non-compliance, thereby upholding migrant workers' right to health without discrimination.**
- **Guarantee the protection of migrant workers' right to peaceful assembly and protest, in line with international human rights standards, by ensuring that all individuals can exercise their civil and political rights without fear of retaliation, discrimination, or arbitrary detention.**
- **Eliminate all formal and informal restrictions that prevent migrant workers from accessing public spaces, such as parks, cafés, and hotels, to uphold their right to equality, dignity, and non-discriminatory participation in community life.**

Article 6

33. While the Constitution guarantees state-appointed legal representation for individuals accused in serious criminal cases who cannot afford a lawyer, [62] formal legal aid remains largely inaccessible outside of such prosecutions. While there is no legal aid law, some statutes provide limited protections. The DVPA recognizes domestic child carers and domestic workers as being in domestic relationships and obligates the state to provide legal assistance to financially vulnerable victims.[63] Similarly, the Criminal Procedure Act entitles individuals accused of major crimes to state-funded legal representation if they cannot afford a lawyer.[64]

34. Migrant workers encountered multiple systemic barriers that hindered their ability to access legal redress and realize their right to an effective remedy. Significant barriers to accessing justice remain for migrants due to language limitations and insufficient translation services. The Criminal Procedure Act addresses these challenges by requiring judges to ensure that accused individuals who are illiterate or do not speak Dhivehi, fully understand all documents and statements during proceedings.[65] It further mandates the use of interpreters in trials when

necessary and obliges the court to appoint an interpreter if one has not been arranged by the accused.[66] Additionally the Civil Procedure Code addresses these challenges by requiring judges to ensure that parties who are illiterate or do not speak Dhivehi fully understand all documents and statements during proceedings.[67] It further mandates the use of interpreters in hearings when necessary and obliges the court to appoint an interpreter if one has not been arranged by the party concerned.

Despite these provisions, the implementation of interpretation services remains inconsistent. For example, while interpreters for Bengali may be more accessible due to the large Bangladeshi migrant worker population in the Maldives, speakers of less common languages, such as Portuguese, face significant challenges in obtaining such services. The unavailability of legal materials and informational resources in languages other than Dhivehi, coupled with a scarcity of official translators in legal proceedings, further impedes migrants from effectively asserting their rights, especially in employment-related disputes. Additionally, the unavailability of diverse modes of information dissemination restricts awareness of legal entitlements. These barriers are especially acute for undocumented migrants, who are often unaware of their legal rights and, when issued deportation orders by the Immigration Controller General, are afforded no meaningful opportunity to appeal. As a result, they are left without any effective avenue to challenge deportation decisions or assert their rights and may lack the resources needed to navigate procedural requirements. To address these issues first Migrant Worker Resource Centre was established, and the Migrant Connect Portal launched in June 2025, to provide a central hub for information, referral services, and support for migrant workers across the Maldives.[68]

35. As part of its mandate, HRCM has continued to conduct capacity building and awareness programs on international human rights conventions, including ICERD, with a focus on strengthening the right to effective protection and remedies against racial discrimination. The annual legal clinics conducted by HRCM include migrant workers as a target group, and dedicated clinics for migrant workers are held each year on Migrant Workers' Day to promote awareness of rights. Moreover, NGOs played a crucial role in bridging these gaps by providing legal support, facilitating communication, and offering referral mechanisms that enhanced access to justice for migrant workers.[69]

36. Despite these efforts, a notable portion of migrant workers remain unaware of their rights,[70] limiting their capacity to recognize violations and seek redress.[71] A 2024 survey conducted by HRCM to assess public awareness of human rights, the HRCM's role, and attitudes toward critical issues revealed that 61.9% of migrant workers were unable to name any of their rights.[72] Furthermore, only 32.1% of migrant workers were aware of HRCM, while 67.3% remained unaware of its existence and mandate.[73] This lack of awareness was compounded by limited knowledge of available legal service providers,[74] which restricted access to appropriate legal assistance. Language barriers presented additional obstacles, impeding effective communication with authorities and comprehension of legal procedures.[75] Moreover, financial constraints[76] particularly the inability to afford legal representation exacerbated these obstacles. Collectively, these factors undermined the accessibility, availability, and adequacy of justice mechanisms for migrant workers.

37. The Regulation on Employment of Expatriate Workers (2023/R-111) introduces important measures to facilitate the regularization of undocumented migrant workers and to streamline processes for changing employers. Under Article 35, migrant workers seeking to regularize their status or transfer to a different employer may be issued a conditional work permit valid for 30 days from the date the Work Permit Deposit is paid. This mechanism provides a formal pathway to maintain legal status during the regularization or employer transfer process. Additionally, article 46(a-14) further allows work permit holders who have resigned and departed from the Maldives to directly cancel their work permit. Workers may apply for a new work permit under another employer after six months from the date of cancellation, or earlier if they can present a no-objection document from their previous employer. These reforms reflect progress towards a more transparent and accessible migration governance framework
38. Many migrant workers burdened by migration-related debts while also supporting their families, leaving them in financially vulnerable situations.[77]Migrant workers often absconded, driven by high recruitment fees and the hope of finding better working and living conditions.[78]

39. Employers often confiscate workers passports under the pretext of safeguarding them, a practice that effectively restricts workers' freedom of movement and serves to deter them from leaving the country, seeking alternative employment opportunities, or reporting instances of exploitation.

40. According to investigations conducted by HRCM between 2013 and 2024, withholding of passports and human trafficking, reported in 19 cases, constituted a grave human rights violation and was the second most frequently documented issue. These cases often indicated the severity of human trafficking and potential conditions of forced labour or modern slavery, particularly involving Bangladeshi and Indian migrant workers. Passport confiscation was frequently accompanied by other coercive elements such as threats, non-payment of wages, and deportation or repatriation, reflecting a consistent pattern of control and exploitation.

41. The most frequently reported violation identified through these investigations was the non-payment or partial payment of wages, with 48 documented cases. This issue disproportionately affected male migrant workers, particularly from Bangladesh, India, and Sri Lanka, and was often accompanied by additional deprivations such as substandard housing, inadequate food, and lack of valid documentation.

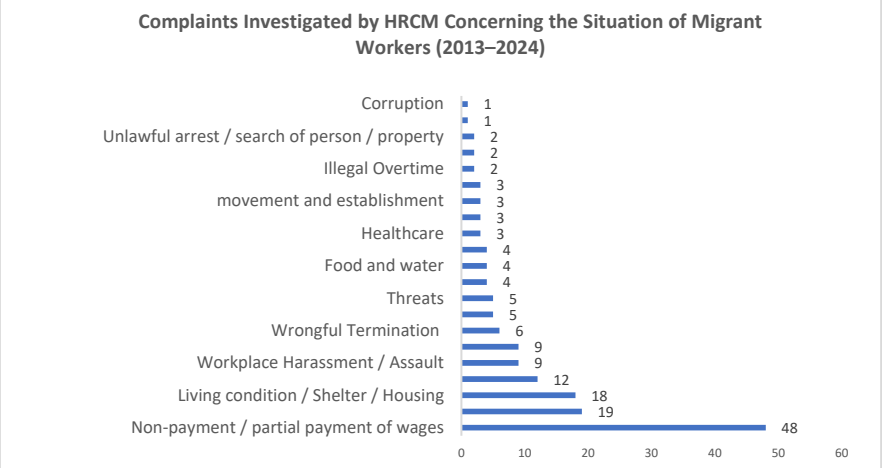

Figure 3: complaints investigated by HRCM concerning the situation of migrant workers from 2013 to 2024

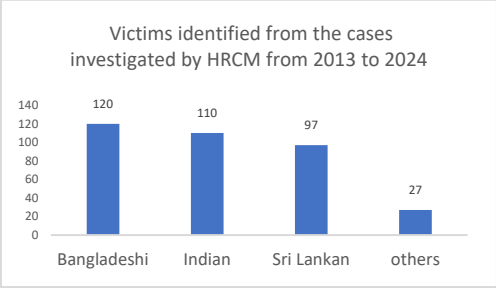

Figure 4: Nationality of victims identified from cases investigated by HRCM from 2013 to 2024

42. These findings were further corroborated by complaints submitted to the LRA between 2019 and 2024, where salary-related complaints constituted the highest category of grievances, reflecting persistent challenges related to wage payment, underpayment, and non-payment. The absence of disaggregated labour market data by nationality presented a critical gap in identifying and addressing potential racial or ethnic discrimination against migrant workers. In addition to wage-related complaints, a substantial number of complaints classified under the broad and often unspecified category of "other employment-related issues" highlighted the complexity of unresolved labour rights violations affecting migrant workers.

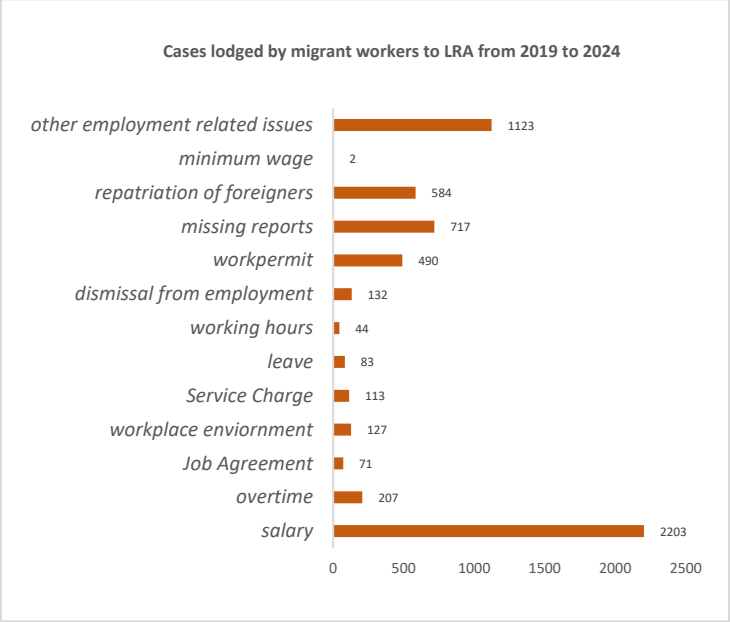

Figure 5: cases lodged by migrant workers to LRA from 2019 to 2024

43. According to investigations conducted by HRCM between 2013 and 2024, inadequate housing and poor living conditions were reported in 18 cases, reflecting environments that lacked necessities such as clean water, sufficient food, and adequate sanitation. These intersecting forms of abuse reflected a systemic pattern of wage exploitation that was frequently compounded by poor living conditions and a lack of necessities. This not only contravened the Employment Act of the Maldives but also constituted a violation of international labour standards.

44. Despite the existence of relevant regulations under the Employment Act, migrant workers, particularly those in the construction sector, continued to live in overcrowded and inadequate

conditions.[79] On average, 11 migrant workers shared a single room across various types of living quarters,[80] and among those residing in collective accommodations, 12% were forced to share their beds with another individual.[81] The persistence of such conditions, despite regulatory safeguards, indicated limited access to or the ineffectiveness of complaint and enforcement mechanisms.

45. Government announced the establishment of minimum wage in 2021.[82]The Seventh Amendment to the Employment Act indefinitely postponed the minimum wage setting for only migrant workers, which inadvertently led to increased risk of underpayment and workplace discrimination.[83] Migrant workers, the majority of whom were Bangladeshi, were among the lowest paid compared to other nationalities,[84] and their wages often remained insufficient to ensure a decent standard of living, even when paid regularly.[85] Many Bangladeshi workers also experienced prolonged periods of wage non-payment, especially when they do not pursue legal remedies.[86] Due to their vulnerable status and prevailing perceptions, migrant workers were often reluctant to seek remedies through formal mechanisms.[87] If left unaddressed, these conditions raise concerns about unequal treatment and remedies against wage disparities.

46. Findings from inspections carried out by the LRA between 2019 and 2024, showed an overall upward trend in the proportion of employment related violations against expatriates, despite a notable decline in 2021. A total of 73% of employment-related violations were identified through LRA inspections from 2019 to 2024 involved expatriates.

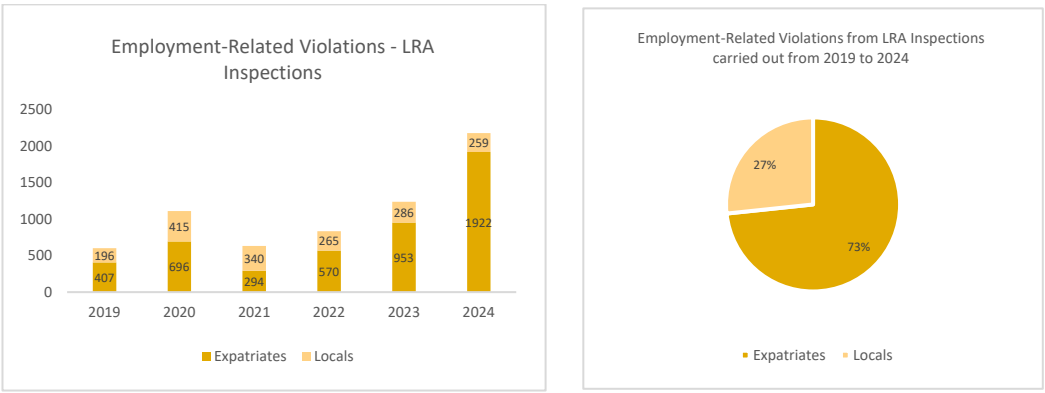

Figure 6: employment related violations identified from LRA inspections from 2019 to 2024

47. Investigations into missing reports of migrant workers could be initiated through two pathways: either via formal requests forwarded by the Ministry or by direct submissions to LRA.[88]Between 2019 and 2024, a substantial number of such missing report cases were lodged with the LRA (Figure 5) reflecting the urgency and scale of the issue. These reports raised serious concerns about the potential exploitation of migrant workers and the implications for their legal status. Similarly, complaints concerning work permits indicated persistent challenges in the issuance, renewal, or cancellation processes, processes that were vital to maintain critical for migrant workers' legal status.

48. As part of measures undertaken to regularize undocumented migrant workers, the MoED launched a regularization programme in September 2019, [89] through which a total of 43,787 migrant workers were registered.[90] Of these, 44% were successfully regularized, while 20% opted for voluntary repatriation.[91]Among the applicants, 3,828 lacked identification documents and were advised to pursue regularization through a prospective employer.[92]This requirement

shifted responsibility to migrant workers, limiting their independent access to legal status or remedies.

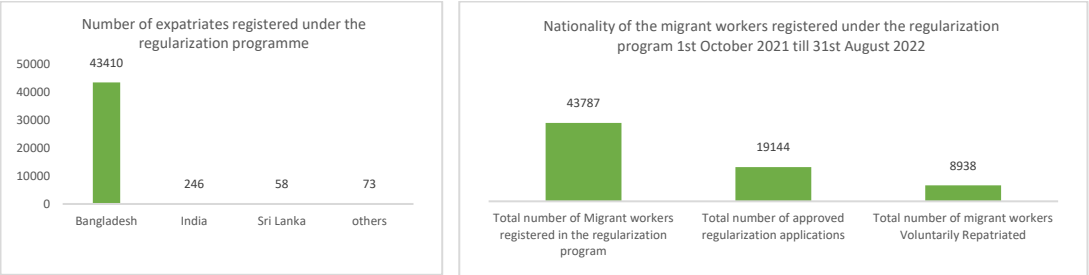

Figure 7: Regularization program of MOED from 2019 to 2022

49. In 2024, the government launched "Operation Kurangi" to address undocumented migrant workers through identification, biometric registration, and deportation of those without verified records.[93] By early 2025, over 43,000 migrants were registered, and more than 6,000 individuals had been deported.[94]In parallel, the government also initiated "Operation Hamamagu" in Addu City, which specifically targeted visa-related violations among expatriate workers.[95]

50. Recent amendments to the Employment Act introduced a more stringent regulatory framework aimed to strength employer accountability during recruitment and employment of migrant workers. Additionally, amendments to the Employment Act introduced stringent obligations, including an MVR 50,000 fine for negligence after recruiting migrant workers.[96] Employers must also pay MVR 1,000 to report a missing worker and MVR 10,000 to withdraw such a report from the expat system.[97] To further strengthen enforcement, the government publicly disclosed in July 2024 the names of 1,026 companies with outstanding migrant worker permit and quota fees exceeding MVR 100,000.[98] By October 2024, the government had recovered MVR 1 billion out of MVR 1.7 billion in previously unpaid fees.[99] Companies and employers that have not fulfilled their legal obligations by failing to pay the required fees have been temporarily restricted from accessing the Xpat system.[100]

51. Between 2012 and 2023, Bangladeshi migrant workers were prominently reflected in immigration violation records experiencing a notably higher rate of immigration enforcement actions compared to other nationalities.[101] They also accounted for a significant share of cases, including deportations and repatriations.[102]

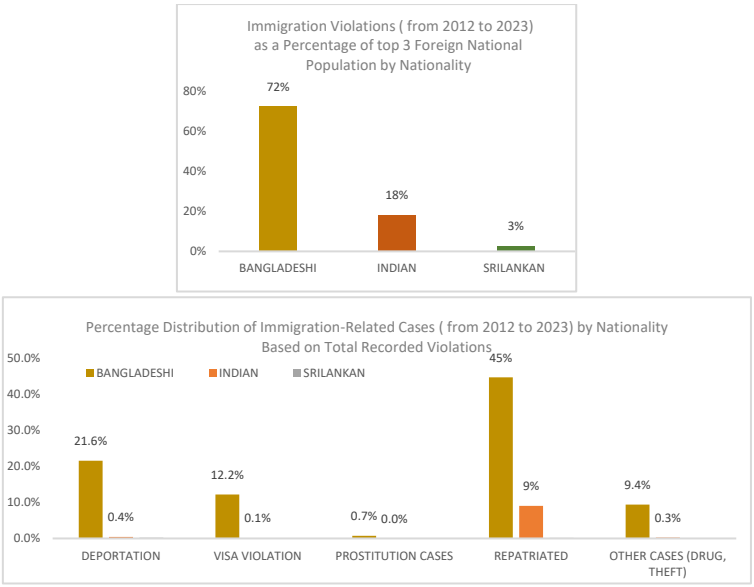

Figure 8: Immigration violations as a percentage of the national foreign population

52. Detention orders are issued by the Controller of Immigration, and individuals are held until deportation arrangements are completed. Until February 2024, the Controller of Immigration held individuals deemed in violation of the Immigration Act at Hulhumale' Prison, despite it not being designated for immigration detention. Authorities had designated a cell as the IDC, but the prison infrastructure was unsuitable and failed to meet international standards. The NPM recommended ending this practice, and in February 2024, all detainees were transferred to the IDC in Hulhumalé Phase 2, a facility originally established as a quarantine center during the COVID-19 pandemic.

53. The NPM found that detainees at the IDC were not adequately informed of their legal rights prior to detention, including their right to contact consular authorities and seek legal representation. This absence of timely information undermines their ability to exercise fundamental safeguards such as due process and the right to an effective remedy.

54. The prolonged detention of undocumented migrant workers especially those without possession of valid passports was largely due to delays in the identification process, which typically requires coordination with the relevant embassies or consular offices. Additionally, certain migrants detained at the IDC were deported without being afforded access to procedural guarantees, including individuals only suspected of committing an offence. This practice undermines the fundamental guarantees of due process and the right to a fair trial, raising serious concerns regarding compliance with international human rights standards.

55. An analysis of detention records conducted by the NPM revealed that some migrants previously held by the MCS or MPS were subsequently transferred to the IDC for deportation, despite only being suspected of committing a crime. This practice effectively denies these individuals the fundamental right to due process and to defend themselves before a court of law. Furthermore, the NPM's review of detention records from 1 February to 4 October 2024 indicated disparities in repatriation timelines, with migrants possessing valid passports being

deported within weeks, while those without passports faced prolonged detention of up to three months, raising concerns regarding arbitrary and prolonged deprivation of liberty.

56. The NPM's monitoring visits observed discriminatory treatment between immigration detainees held at the IDC and local detainees at Hulhumalé Prison. While local detainees were provided with beds and access to basic amenities migrant detainees at the IDC were denied similar facilities. The NPM also identified systemic shortcomings in the provision of healthcare services to migrants, raising serious concerns regarding unequal treatment and the failure to uphold the right to non-discrimination and equal access to basic services in detention.

57. Maldives immigration reported that it did not have data or documentation on incidents of racial discrimination involving asylum seekers, refugees, documented, undocumented or those in irregular situation.[103]This lack of data limited the ability to assess patterns of discrimination or identify protection gaps for these vulnerable groups.

58. HRCM has identified a pattern of arbitrary detention concerning foreign nationals arrested or rescued from fishing vessels, reflecting broader institutional and legal gaps. In October 2018, 12 Iranian, 2 Pakistani, and 3 Somali nationals were detained without a court order after being arrested from vessels that unlawfully entered Maldivian waters without identification documents. They were later deported in December 2018 and January 2019 without charges due to legal constraints. A stakeholder meeting with MPS, MoFA and MI highlighted the lack of appropriate detention facilities and procedures, prompting HRCM to recommend MI to develop regulations and SOPs for individuals entering the Maldives without identification documents.

59. Similarly, in 2024, three Somali nationals rescued after being lost at sea and were held at the IDC alongside other detainees due to the absence of identification documents. Maldives Police Service promptly notified relevant national authorities, Somalia's Foreign Ministry, and the individuals' families on June 25th, 2024. HRCM found that rescued individuals were subjected to the same procedures as irregular migrants, underscoring the absence of a legal framework for such cases. HRCM recommended that the AGO establish specific laws to ensure rights-based treatment of rescued individuals.

60. The absence of comprehensive legislation on asylum seekers and refugees further exacerbates the gap in legal assistance for undocumented migrants.

61. Despite constitutional guarantees of equality and the legal prohibition of discrimination in the workplace, access to effective remedies for racial discrimination in employment remained severely limited. Workplace discrimination[104] was often underreported and may have been normalised within broader societal contexts, further complicating the reporting process for victims. This exacerbated the challenges migrant workers faced in accessing justice and securing adequate protection.

62. Paragraph 183 of the Maldives combined 13th to 15th periodic reports under ICERD noted that only two cases of racial discrimination in employment have been filed and adjudicated by the ET. The claimants of these two cases, employed as teachers at a private school, alleged racial discrimination in salary determination based on skin colour, claiming that teachers they

referred to as "white people" received an MVR 8,000 allowance, free accommodation, and utility coverage.[105] They sought equal salary and benefits free from discriminatory treatment.[106]

63. However, the ET, applying the principle of equal treatment under the Employment Act, found that the claimants neither identified or provided sufficient evidence of salary-based racial discrimination when compared to teachers teaching the same subject or holding equivalent positions.[107] As a result, the claimants were not granted any remedy.[108] No racial discrimination cases in employment have been filed since 2011, and procedural changes had since limited the ET's capacity to address such claims.[109] Although the Employment Act prohibited discrimination in employment-related practices such as recruitment, promotion, and dismissal,[110] it did not explicitly provide specific penalties for racial discrimination, weakening enforcement mechanisms and undermining the constitutional guarantees of equality and non-discrimination.[111]

Recommendations

- **Enact comprehensive legal aid legislation to ensure accessible, state-funded legal assistance in civil, administrative, and labour matters, including through the establishment of legal aid clinics and mobile units to guarantee equitable access to justice for all individuals, including undocumented migrant workers in remote and outer islands.**
- **Institutionalize translation and interpretation services within the justice system to eliminate language-related barriers, thereby upholding the principles of non-discrimination, equality before the law, and the right to an effective remedy for all, including migrants.**
- **Develop and implement a nationwide multilingual legal awareness program in collaboration with civil society, using accessible formats and outreach methods.**
- **Establish legal and institutional safeguards to protect migrant workers from retaliation and arbitrary reporting when seeking redress, ensuring their right to an effective remedy without fear.**
- **Enforce a regulatory framework to prohibit passport confiscation by employers, with penalties for non-compliance, and regulate recruitment fees through a state-monitored system. Additionally, ensure that all migrant workers receive legal identification within 30 days of arrival.**
- **Ensure all relevant state authorities document disaggregated complaint data by nationality to identify patterns of labour rights violations and ensure targeted, non-discriminatory responses, to ensure effective protection and remedies against racial discrimination.**
- **Establish a dedicated labour housing inspection unit under the Ministry of Homeland and Security and Technology to conduct regular, unannounced inspections of migrant worker accommodations, ensuring safe, adequate, and dignified living conditions in line with their right to health and an adequate standard of living.**
- **Amend the Employment Act to lift the postponement of minimum wage for migrant workers and ensure equal wage protections for all, in line with the right to non-discrimination, fair remuneration, and an adequate standard of living.**
- **Ensure that operations such as Kurangi, along with restrictions on the Xpat system and related employer penalties, are implemented with clear and transparent procedural**

safeguards to prevent arbitrary deportation and misuse, including measures to ensure that employers pay all due salaries and wages to foreign workers prior to deportation.

- **Ensure that all irregular migrant workers are individually screened prior to deportation to identify potential victims of forced labour, human trafficking, or sexual exploitation, and uphold their right to an effective remedy in line with international human rights obligations.**
- **Ensure that all migrants held at the IDC are promptly and clearly informed of their legal rights, including access to consular assistance and legal representation, and are not subject to deportation without due process.**
- **Ensure that migrant workers subject to deportation under regularisation or enforcement programmes are granted adequate time and support to recover unpaid wages and personal belongings, with due consideration given to situations of potential exploitation. Additionally, strengthen accountability measures to investigate and penalise employers responsible for labour rights violations, in line with international human rights standards.**

Article 7

64. The principles of non-discrimination and racial equality are embedded in the national curriculum primarily through Social Studies, which is taught from Key Stage 1 to Key Stage 3.[112] These concepts are addressed within thematic areas such as *Civics and Government, Rights and Responsibilities, and Citizenship*. However, despite its inclusion in the curriculum, the MoE has not undertaken any formal assessment to evaluate the effectiveness of this approach, citing financial constraints as a major barrier to future evaluations. [113]

65. A 2023 study conducted by Transparency Maldives on civic education found that the current Social Studies curriculum lacks a comprehensive, rights-based civic education component.[114] It highlighted that Governance and Citizenship strand remains overly procedural and did not provide students with a contextual understanding of democracy.[115] The assessment also identified structural barriers that undermine the equal enjoyment of the right to education, including insufficient teaching time, absence of assessment mechanisms, and the lack of recognition through O'Level certification, factors that limit students' ability from marginalised communities to meaningfully engage with civic education.[116] Moreover, geographic disparities restrict equal access, as the Male'-centric curriculum disadvantages students in outer islands who have limited exposure to key institutions and civic spaces.[117] Language barriers also affect inclusivity, with teachers reporting improved comprehension when civic topics are taught in Dhivehi. Furthermore, inadequate teacher training and the absence of locally relevant learning resources, especially in remote areas, continue to weaken the quality and accessibility of civic education.[118]

Recommendations

- **Undertake a comprehensive assessment of the extent to which principles of non-discrimination and racial equality are effectively integrated into the Social Studies curriculum, to evaluate its impact on promoting human rights, fostering inclusive civic education, and advancing racial and social justice.**

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