



SAFE LABOUR MIGRATION PROJECT SRI LANKA

Civil Society Advocacy in the Labour Migration Project Sri Lanka

November 2017

EXPERIENCE

Enhancing service delivery of the Sri Lanka Bureau Foreign of Employment (SLBFE) in the Eastern Province

The Labour Migration project Sri Lanka Phase III (LMPSL), implemented by HELVETAS and funded by Swiss Development Cooperation (SDC) is working on various aspects of safe labour migration. Among its main partners are the Ministry of Foreign Employment (MFE) and the Sri Lankan Bureau of Foreign Employment (SLBFE). On the side of civil society, there are local partners like the Eastern Self Reliant Community Awakening Organization (ESCO) and the Social Welfare Organization Ampara District (SWOAD). They are based in the urban areas of Batticaloa and Ampara and implement activities where they support migrant workers and foster safe migration.

Registration, Complaints and Conciliation at SLBFE 2013-2016

"I worked in Saudi Arabia for 2 years, but did not get paid and was always told that the salary will come soon. After 2 years I managed to escape with the help of a Pakistani taxi driver and fled to the Sri Lankan Embassy." Asmi, Batticaloa.

ESCO and SWOAD have been collecting and documenting complaints cases of Migrant Workers (MW) and their families since 2013, as they are assisting MWs to access insurance schemes, report abuses and fraud or re-establish contact with family members. In some cases, they are supporting MWs to get compensation for some of the above-mentioned breaches of contract. When ESCO and SWOAD started working on these issues, neither the MWs nor the officials at the

district secretariats and divisional secretariats were aware of complaint procedures or redress mechanism. Deceived or abused MWs had nowhere to turn to and were content to have returned home to their families. These complaints are mostly coming from low-skilled female migrant workers. Over the course of the years, ESCO and SWOAD have encountered numerous grave cases, have compiled evidence and followed up on how and where the said cases were investigated and eventually resolved.

At the same time, to migrate through legal government channels, prospective MWs have to secure and pay for an SLBFE registration, which is valid for 2 years thereafter has to be renewed. These services were only available at the Colombo SLBFE office, which meant that every prospective migrant from the eastern province had to travel to Colombo, generating several hardships for communities in the Eastern province such as expenses relating to long distance travel, accommodation and food, issues with child care and safety related issues.



The first break-through

ESCO and SWOAD then started raising these issues with the Government officials at the district level, provided legal assistance for MWs and fed all information into a database to record and document individual cases and their outcomes. They invested a lot of energy into raising awareness on the fact that there are grievance handling mechanisms available at SLBFE and assisted MWs to lodge and register complaints. This then led to a landslide of cases forwarded from the East to the SLBFE Head Office in Colombo. As a result, the Bureau offices in Colombo, Batticaloa and Ampara which previously had little knowledge on the difficulties in the Eastern communities became aware of the challenges

However, all the complaints that had started to materialize could still only be lodged in the Batticaloa District office of SLBFE, but the facility to get them registered in the SLBFE system and immediately getting a case reference number wasn't available. This meant a delay of at least 2-weeks for conciliation, often much longer. Hence, for registration as a MW and in urgent cases, like missing persons, medical emergencies or serious abuse, the complainants had to travel to Colombo to lodge complaints. ESCO and SWOAD had learned during their project activities that the long journey to Colombo to lodge the complaint was one of the major hurdles in accessing proper case registration and justice.

On the occasion of the International Migrants Day in 2016, ESCO and SWOAD collaborated with other civil society organizations to collect signatures for a petition raising awareness on policy issues relating to safe labour migration and obtained over 4000 signatures across the country. Subsequently, this petition was collectively handed over to the Secretary of the Ministry of Foreign Employment. Among the issues that were raised by the petition, was the ESCO /SWOAD request for decentralization of the conciliation process. Civil Society in the East feels that this petition substantially changed the perception of the Ministry on their issues and has caused a positive change in service delivery.

The second break-through in 2017

In January 2017, ESCO and SWOAD were happy to learn that a new circular was issued, announcing that SLBFE will as of February 2017 provide the service of registration and renewal of registration for prospective MWs in the East. Furthermore, the circular also mentioned that MWs will be able to obtain a case reference number as soon as they lodge complaints in the Batticaloa SLBFE office. These new services meant at least one trip less to Colombo and a considerable acceleration of complaints handling, which was felt to be a huge achievement.



At the same time, ESCO and SWOAD were still not content as they were still overwhelmed with cases for which Eastern province MWs or their families had to travel to Colombo for actual conciliation of their respective cases. They saw in their databases, that many cases are never brought to Colombo for conciliation, despite the fact that they have been lodged in Colombo. Their data showed that a mere 50% of cases lodged, are attended in Colombo. Also, there are some DS divisions where the amount of cases registered in the East amounts to only one sixth; all the other complainants go straight to Colombo. What is more, is the fact that some 80% of the complainants in Batticaloa must travel to Colombo at least twice and some up to 5 times, until their cases are resolved. Despite the enhanced services, the issue of decentralizing services of SLBFE is far from being resolved. The fact that the large majority of the complainants are women leads to the following concerns:

- Females face safety issues during night travel: Sexual harassment and fear of being robbed.
- It may not be socially accepted for a Tamil or Muslim woman to travel alone or with another male.
- Lack of Sinhala language skills and unfamiliarity with Colombo: Especially women who speak in Tamil to the bus conductors face big difficulties in getting down at the right location/ bus stand for SLBFE in Battaramulla as well as other bus



stands in Colombo and are vulnerable for harassment and exploitation.

- The Bus stations are felt to be very unsafe for women and many are not comfortable using the toilets and washing facilities available at the Fort bus/railway station.
- Childcare: Often women are uncomfortable to leave children under the care of an outsider to lodge complaints or to attend inquiries, as they fear that children will not be properly protected.

There are other issues faced by MWs when having to travel to Colombo, which are not gender-specific, but also particularly grave:

- Per trip, the MW or their families face expenditures from Rs.2000 to Rs.6000 to meet the requirements for travel, accommodation and loss of daily wage.
- Language: Often there is a lack of translation facilities at the time of inquiry at SLBFE which prevents proper case management and makes men and women feel very uncomfortable.
- Some MWs or their families are so distressed by the circumstances that they are unable to prepare for the inquiry and hence fail to convincingly express their cases to get a proper remedy.
- When complainants are elderly parents of MW, they often fall ill due to the long hours of travel.

Considering these obstacles, the call for a conciliation division in the East is a step in the right direction for protecting migrants' workers' rights in Sri Lanka.

When assessing the difficulties of MWs from the East, it is necessary to be aware of the fact, that the Tamil and mostly Tamil speaking Muslims constitute the majority in this province and that "language" and "ethnicity" are highly sensitive and politicized topic in Sri Lanka. Eight years after the end of the war, the country is still finding its way into a future where co-existence is put into practice.

Hence ESCO and SWOAD have embarked on renewed and joint activities to pursue the issues further. They have, met with the Deputy Minister for Foreign Employment during her visit to the East followed by a Press Conferences to sensitize a

larger audience, and they raised the issues in the LMPSL project-related high level officials' meetings at the Project Advisory Committee (PAC). At the same time, they continue to collect and compile evidence to convincingly advocate for their advocacy goal.

What has led to the success of the ESCO SWOAD advocacy initiative?

Crucial factors for their achievements are:

- The two organizations have invested heavily on efforts to raise awareness among their communities on the availability of conciliation services
- Both organisations started to systematically document the cases and how they were treated.
- They collaborated with other CSOs to improve documentation and to set up a suitable database to provide evidence and to follow-up on cases.
- These other CSOs have complementary skills and capacities and are based elsewhere, some in Colombo.
- Many cases were followed up by CSO network partners, which provided legal aid
- Their good rapport with local level SLBFE officials stems from their quality service delivery. This has facilitated access to statistics compiled by SLBFE offices in Batticaloa and Ampara.
- By basing their claims on existing evidence (e.g. number of cases lodged in the respective places, number of cases attended or resolved, nature of cases and access to crucial case stories), they were able to obtain the attention of central level SLBFE.
- Access to decision makers is facilitated by the project structure and processes.

Although ESCO and SWOAD have not yet fully achieved their goals, Government services for migrant workers in Batticaloa and Ampara have improved considerably.

