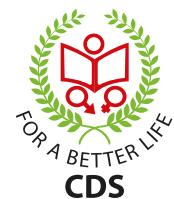
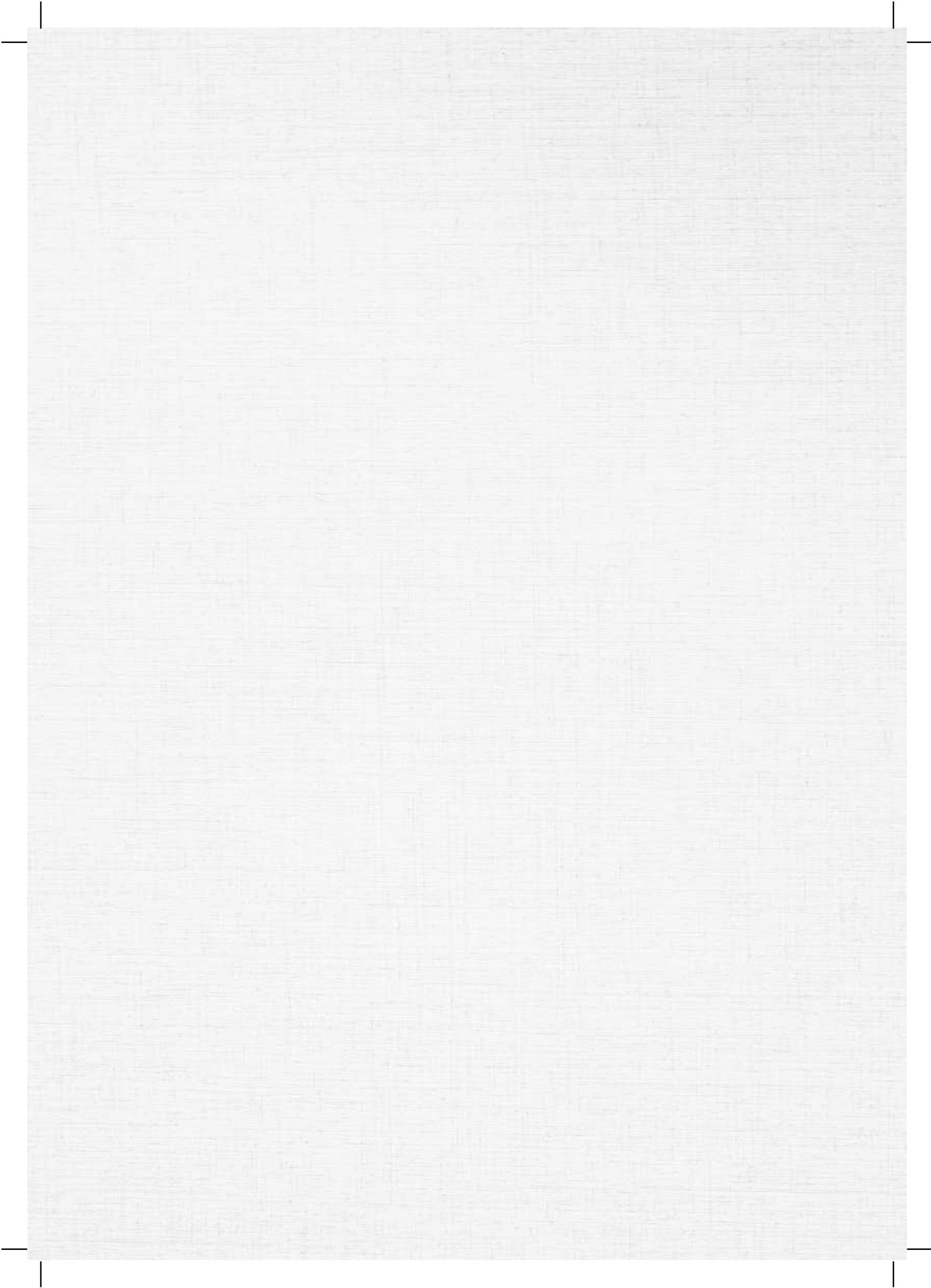


# Strengthening Counter Trafficking Efforts (SCOUT) Badulla District

Project Closure Report by  
Community Development Services (CDS)







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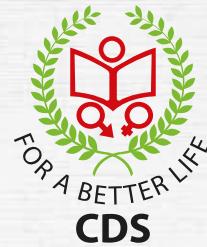
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The opinions expressed in this publication is that of Community Development Services (CDS) based on the project activities it carried out in the Badulla district and the work the organisation does in the field of labour migration in Sri Lanka and the human and labour trafficking interventions it is engaged in with the migrant worker community and garment and apparel industry

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COMMUNITY DEVELOPMENT SERVICES

Community Development Services (CDS) is a national non-governmental organization registered under the companies' ordinance in 1978 and recognized as an approved charity by an act of the Sri Lankan parliament (vide gazette No. 15 of December 1978). Registration no.1978/A/49. New re registration no.GA295.

As a development consultancy and practice, CDS partners with district, national, Asian, and international civil society partners, donors and multi stakeholder partners in knowledge sharing and knowledge building platforms, influencing policy and in the development of knowledge tools and platforms for social justice and inclusion.

As an advocate and catalyst for policy influencing, contributing to policy change on many social and economic development platforms CDS brings a vast ground experience in shaping national, sub-regional, regional, and international engagement and practice.

**Mission - *For a better life* -**

Bringing together people from all segments of society especially vulnerable, at risk and inadequately served population groups to be represented and respected as equal citizens in society through a movement that participates in the belief and practice of human rights, health rights and integrated social development through national and international cooperation.

# **CDS Operational Strategy**

***Working with inadequately served & vulnerable communities  
for a better life***



## **Strategic Pillar 1**

***Labour Migration & Health***

## **Strategic Pillar 2**

***Labour Migration & Rights***

## **Strategic Pillar 3**

***Youth & Women in Development***



## **Strategies**

***(Within a rights based framework)***

***Engage in Evidence based programming / Participatory action research  
/ Multi stakeholder & multi sectoral engagement / Scaling up capacity  
enhancement skills of civil society organisations  
/ Advocate for national policy engagement / Promote international instruments  
/ Engage in regional and international development processes***

# ***Our Operational Footprint***

## **Communities We Engage With**

Youth. Sex Workers. MSMs, PLHIVs. Low Skilled Migrant Workers, Factory Workers.

Women who are economically & socially vulnerable and challenged in society.

## **Their Issues**

Vulnerable. Discriminated. Stigmatised. Shamed. Abused. Distressed. Detained. Deprived.

Underserved. Marginalised. Deceived.

## **Knowledge We Give**

HIV/AIDS. SRH. STDs. Gender. GBV. Labour Trafficking. Safe Labour Migration.

Mental Health

Health Rights. Labour Rights & Protection. Equality, Economic & Social Empowerment.

Legal Assistance. Psychosocial Support. Community Leadership

## **Our Delivery Framework**

Capacity Enhancement & Development. Policy Influencing. Advocacy & Lobbying.

Activism. Behaviour Change & Development Communication. Evidence Based

Participatory Action Research

## **Our Key Stakeholders**

NGOs. CBOs. GROs. Government. Local Government Authorities. Government & Private

Institutions. Direct & Indirect Beneficiaries. Donor Community, Multilateral Agencies,

International Partners. Sub-Regional & International Networks

## **Acronyms**

CBO – Community Based Organisation

CDS – Community Development Services

CSO – Civil Society Organisation

DO – Development Officer

DOFE – Development officer of foreign employment

GN – Grama Niladari

IOM – International Organisation for Migration

KSA – Kingdom of Saudi Arabia

NGO – Non-governmental organisation

PCCF - Plantation Community Communication Facilitators

PDO – Pre departure orientation

SCOUT - Strengthening Counter Trafficking Efforts in Sri Lanka

SLBFE – Sri Lanka Bureau of Foreign Employment

SOP – Standard Operating Procedure

TIP – Trafficking-in-persons

ToT – Training-of-trainers

VoT – Victim of trafficking

WDO – Women development officer

## Acknowledgements

The project, over two years in a single district covered a considerable ground both geographically and in working with a multistakeholder community and institutions in the district. It is too numerous to thank people individually.

We are grateful to the International Organisation for Migration (IOM) for selecting us to work on the SCOUT project in the Badulla district, for guiding and offering the necessary technical knowledge on the project.

We worked with many ground level communities and district and divisional level state and non-state institutions and their officers.

- Ms. Damayanthi Paranagama, District Secretary- Badulla
- Mr. W.M.R. Ranjith, Additional District Secretary
- Mr. D.M. Jagath Dissanayake - District Foreign Employment Development Officer

The many officers and divisional secretaries of Badulla, Welimada, Lunugala, Ella, Passara, Mahiyanganaya, and Bandarawela are acknowledged. We acknowledge the officers of the other divisions in the Badulla district who attended the initial consultations and programmes.

At the community level we acknowledge the Plantation Community Communication Facilitators (PCCF) of Passara, Badulla, and Lungual, Uva Workers Development Foundation and the many community leaders at the divisional and village level.

We also acknowledge the following institutions that attended our workshops and provided us with project assistance.

- Community Police Unit and Divisional Officer in charge of children and women's Bureau of the Badulla Police.
- Commissioner of probation and child care
- Provincial Director Health Service, Badulla
- Municipal Commissioner, Municipal Council Badulla
- President, Pradeshiya Sabha, Ella and Mahiyanganaya
- Regional Director, Plantation Human Development trust
- Manager, Attampettia estate
- Manager, Hingurugama estate complex

We also acknowledge our resource partners, Subodha M. Malawara Archchi and Velayuthapillai Kandeepan who journeyed with us in delivering workshop training in Sinhala and Tamil.

Finally, we acknowledge our own staff at CDS and to Neranjala Soosapullai in particular who led the project from the inception with distinction.



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## Introduction

## Introduction

Human trafficking or trafficking-in-persons is a thriving illegal global business operated in the rich and poor countries like. It is a global syndicate in that vulnerable men, women and children are trafficked from across locations, borders, and countries for profit.

Its international definition explains that trafficking-in-persons is recruitment transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Vulnerabilities of persons to human trafficking are multipronged. It is most profound when countries don't adequately practice their antitrafficking laws and ensure the protection of their people. It is also when the laws don't adequately address prosecution of the traffickers and when corrupt and impunity practices are encouraged by countries and their governments.

### Sri Lanka's human trafficking profile

Sri Lanka's trafficking profile is mainly confined in the area of labour migration forcing female and male workers into forced labour in destination countries in sectors such as construction, garments, and domestic service. It is a known fact that 90% or more are recruited to the Gulf corridor.

There are new recruitment patterns that are emerging such as labour outsourcing, contracting to work on multiple sites, freelance labour, undocumented labour that need to be followed and monitored as most of these recruitment patterns don't necessarily have official or binding documents and protection mechanisms.

Other trafficking sectors include rural to urban trafficking into unchecked domestic servitude, small business recruitment and the commercial sex industry. Recruitment to the commercial sex industry is a disguised business as government approved spas and ayurvedic massage parlours that openly operate in many urban centers of the country. Child labour and underage sex into the tourism industry in certain strategic tourist hotspots is also prevalent. Organised foreign workers brought to the country to operate in exclusive commercial sex establishments. Sexual favours. Persons with physical deformities forced to beg by organised trafficking rings. Selling vulnerable workers with their debt to other employers especially in the plantation sector.

Though not mentioned, women working in the garment industry are lured to work in the so called spas and ayurvedic massage parlours on their off days as an extra income to support the paltry wages they earn in the factories, must be noted.

A new trend that is emerging is in the unchecked microcredit industry where vulnerable women are sourced in rural areas to obtain loans at exorbitant interest rates that they are not informed of. When unable to pay up, they are forced to take another loan to pay off the previous loan. Some of these microcredit operators have partnered with recruitment agents and their subagents to force women to take up foreign employment as domestic workers. They are offered a lumpsum payment before departure as an advance of their wages. The microcredit companies collect their dues before their departure. This amounts to a transaction of payment forcing the worker to exploitative labour conditions.

## 2 Tier Watch List

In the US Department of State Trafficking-in-persons Report 2020 for the 2nd consecutive year has listed Sri Lanka 2 Tier Watch List. Though Sri Lanka has made some progress to arrest the trafficking-in-persons, it has failed in following up with the many institutions responsible for bringing the situation under control.



- Officials have been complicit in reporting trafficking situations including inadequate investigating.
- Not enough efforts made to identify Sri Lankan forced labor victims abroad. This has left many potential trafficking victims without social and legal assistance.
- Whilst some workers received shelter in embassies the conditions and services remained inadequate and inconsistent.
- The SLBFE handled nearly all labour migration related complaints, though many had forced labour indicators, they were not referred to the police for criminal investigations.
- Arrest of unidentified trafficking victims arrested for prostitution, vagrancy and immigration offences and concerns of child sex trafficking from previous reporting periods continued to remain in government detention centres.

## Emerging Concerns

- Poverty stricken debt ridden families are offered "financial incentives" (large advance payments) by recruiters for women migrants to be recruited as domestic workers. This is in a sense a trap or bribe of sorts to lure impoverished female migrant workers to bite the carrot.
- Micro credit institutions offer finances to debt ridden families and individuals to pay up existing debt and take new loans at exorbitant interest rates. There is some

suspicion that unscrupulous agents and sub agents are hand in glove with micro credit organisations operating as a collective mafia.

- The travel path using tourist visas or visit visas and bypassing the registered system has not been fully investigated as it is suspected that some recruiting agents are

behind this scheme. The government of Sri Lanka does not recognise a migrant worker who has not paid the registration fee and migrated through the registration process.

- Large numbers of undocumented migrant workers are on the rise. The recruitment industry is aware of it and promotes it. There are trafficking offences in the destination countries of these undocumented workers as they don't have signed documents with them. This trend is not addressed by authorities until an amnesty is offered for their repatriation.
- There are many workers who have gone through official and regular channels and have signed legitimate contracts have had to run away or leave their employer as they have been abused and their contracts violated. Their undocumented and distress status is often ignored or not addressed by authorities.
- Contract substitution when arriving in host countries in the Gulf corridor continues to be an operational function of employers. Our government and the relevant authorities are aware of this malpractice. However, it has not been addressed, bilaterally.
- We hear certain malpractices taking place at shelters operated by our consulate offices in destination countries where trafficked victims are offered for employment and other services by force. This has not been investigated to our knowledge.





## The Project

## The Project

The project was conceptualized by the International Organisation for Migration (IOM) with financial support from the U.S Department of State and collaboration with the Ministry of Justice. Its aim was to effectively contribute to combat trafficking in persons (TIP) in Sri Lanka through the strengthened collaborative efforts of all stakeholders and enhancing protection mechanisms for victims of trafficking (VoT) with the following objectives.

- I. To empower civil society organizations (including the non-governmental organizations and the CBOs) to support Government efforts to address TIP at local levels
- II. To build the capacity of government and non-government stakeholders (NGOs) to identify all forms of victims of trafficking and provide effective protection;
- III. To increase understanding and reporting of TIP through national outreach and research.



## Badulla District

The project duration was from January 2019 to December 2020. CDS was entrusted to carry out the project in the Badulla district of the Uva Province. Badulla is an important strategic transit hub that is linked by districts of Monaragala to its east and Ratnapura to the south, Ampara and Kandy districts on the north and by Nuwara-Eliya on the west.

The Badulla district is predominantly a tea plantation district with a mountainous and terracelike terrain that is suitable for agriculture, livestock, and paddy cultivation. It is a district that attracts local and foreign tourists for its nature, natural beauty, and conservation.

The district has 15 divisions and 567 Grama Niladari divisions. It has close to 200 villages and 186 plantations with a high Tamil population living in the tea plantations. The district has an estimated 227,428 families comprising of a population of over 850,000.

Its gender distribution is 51.9% females and 48.1 males. 72.6% of the population live in rural areas, 18.9 live in the plantations. In terms of ethnicity, 73% are Sinhala, and 21.1% are Tamil. Since agriculture is its main livelihood, most families are low income and daily wage earners.

CDS carried out its trafficking-in-persons programs and activities in the divisions of **Badulla, Ella, Bandarawela, Passara, Lunugala, Mahiyanganaya, and Welimada**. Programmes and activities were rolled out in stages in the two year project period under the patronage and supervision of the District Secretary.

## Project derailed

The near two year project ran smoothly throughout 2019. As 2020 unfolded, it came with a global health crisis, a pandemic. The covid19 did not spare any nation. It continues to infect millions with many loss of lives as well. The destruction and devastation has been unprecedented. As governments and their health sectors were uncertain as to how to deal with the pandemic and as infections were rising, health sectors and health institutions were stretched to the limit. Their frontline personnel were most at risk as we in civil society were challenged to look at prevention of the virus entering migrant workers who almost immediately became a most vulnerable population throughout the world.

One of the first things governments did were to close borders and make mobility impossible. Social and physical distancing was introduced with face masks and hand sanitizers becoming items never to leave home without.

A new normal was welcome in many sectors but not to migrant workers and certainly not for low skilled workers. These vulnerabilities and the resulting sudden and overnight retrenchments and job losses, wage losses and the undocumented status made them even more vulnerable to the destination country labour laws.

As these were important advocacy issues, we found it difficult to carry out some of our programming work and activities in the district owing to the curfew, internal travel restrictions, crowd gathering restrictions and general lockdowns that derailed our work. We were unable to implement the planned street drama activities and the proposed schools awareness programme. However, we would like to conclude that despite these restrictions we achieved much of the work – say a good 90% of it.

## Project scope, activities, and outcomes

The project took a multipronged, multi stakeholder and a multi-dimensional approach and strategy in order to reach out to communities qualitatively and quantitatively in the district and the selected divisions in the two year period.

At the institutional level, the project approached and worked with the district and divisional secretariat offices and their officers serving the many communities. It has some limited interaction and intervention with the Sri Lanka Bureau of Foreign Employment (SLBFE) office in Badulla. It worked with the plantation companies and their officials in approaching the plantation communities and workers. It approached the law enforcement in the district and in the selected divisional cities. It worked with local civil society and grassroot organisations. All these institutions were educated on the project, its goal, and objectives with hope that these institutional stakeholders would come together to address trafficking-in-persons in the district.

This strategic approach in strengthening the knowledge of local institutions brought about sustenance of the project in the district.

Objective	Output	Outcome
ToT based on IOM training model	Knowledge given to local CSO partners	Local CSO partners geared to disseminate knowledge to community
TiP awareness and knowledge to local authorities	Knowledge given to district/divisional secretariat officials Knowledge given to law enforcement officers in the district	A district administrative authority and law enforcement officials well versed and well aware about TiP
Communities in the district and divisions are provided with knowledge on TiP	Trained and qualified community leaders and CSO leaders entrusted to carryout workshops in the district	Community members including vulnerable members are made aware of the dangers and consequences of TiPt
	Identify and help and support to trafficked victims	Follow and practice victim assistance protocols.
Local authorities and law enforcement are qualified to investigate TiP victims	The knowledge and awareness given to them and the formation of discussion forums	Discussion forums formed as a sustenance tool for the district and also as a vigilante group
	Regular discussions with local law enforcement officers	

**Knowledge workshops:** During the project period CDS conducted a series of anti - trafficking awareness raising knowledge workshops in the district for the local government officers and community members/CSOs. The main focus of these knowledge workshops were to increase understanding of trafficking in people, to enhance victim identification and provision of protection to prevent trafficking through

awareness raising and getting community commitment as improving measures in identifying and responding to victims of human trafficking. Overall, these Training/awareness workshops enabled to **build the capacity of government and non-government stakeholders and community members to identify the many forms of trafficking, identify victims and provide effective protection.**

Knowledge Giving Workshop	Number of Workshops	Male	Female	Total number of participants
For Local Government officers	04	46	93	139
For community members and CSOs in Sinhala	04	24	111	135
For community members and CSOs in Tamil	05	66	105	171
<b>Total</b>	<b>13</b>	<b>136</b>	<b>309</b>	<b>445</b>

A total of 306 community leaders and 139 local government officers were reached through these knowledge workshops. As a result of the capacity building activities government officers such as Probation officers and Child Protection officers have educated the children and teachers in schools about human trafficking. Likewise, other officers such as GNs, DOFEs and WDOs have conveyed this message to members of the village committees and to community members whom they meet in their day-to-day field work. In addition, few community leaders have also taken steps to provide this message to the community with interest. It is noteworthy to mention that one of the community members who attended the workshop had created awareness at the parent-teacher meeting in a school in Lunugala.

**Discussion forums:** Under this project CDS set up a discussion forum comprising of officers from the district and divisional secretariat offices, civil society and grassroots members from the plantation community, and law enforcement officers. This forum met over 6 times at periodic intervals to discuss and actively engage in counter trafficking work in the district. The forum members were identified from the awareness raising workshops held for government officers and the community at the beginning of the project.

These forums facilitated the government officials/Police and the community leaders to discuss the ground level issues openly, enabling them to build a link among government officials of each community discipline such as women development, economic development, migration development, child probation etc. Moreover, it provided the community leaders to discuss and exchange their views in relation to human trafficking with the local government officials and enabled to increase understanding and reporting of TIP through national outreach and research.

Considering the Covid 19 pandemic situation in the country and the lockdown restrictions imposed in the district, CDS was able to successfully host the 5th & 6th discussion forums on an online platform. As there was an element of apprehension at the beginning, significant support from all members were soon received for the decision to use the online meeting technology. CDS considered this to be a major breakthrough at a time when the online meeting technology had not reached down to this working level in government and among grassroots communities.

The discussion forums assisted to identify a victim from the district, further enabling them to receive information about potential trafficking cases, especially cases involving children and women. It is hoped that the discussion forums will continue as a sustainability strategy in the district.

**Meetings with law enforcement officers:** During the project period 05 consultations were held with the local police stations in the working divisions of the district, consisting of community police officers, officers-in-charge of women and child bureau of the police. These discussions assisted us to recognise the officers and were able to learn about the risks to human trafficking in the district. Moreover, it enabled CDS to build a good rapport with these officers and connect with the discussion forum which enabled to garner the support/involvement of these officers in implementing project activities.

**Victim protection, referrals, and services:** Under the victim assistance component of the project, CDS identified five victims of forced labour from labour migrants that were approved by IOM to obtain social and economic reintegration support. However, it must be brought to record that victim SC 72, identified from the district did not make any attempt to obtain the livelihood and income generation assistance that was approved by the project. As such only four victims obtained the assistance under the victim assistance segment of the project.

Victim	Gender	County	Nature of issue	Type of assistance
SC 04	Female	Oman	Forced labour	livelihoods and income generation
SC 05	Female	Oman	Forced labour	vocational training
SC 12	Female	KSA	Forced labour	livelihoods and income generation
SC 46	Female	KSA	Forced labour	livelihoods and income generation
SC 72	Female	Kuwait	Forced labour	livelihoods and income generation-Not issued

Out of all five victims, three victims received livelihoods and income generation assistance and one victim received assistance to attend a vocational training course. Prior to the livelihood assistance, the project afforded them of psychosocial counselling and other services.

It should be noted that the 4 victims are clearly on their way to social and economic reintegration success from having been trafficked into forced labour through dishonest labour migration perpetrators. There has been significant improvement and freedom to their personal lives and their families as they have also been able to pay off the debt, they owed to local loan sharks and even microcredit organisations.

- Victim SC 04 operates a mobile food cart in her community.
- Victim SC 05 received funds to further her skills in the field of beauty culture.
- Victim SC 12 was given funds to start a sewing business
- Victim SC 46 was given funds to start a mushroom cultivation business

**Visibility material:** IOM had produced awareness raising leaflets and posters in Sinhala and Tamil that was widely distributed among the communities and institutions in the working divisions of the district. Utilising a billboard design submitted by IOM, CDS readjusted the artwork to accommodate the

content in Sinhala and Tamil and produced large and medium size billboards in Badulla, Ella and Mahiyanganaya. The smaller boards were constructed in the Attempitiya and Hingurugama estates. A total of 10 billboards in Sinhala and Tamil were erected in the above areas.

In addition, IOM produced a Covid awareness leaflet as an emergency measure to address the rapid spread of the virus in the country. This leaflet was also produced in the local languages and was widely distributed among the different communities in the district.

On a request by the local community and grassroots leaders, CDS produced a Covid awareness, safety, and precautions leaflets in the local languages for wide distribution among the communities in the working divisions of the district.

Following IEC materials were distributed among the community members to increase awareness.

- 4000 CT leaflets and 1000 posters were distributed throughout the project, during the awareness raising workshops and discussion forums.
- Sinhala & Tamil trainers reference manuals were distributed among the local government officials at the training workshops.
- SOP booklets were distributed among the local government officers and CSOs.

- 750 COVID 19 CT leaflets were distributed during the awareness raising workshops.
- 2000 COVID general awareness leaflets were distributed among the plantation workers, estate community, and among school children.
- The IOM hotline number dedicated to providing information and assistance was shared during the awareness raising workshops, discussion forums and other meetings.

**Commemorating Anti Trafficking Day:** In commemorating Anti-Trafficking Day CDS released an essay to the media, government, and government institutions. This essay was circulated via email and Facebook. The core of the essay touched on the 2020 TIP report as it featured trafficking related concerns that have been neglected by the state in the labour migration discourse by proposing recommendations with proposed Interventions.

## Summary of reach and achievements







## Pictorial Review - Year 1









## Pictorial Review - Year 2













## Project Challenges and Lessons Learnt

## Project Challenges and Lessons Learnt

Human trafficking or trafficking-in-persons was a vaguely known subject among both government officials and civil society members in the Badulla district. The law enforcement officers had a slightly better knowledge. Estate personnel were the least aware on human trafficking in the district.

At the beginning of the project, it was somewhat difficult to engage with the different officers in the district and divisional secretariats as a mandate was not entrusted upon them. They felt that human trafficking was not part of their job profile or responsibilities.

It is difficult to engage with local authorities on funded projects if such projects don't have the consent and approvals from national ministries or the central government. This applies to projects of national significance too.

It is not easy to laydown performance management tools and indicators if the project is funded outside the national budget. It is therefore difficult to pin down local officers and officials to project goals and objectives. Performance management appears to be a non-entity even among responsibilities of national programmes.

District secretariats find it difficult to address their district level concerns without political approvals and patronage. As such, district secretariats may not have targeted goals and objectives they want to achieve for the communities and populations of their districts.

The politicisation of governance and district administrative structures has made it very difficult to lead a dialogue without the political arm wielding its power. It is safe to say that the qualified authoritative powers of civil service and administrative officers have been clipped by the politicisation process in the districts.

Badulla district comprises of estate workers. It is not easy to engage and enlist them into workshops, meetings, and discussions for fear of reprisals from the estate management. Retaining such community members is a challenging task.

We have learned that having a strong local civil society partner makes programme work a lot easier to manage. We have also realised that such a CSO partner should have a good rapport with the local government and district and divisional secretariats including a good understanding with the communities and other stakeholders. The SCOUT project was challenged at times in the absence of such institutional capacity.

We also learned that it is important to conduct a thorough institutional and capacity and baseline assessment of the district before the commencement of a project. We realised that some key institutions were left out in the SCOUT project and in some instances institutional capacity building was necessary and was not given.

The outbreak of the Covid19 brought about many challenges in project planning and implementation. On the one hand it was physically not possible to reach out to communities, and on the other, it was not possible to discuss human trafficking when a virus was threatening the health of a population. This resulted in the cancellation of some programmes like the much prepared street drama programme and the school's awareness programme.

## Some good practices worthy of mention

The setting up of the discussion forums between the district administration and civil society and their coming together to discuss and resolve problems relating to human trafficking was an achievement, especially under Covid restrictions and rules. The very fact that some of these discussions were held in remote and electronic environment using their personal internet data and mobile devices must be mentioned.

The discussion forums uncovered many ground issues faced by community members that required intervention. Two important concerns were the microcredit problem faced by village folk and the weekly loan scheme operated by local loan sharks.

The enthusiasm shown by some district administrative officers and civil society representatives to quickly adapt and shift programmes to other areas was also commendable especially at times when local authorities imposed sudden lockdowns owing to the covid threat.

The district DO coordinator showed continued interest and support towards the project under the guidance and leadership of the district secretary. The overall support received by the 7 divisional secretariat offices were commendable.

Visual based communication has worked well for the project and has received very good ratings among administrators and beneficiaries. The availability of material in the local languages was another success of the project.

## Pending issues

- The centralised nature in case management. This is because the legal process is centralised and can be very costly and time consuming due to victims having to take many visits in the resolution process.
- The lack of case confidentiality as victims are sometimes seen as the violators of

trafficking. There are times where even the law enforcement authorities look at victims differently.

- The lack of confidence in the complaining mechanism through law enforcement.
- The lack of confidence in complaint mechanisms through other institutions such as the SLBFE.
- The lack of victim protection - fear of wanting to take the case forward as perpetrators are politically influential and are a threat to victims.
- The possible stigma that is attached to cases and victims even by their own family members and their immediate neighbourhood and communities.
- The general lack of other services such as psychosocial counselling and preparing victims to get back to life.

Most of these concerns are of protection and security issues. These concerns must be considered in future human trafficking work in Sri Lanka and in future project and programme planning and implementation work.

We also believe that the SLBFE and the law enforcement authorities should be more actively engaged in anti-trafficking initiatives than their current level of enthusiasm.

The national human trafficking task force must recognise the work carried out by civil society organisations in the country and offer them the opportunity to sit in at taskforce meetings and decisions in an inclusive and partnership and participatory setting.

Government must be more serious about human trafficking in the identified areas and proactively develop and appoint the right policy tools and guidelines to all relevant institutions to carry out their duties and responsibilities and implement the law without any bias or favour.





## Trafficking in Labour Migration

## Trafficking in Labour Migration

Following are some serious concerns that lead to trafficking violations that need interventions at all levels.

- An unregulated recruiting industry including unlicensed sub agents or intermediaries who operate without ethical recruitment practice guidelines.
- The visit visa racket that has been practiced in the country for many years and promoted by a handful of local recruiters with destination country influence.
- Debt bondage even before departure - payments made by recruiters to domestic workers to lure them into employment at point of origin.
- The contract violations by both the recruiting industry and employers often go unnoticed. The main violations are wage deductions and contract substitution, over work, sleep and food deprivation, abuses. There is also a violation of the minimum wage threshold that recruiters fail to practice.
- The absence of standardized recruitment fees approved by the State that make recruiting agents and sub agents charge exorbitant fees from prospective workers.
- Malpractices and irregularities at the mandatory pre-departure medical test carried out by labs approved by the Gulf Approved Medical Centers Association (GAMCA) for women migrant workers.
- Sri Lanka government's continuation of the family background report (FBR) that restricts the mobility of women migrants and freedom of choice has opened other irregular and dangerous channels of migration and has brought about disproportionate gender and inequality issues.
- Forged documents by unscrupulous recruiters to get migrant workers to travel for employment and the promotion of private and undocumented labour migration leading to detention and trafficking.
- Dual or substitute labour contracts practiced at the destination country, a fact well known to the recruiting industry that often promotes forced labour and slavery.
- Recruiters violating signed labour contracts by changing workplace and even country as a blatant trafficking violation.

- The practice of Kafala system in Gulf countries despite labour reforms introduced in some countries.

## Selected prioritized recommendations for the labour migration sector

- Finalise a national action plan to combat trafficking in relation to labour migration especially in addressing recruitment malpractices and irregular pathways.
- Increase efforts to proactively identify trafficking victims, including among undocumented migrant workers abroad and ensure data is captured in national and institutional accounts.
- Provide support and protection to victims who participate in trials against their traffickers, including the cost of lodging and travel expenses during trials.
- Improve victim services, quality, and accessibility, and ensure shelter and specialized services for all identified victims, including men and victims exploited abroad.
- Increase regular monitoring of licensed recruitment agencies and refer allegations of criminal violations to law enforcement.
- Eliminate all recruitment fees charged by labor recruiters from workers and introduce a legitimate fee system that is approved by the State that has minimum financial stress on the migrant workers.
- Expand the foreign employment bureau's mandate to include regulation of subagents.
- Expand the pre departure orientation (PDO) to educate prospective migrant workers about human and labour trafficking at both the origin country and the host country.
- Promote safe and legal migration, ensure migration regulations do not discriminate based on gender, and increase awareness among prospective migrants of the steps necessary for safe migration and resources available abroad.
- Through the anti-trafficking task force, continue to institutionalize sustained government coordination efforts and engage with ground level civil society organisations.
- Government must consider economic support to trafficked victims to start new lives.



## Covid19 and Human Trafficking

## Covid19 and Human Trafficking

We will not do justice to this project if we don't report on what we have observed on how the Covid19 pandemic has changed lives and how it has impacted migrant workers in particular and other vulnerable segments of the population.

It is increasingly becoming evident that certain businesses are taking advantage of the Covid situation in the country for their own profits. The very fact that the Covid situation has become a humanitarian crisis is purposely ignored even from the highest echelons of government.

At the domestic level we did not see effective and sustained socioeconomic relief packages offered to the poor segments of the population. The daily wage earner was completely neglected. Workers in the plantation sector were neglected. Workers in the agriculture sector were throttled. This led to many attempting to find remedies even through the unscrupulous traffickers to ensure some form of income would be offered.

The garment factory workers were laid off their work. They were offered no alternatives. Traffickers were offering them work in sectors that are dangerous and risky for their lives and health.

The question arises if they will be re-employed on the same contractual terms? Or, if they will have new contracts that could well be worse than the previous contracts? We know very well that garment factory workers have to toil hard for long hours with little rest to earn a meagre wage. We also know that factory workers have not bargained for a minimum wage or a living wage from their employers or the large factory owners.

In many of these population segments, we witnessed the ruthless micro credit operators offering loans at exorbitant interest, either to pay off a previous loan or to fall in debt to a dubious scheme. Some have committed suicide. Debt bondage is another popular

ploy used in partnership by traffickers and loan sharks to lure the innocent uninformed population including migrant workers.

Distressed and stranded migrant workers who sought repatriation were financially ripped off with repatriation packages priced at exorbitant price tags offered by private wheeler dealers with state approval and patronage. Those migrant workers who had already lost their contractual privileges were compelled to do work through host country agents without any rights protection, just so that they could earn to keep their hunger at bay.

Many Sri Lankan migrant workers lost their wages, jobs, and shelter rights and many were relegated to streets and parks as our consulate offices were either short staffed, closed, or nonresponsive to their pleas. This made many workers vulnerable to work in dangerous and risky environments. Their conditions and status were taken advantage of by recruiters and intermediaries as many workers had no option but to accept the risky offers.

Recruitment to the Gulf corridor has begun in a limited way as the Covid situation is so unpredictable in the world. Recruiting agents are back in business. This means that workers must be extra careful and vigilant as to how they want to deal with recruiters and intermediaries. We are increasingly beginning to see workers leaving on visit visas and converting them to work visas on arrival in the host cost country.

Often times these visa conversions and the jobs workers take are not registered in government data management systems. Government of Sri Lanka will recognise a worker only if he or she has paid the registration fee before departure. The nonpayment of the registration fees means that the worker is recognised as an undocumented worker. Such workers are not recognised by the government, and they automatically lose their privileges.

Good recruitment practices are not effectively promoted by state institutions, as has been the practice by successive governments. This has given a carte blanche opportunity to recruiters who want to break the law. It is the migrant worker that suffers as he or she is trafficked and recruited with many recruitment violations. We feel the Covid era we're living in will give this free reign to recruiters unless and until the government puts down laws and regulations or implement the existing laws to save and protect the migrant worker community and their lives.

Part of the recruitment industry has gone digital with the introduction of different online tools. There are, however, digital recruitment scammers operating at both origin countries and host countries offering bogus jobs and benefits. Job seekers are easily trapped into these offers as some are even recruited only to find themselves in legal difficulty in the host country. Going digital in recruitment practice does not mean that the workers does not have to make payments. There are many online payments that are required to be paid that often go unaccountable.

Freelancing whilst living and working in small, rented community spaces is becoming popular among workers. Such workers have no guarantees of labour protection. Many are not registered with their countries and are labelled undocumented workers. Those who violate the host country labour laws languish in detention for long periods or abscond the law.





## Concluding Remarks

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Human trafficking is an emerging concern in Sri Lanka. There is not much awareness about it among the general population and among the hotspots in the country. Hotspots alone must not be the concentration points for interventions.

Sri Lanka's trafficking-in-persons profile is driven by the many labour migration platforms that have failed to address the problem. The SLBFE must monitor the recruitment industry including the large intermediary population that work hand in glove with the licensed recruiters. There is also a growing trend where migration is practiced directly between destination country recruiters and local intermediaries, some of whom are former migrants themselves.

Other growing concerns are in tourism, internal migration where younger people are lured from rural areas and from the plantation sector, the garment industry employees who have been attracted to take up weekend jobs in spas and massage parlours and even commercial sex establishments, and internal drug trafficking that is attracting a youth in rural areas. Traffickers see many illegal business opportunities and they see every opportunity as very lucrative business opportunities at the cost of human lives.

If the local laws are not strictly implemented, human trafficking could well get out of hand. We feel that the law enforcement in the country and other institutions like the SLBFE have an urgent role and responsibility to play without favour and bias.

It has been said that trafficking cases are heard centrally and are prolonged discouraging the victim to stay in the case. What can be done for the judicial procedure to be decentralized and for cases to be heard and concluded within a reasonable time period?

In the institutional process and in local law enforcement trafficking victims are often re-victimized, and sometimes even prosecuted and shamed. This very unfortunate practice

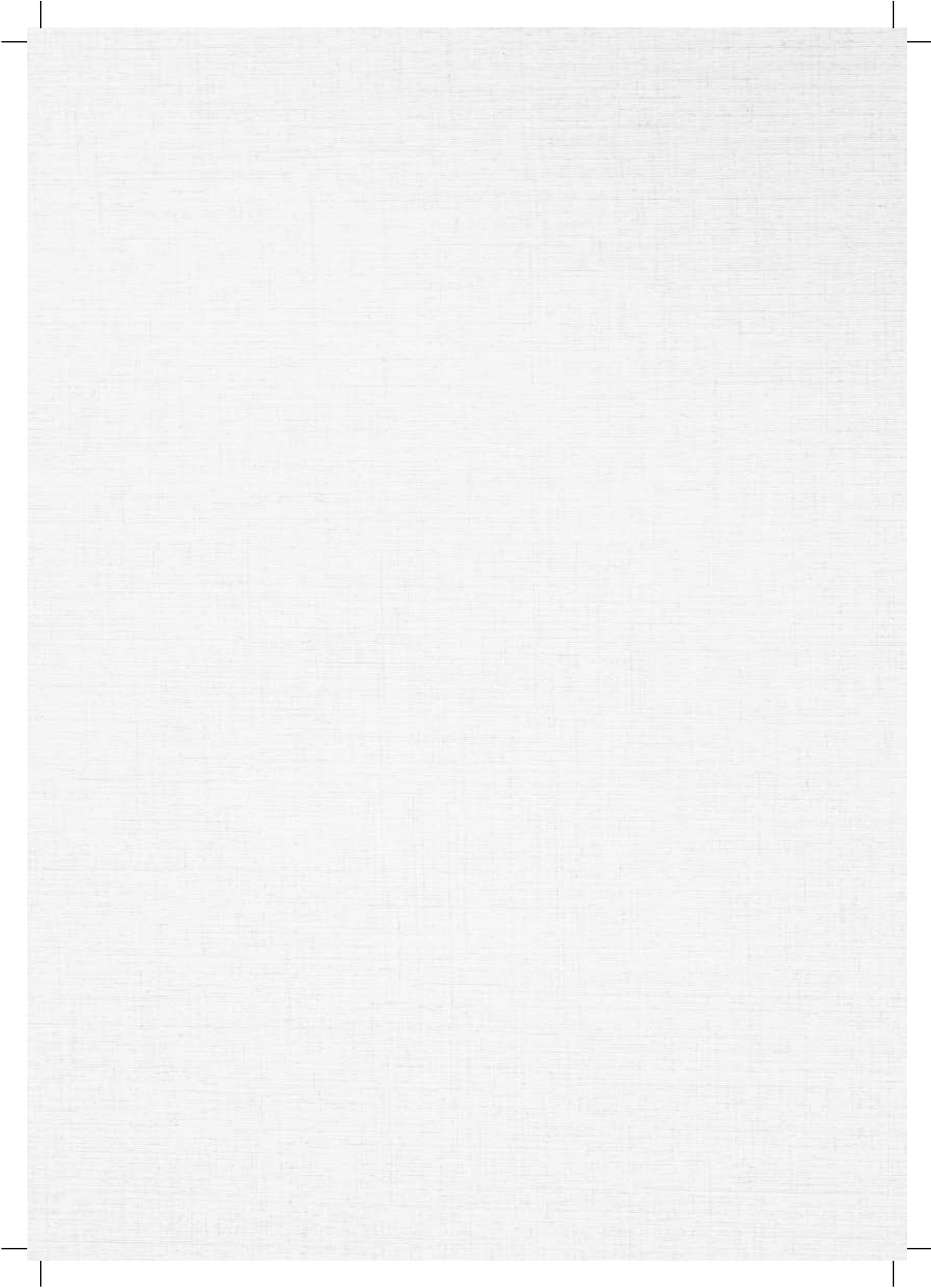
does not encourage a victim to freely allow her case to be heard impartially. It creates stigma and discrimination that often discourages pursuing justice and justice denied.

Sri Lanka must also look at its governance framework. The country is heavily biased by patriarchal ways of life. Gender perspectives are ignored and overlooked. Cultural, religious, and ethnic identities are viewed from a nationalistic and majoritarian point of view. These dynamics are beginning to have certain impacts on trafficking of persons because of their minority recognition in society.

Sri Lanka has to improve services for trafficked victims from a psychosocial and livelihood point of view. We witness many migrant workers returning from destination country safe houses and detention centers who are not offered counselling services by the state. No facilities are made available to civil society organisations, either. This is the case with migrant workers returning home, even among those taking the amnesty offered by destination countries. This is a serious concern where follow up strategies are not in place.

Irregular recruitment practices and the absence of clear policy on migration of women with the continuation of the family background report (FBR) has created irregular migration labelling many who have taken such pathways as undocumented workers. This has been a contentious issue that has not been effectively addressed that leaves the discourse open to trafficking opportunities. These titles make way for authorities to punish workers, place them in detention and deny their legal rights.

Human trafficking has other serious consequences that Sri Lanka needs to build on and find effective support mechanisms. Besides psychosocial counselling and livelihood support for victims, strategies must be put in place to address the many health consequences such as sexual and reproductive health, STDs and HIV, and mental health issues.





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