

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Unofficial Translation
of
Law No: 12/2013 (Prevention of Human Trafficking Act)

The “Prevention of Human Trafficking Bill” passed in accordance with Article 92 of the Constitution, on Tuesday the 3rd of December in the year 2013 in the 17th sitting of the third session of the Peoples’s Majlis, upon being ratified by the President on Sunday the 8th of December 2013 (5 Safar 1433 AH), has become law and was published in the Government Gazette this day.

Translated by
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at the Request of
International Organization for Migration (IOM)

“Potential victim of trafficking” means, a person against whom an act of trafficking has occurred or may have occurred based on sufficient evidence as determined by one of the parties specified under this law.

9. Potential victim of trafficking

“Exploitative conduct” means, the situation where a person commits one of the following acts, against another person.

10. Exploitative conduct

(a) Where the person against whom such act is committed has been subject to unlawful coercive means; or

(b) To compel a person to provide a service or labour; and such service or labour is obtained from the person after being subjected to a condition; and because of the unlawful coercive means utilised such person is not free to change the person’s status or condition; or

(أ) جَرَسَاوَر هَجْمَتَرِنَاوَر؛ سَرَوَج

to intimidate a person; or (a)

(ب) جَرَسَاوَر كَرِيَاوَر هَجْمَتَرِنَاوَر؛ سَرَوَج

to use force against a person; or (b)

(ج) جَرَسَاوَر هَجْمَتَرِنَاوَر سَرَوَج سَرَوَج هَجْمَتَرِنَاوَر جَرَسَاوَر هَجْمَتَرِنَاوَر؛ سَرَوَج

to exert physical or psychological control over a person; or (c)

(د) جَرَسَاوَر كَرِيَاوَر هَجْمَتَرِنَاوَر؛ سَرَوَج

to coerce a person; or (d)

(هـ) جَرَسَاوَر كَرِيَاوَر هَجْمَتَرِنَاوَر؛ سَرَوَج

to deceive a person; or (e)

(ف) جَرَسَاوَر كَرِيَاوَر هَجْمَتَرِنَاوَر؛ سَرَوَج

to abduct a person; or (f)

(غ) جَرَسَاوَر كَرِيَاوَر هَجْمَتَرِنَاوَر؛ سَرَوَج

to abuse a position of power; or (g)

Chapter three

Presumptions of law

Presumptions of law

Presumptions of law

Chapter 12. (a) Human trafficking

A person who commits one of the following acts, shall be presumed to be a human trafficker.

(1) Through unlawful coercive means, transport a person from one country to another or intentionally conspire to transfer or intentionally facilitate such an act; and to use such unlawful coercive means and while it operates, transport the person to another country or transfer or harbour or receipt of such person.

(2) Through unlawful coercive means, transport a person from one country to another or intentionally conspire to transfer or intentionally facilitate such an act; and to use such unlawful coercive means and while it operates, transport the person to another country or transfer or harbour or receipt of such person.

أشهر قرضاً من رضى من غير رضاه من قبله

15. Consent
For purposes of this law a child, shall be presumed not to have consented to the commission of an act prescribed as an offence under this law against the child.

16. Debt bondage
Engaging in an act constituting the following situations shall be deemed to be an act of debt bondage.

(أ) قبل جازي قرضاً من رضى من غير رضاه من قبله
قوله دسه لاجور نجره من رضى من غير رضاه من قبله
أجره لاجور نجره من رضى من غير رضاه من قبله
قوله دثره لاجور نجره من رضى من غير رضاه من قبله

(a)
To pledge a person or a person under another person's control to provide a service or labour or is negligent of an intentional act committed against the person the consequences of which is the person to enter such an agreement; and

(ب)
أجره لاجور نجره من رضى من غير رضاه من قبله
أجره لاجور نجره من رضى من غير رضاه من قبله
قوله دثره لاجور نجره من رضى من غير رضاه من قبله

(b)
Such agreement is entered into by the person in consideration of a debt or suspected debt that must be paid by the person or in consideration of a debt or suspected debt that must be paid by the person after such agreement is entered into by the

عقوبة الاتجار بالبشر جريمة يعاقب عليها القانون
عقوبة الاتجار بالبشر جريمة يعاقب عليها القانون؛

Victim of trafficking is a person with mental or
physical disability;

عقوبة الاتجار بالبشر جريمة يعاقب عليها القانون؛

The victim of trafficking is a child;

عقوبة الاتجار بالبشر جريمة يعاقب عليها القانون؛

More than one person is trafficked;

الجرم يتم، من قبل منظمة إجرامية؛

The offence is committed, by a criminal organisation;

عقوبة الاتجار بالبشر جريمة يعاقب عليها القانون
عقوبة الاتجار بالبشر جريمة يعاقب عليها القانون؛

In committing the act of trafficking the victim of
trafficking was given an intoxicant or any other drug;

الجرم يتم من أجل مساعدة ارتكاب الجريمة؛

A child was made to aid the commission of the
offence;

(a) (b) 7 (seven) years. Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 7 (seven) years.

(b) 23. Offence of gaining material benefit from trafficking

(a) 23. Offence of gaining material benefit from trafficking

(a) 23. Offence of gaining material benefit from trafficking

(a) (b) 7 (seven) years. Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 7 (seven) years.

(b) 24. Offence of gaining material benefit from trafficking

(a) 24. Offence of gaining material benefit from trafficking

About the ways in which providing labour or services (7) may be terminated when desired; or

(8) ... (1) ... (7) ...

As to whether a provision from among the provisions (8) stated from number (1) through number (7) of this clause may be altered by the person or if they may be altered, the extent to which it may be altered.

(a) ... (b) ...

Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 7 (seven) years.

... 25. ...

A person who commits an act of debt bondage (a) 25. Offence of debt bondage commits an offence.

(a) ... (b) ...

(a) *Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 1 (one) year.*

(b) *Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 1 (one) year.*

(c) *If the victim of trafficking of an offence under subsection (a) of this section is a child, whoever commits the offence under subsection (a) of this section shall be punished, with imprisonment for 5 (five) years.*

(c) *If the victim of trafficking of an offence under subsection (a) of this section is a child, whoever commits the offence under subsection (a) of this section shall be punished, with imprisonment for 5 (five) years.*

28. (a) *In order to commit an offence under section 12 or section 13 of this law or in order to facilitate the commission of such offence to unlawfully design or create or change, or make any alteration to a person's identification document or travel document shall be an offence.*

Offence of creating documentation and alteration

(a) 28. *In order to commit an offence under section 12 or section 13 of this law or in order to facilitate the commission of such offence to unlawfully design or create or change, or make any alteration to a person's identification document or travel document shall be an offence.*

Offence of creating documentation and alteration

(a) *Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 5 (five) years.*

(b) *Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 5 (five) years.*

section shall be punished, with imprisonment for 5 (five) years.

29. (a) ... 12 و 13 ... 5 ...

In order to commit an offence under section 12 or section 13 of this law or in order to facilitate the commission of such offence, for the purpose of unlawful use to procure or to buy anything, or to destroy or hide or take or withhold or alter or duplicate or possession of a person's identification document or travel document shall be an offence.

(a) ... 5 ...

Whoever commits an offence under subsection (a) of this section shall be punished, with imprisonment for 5 (five) years.

30. (a) ... 30 ...

A person who, due to the nature of employment or due to the position held is a person privy to information pertaining (a) 30. Offence of disclosing

دسرسو ځي اړو زغوردي لادو ډولونو ډولونو؛ (د)

A Ministry of Health employee related to such matters. (e)

رڼو سر ځي دسرسو ځي لادو ډولونو ډولونو؛ (د)

A Ministry of Human Resources employee related to such matters. (f)

اړو سر ځي اړو زغوردي لادو ډولونو ډولونو دسرسو ځي لادو ډولونو؛ (د)

An officer involved in such matters of the Ministry related to human rights or Ministry related to child rights. (g)

ډولونو ډولونو ځي لادو ډولونو ډولونو؛ (د)

A medical practitioner or health worker; (h)

ډولونو ډولونو ځي لادو ډولونو ډولونو؛ (د)

A social worker or psychologist (i)

ډولونو ډولونو ځي لادو ډولونو ډولونو؛ (د)

An employee of a non-governmental organisation providing (j)

reflect and decide a way forward in accordance with subsection (c) of this section shall have the following rights.

(1) ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކަކީ ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ;

(1) Right to stay in the Maldives during that period; and

(2) ހުށަހަޅާ ފަރާތްތަކަކީ ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ; ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ;

(2) The right of such person to be entitled to the rights prescribed in chapter six of this law.

(3) ހުށަހަޅާ ފަރާތްތަކަކީ ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ; ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ; ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ.

(3) If it is decided to deport such person, to postpone enforcement of such decision; or where an order has been issued to postpone enforcement of such order.

(e) ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކަކީ ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ; ޤަނޑުކަންޖެހިގެން ހުށަހަޅާ ފަރާތްތަކެވެ.

(e) Within the time prescribed under subsection (c) of this section, the investigation of the act of trafficking may be continued.

معلومات على طبيعة الحماية التي يتمتع بها الضحايا المحتملون؛

Information on the nature of protection a potential (1)
victim of trafficking is entitled under this Law;

معلومات على طبيعة المساعدة المتاحة من (2)
الجمعيات المدنية التي تساعد ضحايا الاتجار بالبشر؛

Information on the nature of assistance available from (2)
civil societies that assist victims of trafficking;

معلومات على طبيعة المساعدة المتاحة من (3)
السلطات في بلد المنشأ للضحايا المحتملين للاتجار بالبشر؛

the right to communicate with the embassy or any other (3)
authority of the country of origin of potential victim of
trafficking;

معلومات تتعلق بالتحقيق الذي يجري (4)
ضده الشخص أو أي تهم جنائية، إن وجدت، المرفوعة
عنه؛

Information relating to an investigation involving the (4)
person or any criminal charges, if any have been filed
against the person;

معلومات على طبيعة المساعدة المتاحة من (م)
الجمعيات المدنية التي تساعد ضحايا الاتجار بالبشر؛
معلومات على طبيعة المساعدة المتاحة من (م)
السلطات في بلد المنشأ للضحايا المحتملين للاتجار بالبشر؛

މިއަހަރުގެ ގޮތުގައި 34 ވަނަ ޤަނޫނުގެ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި؛ (1)

Right to information in accordance with section 34 of this law; (1)

މިއަހަރުގެ ގޮތުގައި 35 ވަނަ ޤަނޫނުގެ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި؛ (2)

Right to services prescribed under section 35 of this law; (2)

36 ވަނަ ޤަނޫނުގެ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި؛ (3)

Right to confidentiality of personal information in accordance with section 36 of this law; (3)

މިއަހަރުގެ ގޮތުގައި 37 ވަނަ ޤަނޫނުގެ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި؛ (4)

Right to protection in accordance with section 37 of this law; (4)

މިއަހަރުގެ ގޮތުގައި 38 ވަނަ ޤަނޫނުގެ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި ބަޔާންކޮށްފައިވާ ގޮތުގައި؛ (5)

If the potential victim of trafficking is a Maldivian (5)

<p>(a) 50. 50</p>	<p>50. (a) 50</p>	<p>50. (a) 50</p>
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<p>If one of the following situations arises, assistance given to victims of trafficking in accordance with chapter six and under this chapter shall be terminated.</p>	<p>(a) 50. Terminating assistance given to victims of trafficking</p>	<p>50. (a) 50</p>
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(1) 41 41

(1) In accordance with section 41 of this law Maldives Police Service completes the procedures for identifying victims of trafficking;

(2) 44 44

(2) In accordance with section 44 of this law Maldives Police Service determines that the person is not a victim of trafficking.

<p>(a) 51. 51</p>	<p>51. (a) 51</p>	<p>51. (a) 51</p>
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<p>At the time a person is identified as a victim of trafficking in</p>	<p>(a) 51. Protection for</p>	<p>51. (a) 51</p>
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appoint a legal guardian to protect the interests of the child; (1)

أُنظِّمَ كِفَالًا لِحَقِّهِ لِتَحْقِيقِ مَصْلَحَتِهِ (2)

take all necessary steps to establish the child's identity and nationality; (2)

أَتَّخِذَ كُلَّ الْإِجْرَاءَاتِ الْمُناسِبَةِ لِتَحْقِيقِ هَوِيَّتِهِ وَوَجْهَتِهِ (3)

if it is in the best interests of the child to locate the child's family, to do all possible to locate the child's family; (3)

يُتَّخَذُ كُلُّ الْإِجْرَاءَاتِ الْمُناسِبَةِ لِتَحْقِيقِ مَصْلَحَتِهِ (4)

when providing information to a child, to provide information in a language and manner understandable by the child; (4)

يُتَّخَذُ كُلُّ الْإِجْرَاءَاتِ الْمُناسِبَةِ لِتَحْقِيقِ مَصْلَحَتِهِ (5)

Where it is necessary to interview a child victim of (5) trafficking or perform a search on the child, to conduct such through specially trained professionals, in an environment suitable for a child, in a language the child uses and in a manner understood by the child and in the presence of a guardian or legal guardian or any other person appointed to protect the interests of the child.

53. Where criminal proceedings of a trafficking offence involve a child victim of trafficking, hearings of such trial must be conducted in camera. And where it is necessary for a child to give evidence in such legal proceedings, the child's evidence must be taken in a manner such that the accused would not see the child.

54. For purposes of this chapter, meaning of child victim of trafficking shall include potential child victims of trafficking and those identified as child victims of trafficking.

53. Where criminal proceedings of a trafficking offence involve a child victim of trafficking, hearings of such trial must be conducted in camera. And where it is necessary for a child to give evidence in such legal proceedings, the child's evidence must be taken in a manner such that the accused would not see the child.

54. For purposes of this chapter, meaning of child victim of trafficking shall include potential child victims of trafficking and those identified as child victims of trafficking.

14 (fourteen) members from the following sectors-

مەركەزىي قىتئە ئىسپات ئورگانىدا بىر مەركەزىي قىتئە ئىسپات ئورگانى؛ (1)

A member of the People’s Majlis determined by the Majlis; (1)

ئىسپات ئورگانىدا بىر قىتئە ئىسپات ئورگانى؛ (2)

A Justice of Supreme Court, determined by the Court; (2)

بىر قىتئە ئىسپات ئورگانىدا بىر قىتئە ئىسپات ئورگانى؛ (3)

A member of Human Rights Commission determined by the Commission; (3)

بىر قىتئە ئىسپات ئورگانىدا بىر قىتئە ئىسپات ئورگانى؛ (4)

An employee of the Ministry determined by the Ministry; (4)

بىر قىتئە ئىسپات ئورگانىدا بىر قىتئە ئىسپات ئورگانى؛ (5)

A lawyer appointed by the Attorney General from the office; (5)

بىر قىتئە ئىسپات ئورگانىدا بىر قىتئە ئىسپات ئورگانى؛ (6)

دسرسوچي ۽ ٻيو ڪو به ادارو يا سلسلو يا دسرسوچي جو ذميواري؛ (12)

An employee of Ministry of Home Affairs determined by the Ministry;

دسرسوچي ۽ ٻيو ڪو به ادارو يا سلسلو يا دسرسوچي جو ذميواري؛ (13)

An employee of the Ministry of Islamic Affairs (13) determined by the Ministry;

دسرسوچي ۽ ٻيو ڪو به ادارو يا سلسلو يا دسرسوچي جو ذميواري؛ (14)

A representative of a non-governmental organisation (14) working towards preventing human trafficking nominated by the organisation;

دسرسوچي ۽ ٻيو ڪو به ادارو يا سلسلو يا دسرسوچي جو ذميواري؛ (15)

Members of the committee appointed under subsection (b) of this section must be capable of working towards achieving the objectives of the committee.

دسرسوچي ۽ ٻيو ڪو به ادارو يا سلسلو يا دسرسوچي جو ذميواري؛ (16)

مجلس الشعب سنويا يقدم تقريرا عن العمل الذي قامت به اللجنة.

Based on the work of the Committee, the Committee must submit a report to the President, and the People’s Majlis before the end of July every year. And after submission of such report to the President and the People’s Majlis, the report and published and made public

65. Annual report

قائمة المحتويات

Part five

مختلطة

Miscellaneous

66. (a) Cooperation among institutions
الهدف من هذا القانون هو منع الاتجار بالبشر، وحماية الضحايا، وتحقيق العدالة، وتعزيز التعاون بين المؤسسات المعنية.

To achieve the following objectives, recognise persons who commit offences and prevent crime under this law, and enable victim assistance by law enforcement agencies and other relevant institutions must cooperate and share information among themselves.

66. (a) Cooperation among institutions

(1) يجب على المؤسسات المعنية بالتعاون فيما بينها لتحقيق أهداف هذا القانون.

ނަންދަ ޖަހަވު ރިސާޔަތް ޖަހަވު ނުވަތަ ނަންދަ ޖަހަވު ބަނޑު ބޭނުންކުރަން ޖަހަވު ވަނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ (2)
ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ ނުވަތަ ނަންދަ ޖަހަވު ބަނޑު ބޭނުންކުރަން ޖަހަވު ވަނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ؛

The criminal act was committed on or the vessel used (2)
to commit the offence was registered in the Republic
of Maldives.

ނަންދަ ޖަހަވު ވާނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ (3)

The suspected offender is a Maldivian citizen. (2)

މި ނިންމުމަކީ ނަންދަ ޖަހަވު ނުވަތަ ނަންދަ ޖަހަވު ބަނޑު ބޭނުންކުރަން ޖަހަވު ވަނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ ނުވަތަ ނަންދަ ޖަހަވު ބަނޑު ބޭނުންކުރަން ޖަހަވު ވަނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ ނުވަތަ ނަންދަ ޖަހަވު ބަނޑު ބޭނުންކުރަން ޖަހަވު ވަނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ (a)

Any offence criminalised in this law even if committed (b)
outside the Republic of Maldives, where such offence is
committed under one of the following circumstances, such act
shall be governed by this law.

ނަންދަ ޖަހަވު ވާނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ (1)

The suspected offender is a Maldivian citizen. (1)

ނަންދަ ޖަހަވު ވާނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ؛ (2)

Victim of the offence is, a Maldivian citizen. (2)

ނަންދަ ޖަހަވު ވާނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ ނުވަތަ ނަންދަ ޖަހަވު ބަނޑު ބޭނުންކުރަން ޖަހަވު ވަނީ ދިވެހިރާއްޖޭގެ ސަރަޙައްދުގައި ހިންގާ ވަނަމަ (c) 68

"Identification document" means, a document that may be used to establish the identity of a person, issued by the authorities of such person's country of origin.

"Identification document" means, a document that may be used to establish the identity of a person, issued by the authorities of such person's country of origin.

"Committee" means, the Steering Committee on Human Trafficking matters that is established pursuant to section 60 of this law.

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"Criminal organisation" has the meaning given by the Maldivian Penal Code to the phrase.

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"Entry" means, any unlawful or lawful physical entry into the territories of Maldives.

"Entry" means, any unlawful or lawful physical entry into the territories of Maldives.

"Entry" means, any unlawful or lawful physical entry into the territories of Maldives.

"قانونى كورمىسىنىڭ قانۇنچىسى" دېگەن سۆز ئىشلىتىش، بۇ قانۇندا
 بەلگىلەنگەن ئىشلىتىش ھەققىدە قانۇنچىسىنىڭ ئىشلىتىش ھەققىدە
 بەلگىلەنگەن قانۇنچىسىنىڭ ئىشلىتىش ھەققىدە.

“Law enforcement officer” means, an employee of any institute
 vested with powers to investigate offences prescribed under this law
 by this law or any other law.

"قانونچىسى" دېگەن سۆز ئىشلىتىش، قانۇنچىسىنىڭ قانۇنچىسىنىڭ
 ئىشلىتىش ھەققىدە قانۇنچىسىنىڭ ئىشلىتىش ھەققىدە
 قانۇنچىسىنىڭ ئىشلىتىش ھەققىدە قانۇنچىسىنىڭ ئىشلىتىش
 ھەققىدە قانۇنچىسىنىڭ ئىشلىتىش ھەققىدە.

“Travel document” means, passport or temporary travel
 document or any other internationally accepted document for
 travel that is issued by the respective authorities of a country
 for international travel by air or by sea.