Mapping and data collection on Trafficking in Persons (TIP) and safe migration in Sri Lanka

SAFE Foundation

2024

Trafficking is a contemporary form of slavery that undermines fundamental human rights and the inherent dignity of individuals. Moreover, it weakens national security, the rule of law, and the stability of fragile economies, while also jeopardizing the health and wellness of communities. Given this complex nature of trafficking in persons and the need for safe migration practices, SAFE Foundation, Anuradhapura, Sri Lanka commissioned a study as part of the "Empowering Civil Society Organizations to Combat Human Trafficking in Sri Lanka" (ECCT) project. SAFE Foundation in Anuradhapura, in partnership with four other civil society organizations - Rahama, Samadana Centre, Prathibha Media Network (PMN), and Organization for Environmental and Child Rights Protection (OECRP) - with support from the United States Agency for International Development (USAID) is implementing a series of activities under this project to increase the capacity of government and civil society partners, facilitate networks and collaborative spaces between the government, civil society, and the public to effectively address human trafficking in Sri Lanka. This report presents the findings of the study.

Purpose, objectives, and scope of the Study

Commissioned under the ECCT Project, this study is intended to provide an empirical evidence base for the implementation of the project. Accordingly, the purpose and objective of this Study is to inquire into the trafficking trends in Sri Lanka with a particular focus on:

i. Trends and status of TIP in Sri Lanka, focusing inter alia on groups such as Persons with Disabilities (PWDs), domestic workers, manpower workers etc.;
ii. Push factors which increase vulnerability to TIP such as women who have fallen victim to micro-finance schemes;
iii. Adequacy of the existing legal framework and challenges to counter TIP in Sri Lanka;
iv. Best practices to address TIP identified through a review of the international legal and policy framework; and
v. Recommendations to effectively address TIP in Sri Lanka and to ensure safe migration.

Methodological approach

Primarily, this study employed three qualitative research tools; a desk review, Key Informant Interviews (KII), and Focus Group Discussions (FGDs). Interview guidelines for both KIIs and FGDs were developed in consultation with SAFE Foundation and translated in to local languages.The methodology took into consideration the limitations and challenges inherent in gathering information on a topic of this nature.

At the outset, researchers gathered secondary and primary information through a desk review which entailed analyzing primary and secondary sources of publicly available documentary information. The desk review provided the foundation for the study, and offered an in-depth understanding of the human-trafficking landscape in Sri Lanka, vulnerabilities to trafficking in persons, existing counter human-trafficking policies and programmes and their practical implementation, challenges and shortcomings of the structures in existence, and international best practices.

Subsequently, KIIs were employed as a primary research instrument to supplement and verify the information gathered through the desk review. ~~At the initial stage, fifteen (15) Key Informants were identified using the purposive sampling method~~. This included national and local level government officials; non-state actors working on counter-human trafficking initiatives; UN personnel; academics and other experts all of who are involved in counter-trafficking initiatives ranging from research to prosecution, to service provision. ~~However, the researchers were only able to secure 08 of the KIIs due to the inability of a majority of the government sector key informants to participate as a result of an institutional decision not to participate in the data collection process~~. Despite ~~this~~ constraints in securing KIIs~~the 08 interviews enabled~~ the researchers were still able to identify trends and vulnerabilities to TIP, issues and challenges pertaining to the practical implementation of the 4P approach, and assisted in identifying possible strategies to overcome such challenges with information received~~.~~

~~Twelve (12)~~ Focus Group Discussions(FGD) were conducted with members of communities vulnerable to TIP across six (06) Provinces identified for the purposes of the study. The Provinces were selected based on ethno-religious composition, urban/rurality of Sri Lanka, and socio-economic vulnerabilities. The purposive sampling method was also employed to identify FGD participants. A profile of participants (which contains eligibility or inclusion and exclusion criteria for the selection of participants) were provided to the partner CSOs and Community Based Organizations (CBOs) as well as field facilitators in order for them to identify potential participants and, with their permission, share their contact details with the research team. The facilitators were specifically asked not to approach any identified survivors of TIP, potential survivors of TIP, or any family members of such persons. Men and women in the identified communities were invited to separate FGDs to minimize concerns of cultural propriety and maximize the space for discussion.

Key Findings

The findings of the Study are arranged under five (05) sub-sections.

- The situation of trafficking in persons in Sri Lanka including prevalence and trends and profiles of victim-survivors and perpetrators
- The root causes of trafficking in Sri Lanka
- The existing legal and regulatory framework to ensure safe labour migration, to combat trafficking in persons, and for the protection of victim-survivors
- The challenges and barriers to effectively counter trafficking in persons in Sri Lanka
- International best practices and lessons learnt on countering human trafficking.

Both external or cross-border, and internal or domestic trafficking in persons occur in Sri Lanka. Accessible official statistics related to victim-survivors of trafficking are only available with the Sri Lanka Bureau of Foreign Employment (SLBFE), Sri Lankan Police, the National Child Protection Authority (NCPA), and the Attorney General's Department. However, civil society claims that official government statistics do not

reflect actual numbers of trafficking cases as a result of shortfalls in identification. In addition to the limitations of official government data, the absence of comprehensive and actively maintained civil society data collection systems further compounds the challenge. The desk review, FGD, and KIIs reveal that the country is predominantly a source country for cross-border trafficking and to a lesser extent, a transit and destination point.

As the largest source of foreign remittances in Sri Lanka, the external labour migration process receives state patronage in the form of an active state led institutional and regulatory structure. As a result, most counter-trafficking interventions are geared towards external trafficking, increasing its visibility. At the same time, uncertainties created by the pandemic and the economic crisis in 2022 characterized by high inflation, acute shortages of essential imports, and an increase in unemployment, have created new vulnerabilities or exacerbated pre-existing vulnerabilities of people. Research evidence suggests these circumstances have pushed people to seek foreign employment opportunities[1], despite being aware of the possibility of being exploited. While statistical data and anecdotal evidence indicate that a higher number of women are trafficked for labour compared to men, it is important to recognize that this may not fully reflect the reality. Men, often influenced by prevailing gender norms in society, may be hesitant to acknowledge their experiences as victim-survivors of trafficking[2]. This can lead to underreporting and a distorted representation of the actual prevalence of male trafficking.

There has been a notable recent trend of trafficking men to countries in South and East Asia, such as Cambodia and Vietnam. These instances typically involve luring men with the promise of lucrative employment opportunities in the Information Technology (IT) sector or enticing them with the prospect of permanent migration to countries like Canada[3].Reported forms of exploitation include contract substitution; deprivation of wages; withholding travel documents; unlawful confinement until an employer is secured; excessively long work hours; physical and sexual abuse; and having to work for multiple employers; or being transported to different parts of the country without their consent[4].

Perpetrators encourage or facilitate victim-survivors to utilize non-employment visas such as tourist or study visas to enter the country[5]. Anecdotal evidence suggests that women and men who travel on visit visas are often turned away on arrival or confined in detention centers where they are deprived of food and basic necessities, until potential employers visit these centers and bid for them, effectively purchasing them for domestic servitude, sexual exploitation, or forced labour in factories or the construction sector.

Another concerning trend observed in recent media reports is the recruiting of ex Sri Lankan military personnel to serve as mercenaries on the frontlines of the Russia-Ukraine conflict. Reports indicate that these persons are deceived by false promises such as lucrative salaries and the ability to acquire citizenship in those countries, none of which is provided. Even though some of the recruits have died in combat, their

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[1] 'Human Trafficking Increased in Sri Lanka during Covid Epidemic', Aithiya.lk, accessed 7 April 2024, www.aithiya.lk/english/human-trafficking-increased-in-sri-lanka-during-covid-epidemic-today-is-july-30th-world-day-against-trafficking-in-persons-on-the-occasion-of-day-against-trafficking-in-persons-sri-lanka-currently/..

[2]Lecamwasam, Menaka, 'Situational Analysis of Trafficking in Persons in Sri Lanka: A Civil Society Perspective' (The Asia Foundation, 18 March 2021), asiafoundation.org/wp-content/uploads/2021/07/Sri-Lanka-TIP_Situational-Analysis-of-Trafficking-in-Persons-in-Sri-Lanka-A-Civil-Society-Perspective.pdf. at 6

[3] 'Emerging Trends of Human Trafficking in Sri Lanka: Trafficking for Forced Criminality' (International Organization for Migration, 2023), https://srilanka.iom.int/sites/g/files/tmzbdl1601/files/documents/2023-12/ct-policy-brief_pxu-digital-1.pdf, at 2-3

[4] 'Presence of Human Trafficking and Forced Labour in Labour Migration- Sri Lanka' (International Labour Organization, 2019), file:///C:/Users/HP/Downloads/wcms_735511.pdf, at 22

[5] 'Review of Law, Policy and Practice of Recruitment of Migrant Workers in Sri Lanka' (International Labour Organization; Labour Migration Branch – Geneva, 2019), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_protect/@protrav/@migrant/documents/publication/wcms_727346.pdf.

families have not received any compensation[6]. Additionally, anecdotal evidence has shed light on another concerning instance of Sri Lankan men seeking employment in the Middle East being recruited to service active armed conflicts, the circumstances of which may indicate human trafficking.

Simultaneously, there is a concerning pattern of trafficking young men and women from Sri Lanka under the guise of educational opportunities in Southeast and East Asian countries, as well as in destinations like Australia and Canada.[7] These individuals are enticed to migrate on student visas with the assurance of employment prospects that would fund their education expenses. However, upon reaching their destination, they discover that the reality is starkly different from what was promised by recruiters. Instead of fulfilling their educational aspirations, they are forced into hazardous and harsh work environments with meager wages or excessive work hours, which diverges significantly from the initial commitments made to them.

The Economic insecurity precipitated by the 2022 crisis has resulted in an increasing number of people falling prey to exploitative labour and commercial sex work within the country. Economic hardships may also prompt already employed people to take on additional work, potentially leading to forced labour where individuals are paid significantly less than the value of their services. Internal trafficking also occurs within the external labour migration process prior to departure, where women who are transported to larger cities in seeming preparation for labour migration are forced into prostitution[8]. At the same time, anecdotal evidence of organ removal has also increased during and after the pandemic. However, it is acknowledged that internal trafficking is under-reported due to shame associated with being exploited.

The desk review, FGD, and KII highlight that non-payment of wages or paying below minimum wage occur in grinding mills, retail shops, and the construction industry in respect of men and sometimes boy children, leaving these victim-survivors stranded in urban areas without means of returning to their homes[9].

In FGDs and KIIs, it was revealed that manpower agencies often provide young women and men to the apparel sector factories and as janitorial workers in offices or similar settings. These practices have raised allegations of TIP. Unfortunately, the manpower sector is not regulated by law, which leaves these workers vulnerable to labour exploitation. This entails subjecting the workers to hazardous working conditions, excessively long working hours, denial of paid leave, and receiving lower wages compared to permanent employees of the factories or offices due to manpower agencies deducting a commission from their wages, further exacerbating their economic exploitation.

Another notable pattern involves the transportation of young girls and older women from the plantation sector to urban areas, particularly Colombo, on the pretext of high-paying domestic work, where they are forced into domestic servitude. Once in Colombo, these young girls and older women are stripped of their freedom and subjected to exploitation which includes grueling hours, often deplorable living conditions, and various forms of abuse.

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[6] Darshana Sanjeewa Balasooriya, 'Human Traffickers Sent over 80 Sri Lankan War Veterans to Russian-Ukrainian War Front: 8 Killed', *Daily Mirror*, 10 May 2024, https://www.dailymirror.lk/print/front-page/Human-traffickers-sent-over-80-Sri-Lankan-war-veterans-to-Russian-Ukrainian-war-front-8-killed/238-282298#:~:text=Investigations%20have%20revealed%20that%20more,mercenaries%20have%20died%20so%20far; 'Human Trafficking to Russia: Employment Agency Owner Arrested', Hiru News, 16 May 2024, https://www.hirunews.lk/english/369998/human-trafficking-to-russia-employment-agency-owner-arrested; Safrah Fazal, 'Ambitious Sri Lankan Jobseekers 'trafficked into Ukraine War Zones', *Daily Mirror Online*, 26 March 2024, https://www.dailymirror.lk/news-features/Ambitious-Sri-Lankan-jobseekers-trafficked-into-Ukraine-war-zones/131-279572.

[7] Lecamwasam, 'Situational Analysis of Trafficking in Persons in Sri Lanka', at 4

[8] Lecamwasam, 'Situational Analysis', at 5.

[9] Lecamwasam, 'Situational Analysis', at 6.

Another concern arising from the increase in tourism is the apparent increase in child sex tourism, where traffickers exploit both boys and girls for commercial sexual exploitation. Findings from desk reviews and KIIs indicate that not only is there a demand for child sex among foreigners in Sri Lanka, but there has also been an unfortunate increase in local demand[10]. This form of exploitation is particularly prevalent in coastal areas as well as other tourist hotspots, with intermediaries facilitating procuration. Children are transported to areas such as Ella, Galle, Hikkaduwa, and Kataragama during high tourist season and prominent festivals for commercial sex in exchange for paltry payments.. Moreover, FGDs and KIIs disclosed that children are also victims of organized begging and are exploited to hawk items such as incense-sticks. Additionally, incidents of parents forcing their children into organized begging and sometimes prostitution due to economic hardships were also reported.

The widespread use of digital devices, driven in part by online learning, has rendered children particularly vulnerable to exploitation. Incidents have been reported in which children are lured or coerced into engaging in pornographic productions or are directly trafficked for commercial sex through digital platforms, including the dark web and social media channels[11]. The anonymity provided by the internet, coupled with the ease of access to online platforms and dark web networks, has created an environment where the exploitation of children can occur discreetly. Furthermore, KIIs revealed that women and girls are sometimes victimized by their intimate partners, who exploit them by coercing them into trafficking under the threat of exposing their intimate images publicly. These forms of digital exploitation exacerbate the vulnerabilities faced by women and children, necessitating urgent measures to address and prevent such acts.

The desk review disclosed that even though organ removal was not prevalent in the past, dire economic circumstances have led most poverty stricken to consider selling their organs, especially kidneys and livers. Anecdotal evidence suggests most organ removals are disguised as donations even though in reality substantial amounts of payment are involved. These payments are largely taken by intermediaries involved in the process. A group of FGD respondents narrated an anecdotal account of approximately hundred people in a village in the Central province having donated their kidneys over the last few years.

The economic crisis in 2022 has compounded the detrimental effects of the COVID 19 pandemic, pushing a larger number of individuals into poverty or intensifying existing poverty levels. Accordingly, the prevalence of poverty and limited economic opportunities create an environment where individuals, particularly the most vulnerable, are driven to desperate measures to survive. Economic instability and lack of opportunities make migration and potential exploitation more appealing as a means of escaping challenging circumstances. Traffickers exploit these circumstances, taking advantage of the dire economic situation to lure individuals into exploitative situations, both within and outside Sri Lanka.

Key Recommendations

Data collection:

- Create a centralized database with standardized data collection tools that consolidates information on human trafficking in Sri Lanka.
- Encourage research collaborations on human trafficking in Sri Lanka, especially in to sectors in which TIP predominantly occurs.

[10] U.S. Department of State, 'Trafficking in Persons Report 2023', at 16
[11] Lecamwasam, 'Situational Analysis', at 7

Identification and referrals:

- Increase comprehensive training programmes for relevant stakeholders on the identification and referral of trafficking victims, including gender-sensitivity and victim-centered approach.
- Conduct public awareness campaigns to educate communities about the realities of human trafficking, including its forms, risks, and how to identify and report potential cases.
- Strengthen the protection of whistleblowers and witnesses to encourage the reporting of trafficking cases and ensure their safety throughout the judicial process.

Protection and assistance:

- Improve accessibility to support services in communities by establishing local service centers or satellite offices that provide services to victims and potential victims of trafficking.
- Increase the provision of trauma-informed counseling, therapy, and support groups to address the psychological impact of trafficking.
- Develop a proactive and timely reintegration process that does not solely rely on reported incidents of trafficking.
- Foster collaborations between private sector companies and counter-trafficking service providers to create employment opportunities and programmes for victim-survivors.

Investigations and prosecutions:

- Provide specialized training for investigators and prosecutors on the complexities of trafficking crimes.
- Enhance accessibility of police stations for individuals with disabilities.

Prevention:

- Enhance the content and duration of pre-departure training provided by the SLBFE.
- Advocate to strengthen bilateral agreements at government level to protect migrant workers.
- Provide educational and vocational training opportunities for victim-survivors to enhance their skills and employability.
- Mandate that businesses adhere to international guidelines such as the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights.
- Introduce a system of monitoring and regulation of micro-finance institutions to ensure accountability and prevent the exploitation.

Coordination and cooperation:

- Advocate for the establishment of direct communication channels and information-sharing mechanisms between the Government of Sri Lanka and labour-receiving countries.
- Improve coordination and information sharing among all stakeholders involved in anti-trafficking efforts.

Accountability and oversight:

- Strengthen anti-corruption measures within the recruitment process and support service provision for external labour migration.
- Develop a robust monitoring and evaluation mechanism to track the progress of the National Action Plan and other counter-trafficking initiatives.
- Through a participatory approach involving survivors of trafficking, conduct regular assessments of counter-trafficking initiatives to identify gaps, challenges, and areas for improvement.