

## **Special Rapporteur on the Human Rights of Migrants Call for inputs**

### **After one and half year: the impact of COVID-19 on the human rights of migrants**

**By: Mission for Migrant Workers Maldives (MMWM), first NGO registered in the Maldives to advocate for the rights of migrant workers.**

#### **Questions**

The Special Rapporteur would like to request inputs from Member States, regional and inter-governmental entities, civil society organizations, national human rights institutions and other relevant stakeholders, to contribute to the preparation of the report.

The Special Rapporteur is particularly interested in receiving inputs on any or all of the following issues, including case studies and specific examples of emerging practices and challenges.

- 1) Please provide information on the healthcare responses taken by your Government to counter the pandemic providing migrants and their families' access to adequate health care on the same basis as nationals. These include equitable access to treatment, testing, vaccines, reproductive health, gender responsive health protocols, protective equipment and other health and basic services such as water, sanitation, and information. Please also indicate if adequate firewall protections and professional capacities are available to ensure that migrants who fear seeking medical support can access health services without risking immigration enforcement measures; as well as personal data protection measures.**

#### **MMWM Comments:**

Maldives has adopted an inclusive approach in its healthcare response to mitigate the repercussions of COVID-19. Congested migrant labour quarters were identified prior to the initial lockdown at the beginning of the spread in the capital city, and essentials such as meal packs and hygiene kits were distributed to these labour quarters. Information disseminated was done so in multiple languages, including but not limited to Bengali, Sinhalese, and Indian. A separate expat flu clinic was established where migrants with flu-like symptoms could go to and get tested. Random samplings were done at migrant labour quarters often, to identify the spread of COVID-19. Migrants, who tested positive for COVID-19, were taken to quarantine/isolation facilities, same as locals. At a time when rate of infection amongst migrant population started skyrocketing, government established temporary accommodation quarters in Hulhumale' for the migrant workers situated in extremely congested labour quarters – government took note of the employer under whom the workers were registered.

When the government initiated the vaccine programme, the government adopted a “no one is safe until everyone is safe” policy, where everyone was eligible for free vaccination, irrespective of nationality or legal status. A special committee was established to monitor and recommend policies that include migrant workers in the vaccination campaign that included civil organization and migrant representation. Undocumented migrant workers were specifically targeted for vaccination through registering with Maldivian Red Crescent whereby their data was protected.

- 2) **Please indicate what solidarity measures and initiatives have been put in place or are planned by the Government, the civil society and other relevant stakeholders to support migrants in the context of the pandemic.**

**MMWM Comments:**

During the COVID-19 situation, we witnessed the vulnerability of the migrant workers in the Maldives up-close. Many of the migrant workers were laid off, homeless without any means of support for food or shelter. To combat this issue, the government took adequate measures to create awareness and engage civil societies in discussions and the COVID-19 vaccination programme which was led by Maldives Red Crescent in collaboration with other relevant stakeholders for migrant workers which included in dissemination of information, guidance, registration volunteering in vaccination centres to ensure migrant workers were vaccinated. We would like to highlight during the process, the government passed Regulation of Expatriates in the Maldives which incorporated stricter rules and regulations, accountability and to enforce all migrant workers in the Maldives to be documented with proper channels through the government. There were also voluntary repatriation program initiated to help the migrant workers return to their home country in collaboration with the Ministry of Economic Development, Immigration and the relevant Embassies.

- 3) **In the context of immigration detention, please indicate if measures have been considered to minimize health risks associated with the COVID-19 transmission by reducing migrants' detention and opting for alternatives to detention and, if not, kindly elaborate on challenges preventing such options. Please indicate if immigration detention of children has been practiced during the pandemic.**

**MMWM Comments:**

Despite some initial setbacks, measures were taken to ensure that the detention facilities adhered to the required standard for a quarantine facility to minimise the transmission of the disease. There were no immigration detention of children in the Maldives during the pandemic.

- 4) **Please provide information on actions taken to prevent and address racial discrimination, hate speech, xenophobia and related intolerance faced by migrants, particularly in the COVID-19 context.**

**MMWM Comments:**

Xenophobia, hate speech, and discrimination has been a huge challenge for the migrant workers in the Maldives and was exacerbated by the pandemic. There are various public awareness campaigns conducted in collaboration with civil societies by the government such as UNDP awareness programmes with AGO and MoHA etc. NGOS such as MMWM also played a key role in reducing the stigma through social media campaigns to promote vaccine equity and acceptance as well as "Migrant Workers of Maldives" series which showcased daily profiles on migrants of all classes and walks of life in order to promote inclusion and empathy.

- 5) **Please provide information on any emergency measures or declarations or any special legislation activating extraordinary powers based on the COVID-19 pandemic taken by**

**your Government at national or local level, and whether such measures have been temporary and proportional and tailored to migrants' human rights and fundamental freedoms.**

**MMWM Comments:**

As highlighted above, the Expatriate Regulation passed initially on August 2020 and later amendment to the Expatriate Regulation passed on February 2021 is specially in order to combat the underlying issues about migrant workers in the Maldives which was observed during the COVID-19 situation. Under the Regulations, an employer is given limited quotas to bring migrant workers who are to be registered in the Ministry of Economic Development with their biometrics which shall be maintained in the migrant workers registry. In addition, the Ministry shall conduct surveys of the accommodation provided by the employer and the employer shall ensure the accommodation is as per the guidelines stipulated in the Regulation.

We would like to highlight that during the COVID-19 lockdown in the Maldives, a number of migrant workers were discovered to be living in a small place often causing health and many other issues. As such the new Regulation issued by the government focused heavily to minimise this altogether.

- 6) Please provide information on any relevant legislation or policy adopted during the pandemic in relation to the regularization of migrants, including those in an irregular situation, through the adoption of for example regularization processes and pathways, extensions of work visas, and other appropriate measures for improving decent work and dignified living conditions, strengthening migrants' contributions and fostering cooperation. Please indicate if the regularization programs are devised as long-term solutions.**

**MMWM Comments:**

the Maldives, the government announced initial lockdown on 15<sup>th</sup> April 2020 until 02<sup>nd</sup> June 2020. Maldives Immigration announced during this time that any work permit holders who is required to apply for renewal of the work visa would not be required to pay any late fines or such and that migrant workers with expired work visa can apply for renewal without any penalisations. However, the government of Maldives took a stricter measure in relation to undocumented migrant workers where about an estimated 63,000 are working in the Maldives illegally out of a migrant worker population of 144,607. The current administration has taken several steps to curb undocumented migration, including imposing a one-year ban on contracting Bangladeshi labourers in effect from September 18, 2019 onwards. In a press conference held on 18<sup>th</sup> February 2020, Minister of Economic Development Fayyaz Ismail, revealed that 32,000 immigrants were registered in the government-led effort to tackle the issue of undocumented expatriates. In addition, the new regulation would be a huge step up.

In addition to this, Ministry of Economic Development with the assistance and support from the Ministry of Foreign Affairs has facilitated a voluntary repatriation programme which enabled expatriate workers without a valid documentation and/or expired employment approval/work permit to return to their home country. Through this initiative more than 13,000 expatriates have been repatriated as of July 2020.

- 7) **Please indicate if your country has adopted or is planning to adopt a COVID-19 socio-economic response and recovery plan, and if a human rights-based approach and human rights and gender-sensitive indicators are considered to ensure that no one will be left behind. Please indicate which are the available mechanisms enabling different parts of the Government as well as civil society actors and other key stakeholders to participate at all stages of the response and recovery plans and to monitor them.**

**MMWM Comments**

The vaccination programme would be an excellent example to show the actions of the government is to ensure that no one will be left behind. The Maldives became the first country to announce that migrant workers will be registered and vaccine will be administered free of charge to all the migrant workers in the Maldives. In addition to this, the UN has initiated the migrant network to help facilitate dialogue and influence policy and action programmes to be more inclusive of migrant workers. IOM is also very active in developing a National Health Plan for migrant workers that include preparedness for future outbreaks.

- 8) **Has the Government experienced specific challenges in protecting and fulfilling the human rights of migrants in the COVID-19 context - including their right to health, housing, education, information, social protection, basic services, safe and dignified return and sustainable reintegration and others? Kindly provide information on emerging practices and opportunities for strengthening the protection of migrants in the context of the COVID-19 pandemic.**

**MMWM Comments:**

There have been several situations identified where migrant workers, especially those working in the construction sector, were denied their monthly wages for months on-end, and deprived of access to basic hygiene and forced to live in quarters which were far from dignitary. Government started conducting more thorough inspections at labour quarters, and enforced stricter requirements for living quarters. There are significant challenges when it comes to legal recourse for migrant workers or implementation of the existing policies or laws.