



TRAFFICKING IN PERSONS: RECENT EXPERIENCES AND LESSONS LEARNED ABOUT COMBATTING HUMAN TRAFFICKING IN SRI LANKA

Human Trafficking (Trafficking in Persons – TIP) is recruitment, transportation, transfer, harbouring or receipt of people through force, fraud, or deception, with the aim of exploiting them for profit¹. This is an organised crime extending beyond local boundaries and jurisdictions.

For nearly five decades, Sri Lanka has been one of the leading South Asian labour sending countries, mostly to the Middle East as well as West- and Southeast Asian countries. Every year, over 200,000 Sri Lankans migrate for Foreign Employment². Sri Lankan migrant workers have predominantly been concentrated in low-skilled occupations, which are often excluded from effective labour protection schemes in the destination country³.

According to Sri Lankan statistics, 'unskilled' workers and female domestic workers (housemaids) account for 55% of the total departures and only 3% are in the 'professional' category⁴. Human trafficking has been witnessed during all stages of labour migration in Sri Lanka, including pre-departure and in-service stages. As reported over the past 5 years, most of the Sri Lankan trafficking cases involved intermediaries forcing men and women into abusive outbound labour migration situations, mostly targeting low-skilled and female domestic workers. These are often also subjected to physical or sexual abuse, forced labour, restrictions of movement, detention, threats of deportation for immigration violations and withholding of their passports. Within the country of destination, women and children are often exposed to risks of being trafficked for purpose of sexual and/or labour exploitation.

The extent to which human trafficking has devastated lives of men, women and children in Sri Lanka is still unknown. However, several existing conditions increase individuals' vulnerability to victimisation by trafficking. Various gaps in Sri Lanka's regulatory framework for labour migration still exist, such as non-regulation of recruitment intermediaries including sub-agents, unregulated 'incentive payments' to female migrant domestic workers prior to migration and discriminatory policies on female migrant workers such as the 'Family Background Report' (FBR)⁵. Especially the FBR has created a fertile ground for traffickers to exploit women migrant workers who seek migration to escape extreme poverty and domestic violence at home⁶. Furthermore, there is also a lack of clarity and transparency in the cost of recruitment,

as fees vary without identifiable criteria, thereby creating a financial disadvantage for migrant workers, especially for male migrant workers who must bear all costs pertaining to recruitment. Loopholes in contracting processes of recruitment as well as an inability to enforce contracts in destination countries have increased vulnerabilities of migrant workers in destination countries⁷. Those include lack of transparency in the contracts offered to migrant workers, since the language of the contract is the language of the country of destination and English, which is not properly comprehended by the migrant workers and the fact that contracts mostly serve the interests of destination countries rather than the wellbeing of migrant workers.

COMBATTING HUMAN TRAFFICKING

IN SRI LANKA

Supported by several international organisations, the Government of Sri Lanka has made efforts to combat human trafficking in Sri Lanka: Notable developments initiated over the last few years for safe labour migration include the ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons – particularly of women and children – in 2015, and the establishment of the National Anti-Human Trafficking Task Force (NAHTTF) comprising of 18 government agencies led by the Ministry of Justice. Sri Lanka has also formulated a National Strategic Action Plan to monitor and combat human trafficking. Despite these efforts, Sri Lanka continues to remain in the Tier 2 Watch List category con-



secutively in the 2021 Trafficking in Persons Report⁸ for reasons such as: decrease in the number of identifications of trafficking victims, inadequacy of efforts to provide social and legal assistance to victims abroad, poor conditions of services available for migrants victimised abroad, failure to prosecute cases that can be attributed to trafficking offenses and inadequate investigation of reports on officials allegedly complicit in trafficking⁹.

“Training the lawyers and showing us the potential role that legal officers can play on preventing human trafficking happening in Sri Lanka was the success of HELVETAS’s effort”

**Mr. Rohan Sahabandu
Chairman, Legal Aid Commission, Sri Lanka**

Government structures to intervene in cases of human trafficking are laid out from grassroots to national levels, permeating through different line ministries and coordinated bodies such as the Task Force. However, a full spectrum of issues and service gaps remains, especially imposing FBR for prospective women migrant workers, thus barring the victims from receiving effective services from government support systems.

“HELVETAS’ support for our ongoing anti-human trafficking efforts was unique and helped us to improve our coordination with other Ministries on human trafficking victims support systems”

**Mrs. Yamuna Perera
Additional Secretary – State Ministry of Foreign
Employment and Market Diversification**

Even though, the Government worked with international organisations on anti-trafficking trainings and awareness raising programmes over years, it did not demonstrate an overall increase of efforts to improve the services provided to the victims of trafficking.

THE HELVETAS EXPERIENCE

AND APPROACH

During over a decade of interventions promoting safe migration in Sri Lanka under the Labour Migration Project Sri Lanka (LMPSL) funded by the Swiss Agency for Development Cooperation (SDC), Helvetas witnessed incidents of discriminatory practices and exploitation targeted at migrant workers, especially in the outbound labour migration process. Among them were false promises and deception propagated by local sub-agents targeted at prospective migrant women or confiscation of passports and legal documents. These practices are for example used to pressure migrants or get the complicity of officials and their eventual support to prepare forged documents.

Thus, Helvetas, along with The Asia Foundation (TAF) and the International Labour Organization (ILO), embarked on a multi-layered project to address persistent risks and issues of human trafficking relating to labour migration in Sri Lanka.

EQUIP (Equipping Sri Lanka in Countering Trafficking in Persons) was a 30-month project implemented from March 2018 to October 2020 funded by the Bureau for South and Central Asian Affairs (SCA), at the US Department of State. The objectives of the project were to support the reduction of human trafficking and forced labour in Sri Lanka through an innovative strategy for a lasting change of key human trafficking challenges faced by migrant workers in Sri Lanka and abroad.

It operated via a three-pronged approach: Prevention, Protection and Prosecution (3Ps). Some of the project’s initiatives were:

- research to inform policy and practice;
- public awareness raising; capacity development of recruitment agents, government officers, victim counsellors and legal advisors (adapting new technologies to inform the public on fair migration practices) and;
- strengthening the current prosecution and investigation systems.





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The consortium of Helvetas, TAF and ILO combined three highly experienced organisations with complementary capacities in labour migration and trafficking. Prior to this project, HELVETAS Sri Lanka has been working for nearly a decade in Sri Lanka and throughout the world, promoting Safe Labour Migration in the country through capacitating government duty bearers in charge of labour migration and civil society organizations. Through facili-

tating civil society coordination, Helvetas played a leading role in advocating on behalf of the rights of migrant workers that included abolishing of the discriminatory Family Background Report requirement and amending several labour migration legislations, including the Sri Lanka Bureau of Foreign Employment (SLBFE) Act, in order to address challenges in the labour migration process, which increase the vulnerability of migrant workers for human trafficking.

Under the EQUIP project, HELVETAS was commissioned to undertake the protection pillar:

TO ENSURE IMPROVED POLICY AND PRACTICES AGAINST TRAFFICKING

PREVENTION



Objective 1:
Research & Awareness to inform regulations & practice

Grassroots Awareness Campaigns in Migration Hotspots: Targeted grassroots campaign in 4 migration hotspot districts, with vulnerable populations

Research to solve knowledge gap: Via 2 studies, on: Recruitment fees; Gap analysis of national legislation versus ILO Forced Labour Protocol

Improving regulatory environment to alleviate trafficking: Above research fed into recommendations for improved regulations & guidelines. Also priming government bodies for ILO Forced Labour Protocol ratification.



Objective 2:
Ensuring fair & ethical business

Training recruitment agencies, intermediaries: To ensure adherence to fair recruitment principles

Potential collaborations with business partners, within specific migration corridors: Mapping potential partners, corridors to boost the business case for fair recruitment

Technology against trafficking: Fighting trafficking with tech. Introducing a web-based app which allows for a user-based rating of recruitment actors.

PROTECTION



Objective 3:
Protection Services

Training counselling assistants: For better counselling services to victims of trafficking

Capacity building support: For Ministry of Women's Affairs (MWA)

Legal advice and services: Advice to victims of trafficking on accessing the justice system

PROSECUTION



Objective 4:
Prosecuting and Investigating

Training justice-sector actors:

To boost awareness of prosecutors, police, SLBFE staff. Training on several areas: From handling trafficking cases more effectively, victim identification and investigation, to referrals in alleged cases of trafficking

Supporting NAHTTF to improve existing processes: To support the National Anti Human Trafficking Task Force (NAHTTF) on improving coordination, decision-making

KEY ACHIEVEMENTS

OF THE EQUIP PROJECT

Over 600 government frontline officers attached to the SLBFE were equipped with essential skills and knowledge on combatting human trafficking to assist victims and their family members. Among those were: Development Officers of Foreign Employment (DOFEs), Counselling Assistants, Legal Officers, staff of victim shelters, staff of airport and Conciliation Officers. The trained officers are now able to identify potential victims and the type of exploitation of victims. They learned to provide assistance- and care services to human trafficking victims through a victim-centred approach and make informed referrals to a wide range of service providers to assure victim's safety, welfare and wellbeing.



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Misconceptions before training programmes

“We thought that this process was happening only targeting persons aspiring for foreign employment”

“We applied the same and general counselling to the victims”

“We thought that we could easily identify them”

“We thought that we could advise them with our general knowledge about the society”

“We thought that as counselors our role is to make interventions to this specific issue after it occurs”

New understanding after training programmes

“We now know that it happens domestically too and labour exploitation is also connected to this phenomenon”

“We now know that the victims have special psychosocial issues and we have to tackle those issues differently”

“We now know that the victims have special psychosocial issues and we have to tackle those issues differently”

“We now know that there is an effective way of providing intervention, treatment, and make referrals to specialized support such as mental health support or legal support”

“We now know that our counselling support will be very effective if we also engage actively to prevent the process of human trafficking in our constituencies”

KEY ACHIEVEMENTS

- 103 counselling assistants of four high migration districts were capacitated to cater to the psychological needs of human trafficking victims through a methodological and technical set of skills. Availability of trained counselling assistants in 54 divisional secretariats of the target districts builds a strong network of support services to identify victims or potential victims at a very early stage. Counselling assistants now make early interventions to prevent human trafficking incidents by identifying vulnerability factors of people, especially women and children. Through a trauma-informed counselling services approach, officers assist victims to deal with psychological distress and empower them to lead a healthy life.
- Airport and victim shelter staff of SLBFE are constantly monitoring organized trafficking rackets and strive to prevent migrant workers from falling victim. The enhanced coordination among airport officials, such as officers from the ticketing unit and the Department of Immigration and Emigration has led to a collaborative approach bringing the perpetrators to book.
- A tailor-made resource package (handbook) on Victim Identification and Provision of Support Services for Victims of Human Trafficking was developed for the first time in Sri Lanka. It is available in Sinhala and Tamil languages. The handbook has been made available in both soft and hard copies to be used by aspirant training providers. The resource package has been officially handed over to the Ministry of Foreign Employment and SLBFE. It will be used as key resource material in future trainings done by those two institutions (see the link to the handbook [here](#)).
- Nearly 100 legal officers attached to the Legal Aid Commission in Sri Lanka have been trained to support victims and potential victims of human trafficking. The trained legal officers who serve at 22 legal aid centres across 4 high migration districts are assisting victims to report the incidents to law enforcement authorities, secure victims' identification documents and assist in clearing up records from arrests and convictions that resulted from their exploitation.
- Finally, an important step is the formation of the Development Partners Network in combatting human trafficking in Sri Lanka. This collective group of leading donors and INGOs who work on a wide range of anti-human trafficking efforts in Sri Lanka was formed during the initial phase of the EQUIP project. Being a member of the core group of the network, Helvetas has hosted two network gatherings so far and has been instrumental in organizing events that are geared towards addressing various TIP related matters in Sri Lanka. The Development Partners Network has enabled the member organizations to meet regularly leading to prompt and proactive actions on TIP issues even beyond the projects' formal implementation periods.



BEST PRACTICES AND LESSONS

LEARNT FOR HUMAN TRAFFICKING

IN SRI LANKA

- As the key responsibility of protecting people from TIP lies with the State, the planning and designing of the project activities were done through a 'Technical Committee', which mainly consisted of heads of Government institutions. This approach facilitated Helvetas to obtain and sustain Government's 'buy-in' in the project. As the technical committee has been structurally placed in the project as a regular body to advise Helvetas staff, it ensured Government's ownership and commitment to continue interventions beyond the project's lifespan.
- Being closely associated with the heads of Government institutions has leveraged Helvetas' staff to manoeuvre the project without major delays in its implementation. The element of trust and the sense of reliance earned by the project staff, paid-off to continue the project work even during the recent more adverse situations. Thus, strong, and resilient partnerships with Government personnel at decision making and influencing positions is key for a smooth rollout of TIP related projects.
- 'Trafficking in Persons' is a grave crime, thus, the State is vested with powers and responsibilities to protect people from this menace. TIP combatting projects, therefore, should always strive to strengthen the capacities of Government officials both at national and local level. While focusing on building capacities of Government personnel, it is of much significance to pay attention to improve their internal strategies and capacities for human resource development, inter-departmental coordination mechanisms and reporting/data collection systems to yield maximum outcomes of the investments made on trainings and capacity development.
- The project, in its design, targeted changes in the capacities of Government officials. Therefore, the project was not able to address immediate and urgent needs of the victims or potential victims. TIP projects, therefore, among other interventions, should pay attention to address burning issues of victims, such as providing temporary shelters, medical care, supporting travelling costs to attend court hearings and other urgent needs.

- Although the EQUIP project was based on 3Ps (prevention, protection, prosecution), it lacked a civil society component, which would be very important as CSOs still equally lack the capacities to identify and address human trafficking issues in Sri Lanka. Neither the role that civil society can play to complement the trained Government frontline officers at the local level nor the required coordination between them was established by the project.



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THE WAY FORWARD FOR HELVETAS

AND COMBATTING TIP IN SRI LANKA

- Invest more in research to gain nuanced knowledge on manifestations of TIP in Sri Lanka. Studies are especially needed on internal trafficking, trafficking which takes place in the tea plantation sector and the impacts of COVID-19 on vulnerable / at-risk groups and how COVID-19 has changed the TIP landscape in Sri Lanka.
- Explore novel entry points and new partnerships with Government and non-Government institutions. Diversification of approaches to address emerging issues in the migration sector such as COVID-19 affected migration returnees and their vulnerabilities towards TIP are dearly needed to facilitate new areas of engagement.
- Ensure a holistic and comprehensive approach for future TIP projects, fostering a multi-level and multi-stakeholder strategy, strengthening CSO capacities to identify and address human trafficking issues in Sri Lanka.
- Expand beyond EQUIP project's implementing districts, given the fast-evolving nature of TIP issues in Sri Lanka. By adopting broader and more inclusive selection criteria of geographical locations beyond high labour migration districts, Helvetas and other actors could consider other vulnerability/push factors such as acute poverty, unemployment, and gender-based violence.
- Continue advocating on issues pertaining to TIP, drawing from the successes and lessons learnt during former migration work including the Helvetas Labour Migration Project Sri Lanka and the EQUIP project. This can be strategically linked with the strong facilitating role that Helvetas and other organisations are already playing in the labour migration sector with CSOs and other like-minded organizations.
- Stay strongly engaged and strengthen the local and international migration networks and migration community in Sri Lanka.

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¹ <https://www.unodc.org/unodc/en/human-trafficking/human-trafficking.html>

² ILO (2019) Fair Recruitment: Country Brief – Sri Lanka, ILO: Colombo (p.1)

³ ILO (2019)

⁴ Annual Statistical Report of Foreign Employment, Sri Lanka Bureau of Foreign Employment (SLBFE) 2018

⁵ FBR: A special provision that prohibits women with children below the age of five years of migrating for foreign employment.

⁶ ILO (2019), Review of law, policy and practice of recruitment of migrant workers in Sri Lanka, July 2019.

⁷ Ibid.

⁸ <https://www.state.gov/trafficking-in-persons-report/>

⁹ <https://lk.usembassy.gov/wp-content/uploads/sites/149/Sri-Lanka-2020-TIP-Report.pdf>

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