

# **Victims of human trafficking in Sri Lanka: Narratives of Women, children and youth<sup>1</sup>**

by

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## **Abstract**

This study was conducted to ascertain the vulnerability of persons affected by human trafficking in Sri Lanka. It targeted the tourist populated coastal belt to identify the intensity of labour, commercial (sexual), and child trafficking, including victim sources, networks, and identification of perpetrators. An important element of the research findings was that the majority of individuals were ‘forced to migrate’ into the hands of the traffickers due to issues related to poverty, disempowerment and social dislocation. These victims transited to their helpless status over a prolonged period of time undergoing a rash of distressing situations. For this reason, provision of protection to these circumstantial forced migrants comprise a dual approach of stronger measures for regulating the internal and external migration process while expanding livelihoods and economic opportunities, information, and choices for employment.

**Key words:** human trafficking, vulnerability, poverty, exploitation, Sri Lanka.

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<sup>1</sup> This derives from a study done for the International Labour Organisation (ILO) in Sri Lanka. Its main objective was to assess the vulnerability to trafficking of women, children and youth in the areas of outbound and internal migration, commercial sex, and exploitation of children for labour and sex.

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# 1 Human Trafficking in Sri Lanka: An introduction

In the year 2000, the United Nations adopted the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, also known as the Palermo Protocol. Sri Lanka had ratified this protocol and several other international and regional instruments that seek among other things to address the human trafficking problem.<sup>3</sup> In spite of years of commitment against human trafficking in Sri Lanka, reports suggest that the issue has not been controlled yet. For instance, the most recent Trafficking in Persons (TIP) report of the US Department of State (2010) places Sri Lanka at “Tier 2 watch list” which is just one level above the worst category, “Tier 3”. The country was downgraded from “Tier 2” in 2007 and had been at that level since then.

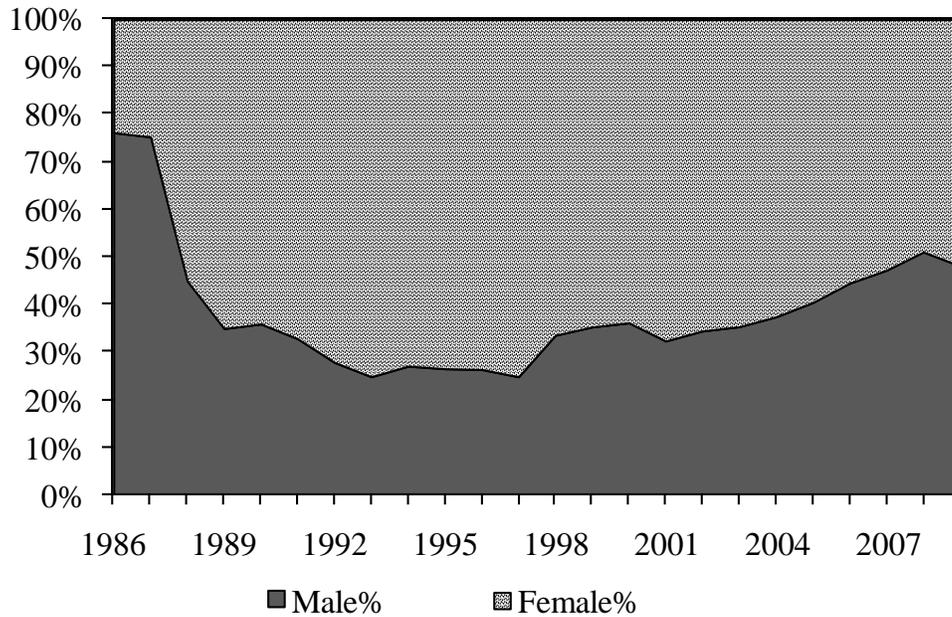
Previous studies have contributed to the appreciation and understanding of human trafficking realities and challenges in Sri Lanka, particularly in relation to the trafficking of women and children: (1) people are in situations of modern slavery in Sri Lanka, (2) trafficking is a fluid phenomenon responding to market demands, weakness in laws, and economic and development disparities, (3) trafficking is less often about the flat-out duping and kidnapping of naïve victims than it is about the coercion and exploitation of people who initially entered a particular form of service voluntarily or migrated willingly, (4) traffickers often use sexual violence as a weapon against women to keep them in compelled service, whether in a field, a factory, a brothel, or a home, and (5) child sex trafficking in on the decline in the country (Coomaraswamy and Satkunanathan 2006; Frederick 2010; Samaranyake 2010; Squire and Wijeratne 2008).

In 2009, of the total of 12,061 complaints lodged with the Conciliation Division of the Sri Lanka Bureau of Foreign Employment (SLBFE), 78 per cent were by females (SLBFE 2009: 78). When this total number of complaints were separated into specific issues in the data, it revealed that most of trafficking related issues of migrant workers impact females (Physical and sexual harassment, female 96%; Not sent back after completion of contract, female 92%; Non payment of agreed wages, female 81%; Breach of Employment Contract, female 62%). The higher number of female complaints may reflect the fact that during the past two decades, more women have migrated as temporary labour. Figure 1, based on data from SLBFE (2009), is proof of this. Figure 1 also shows that the percentage of males who migrate is gradually increasing to the level observed in mid 1980s.

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<sup>3</sup> *International:* UN Slavery Convention (1926), Forced Labour Convention of the ILO (1930), UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), UN Supplementary Convention of the Abolition of Slavery, the Slave Trade and Institutions of Practices Similar to Slavery (1956), International Covenant on Civil and Political Rights (1966), UN Convention on Elimination of All Forms of Discrimination Against Women (1979), UN Convention on the Protection of the Rights of All Migrant Workers and Members of Theirs Families (1991).  
*Regional:* Bangkok Accord and Plan of Action (1998), SAARC Convention of Protecting and Combating Trafficking in woman and Children for Prostitution (2002)

**Figure 1: Departures for foreign employment 1986-2009.**



Source: SLBFE (2009) data.

Foreign employment is a vital support element to keep the Sri Lankan economy afloat. It is estimated that about 24 per cent of the Sri Lankan labour force was employed in foreign countries and they brought in 35 per cent of export earnings or 6 per cent of the GDP in remittances (SLBFE 2009). At the macro level these numbers explain the government rationale of promoting foreign employment of Sri Lankans, while at a micro level these remittances explain why people brave so many risks, including trafficking, to find work abroad.

**Table 1: Departures by country**

Country	2007			2008			2009		
	M	F	Total	M	F	Total	M	F	Total
KSA	26365	34122	60487	30984	36459	67443	33114	44735	77849
Kuwait	8243	32787	41030	10707	36234	46941	10328	32072	42400
UAE	21389	17631	39020	32719	18455	51174	23226	16427	39653
Lebanon	330	6609	6939	305	4664	4969	384	5523	5907
Jordan	1482	6958	8440	1242	9120	10362	663	8169	8832
Qatar	34357	4586	38943	33984	5492	39476	36534	7210	43744
Oman	1743	2169	3912	2317	2430	4747	2224	3110	5334
Bahrain	1216	3759	4975	1567	3083	4650	1761	4168	5929

Source: SLBFE (2009)

Table 1 illustrates that the highest number of labour migrants depart to Kingdom of Saudi Arabia (KSA), Kuwait, and UAE in the Middle East. It is also evident that the number of females departing to these destinations is generally higher than males. Table 2 shows the close link between these locations of absorption and the violations taking place. Saudi Arabia ranks first in both the lists. The recent case of Ariyawathi, where a female migrant worker was reportedly brutally tortured by her Saudi employer, is a case in point for the issues at hand.

**Table 2: Complaints by country of origin**

Country	2007			2008			2009		
	M	F	Total	M	F	Total	M	F	Total
KSA	424	3343	3767	662	3534	4196	1232	4564	5796
Kuwait	70	1486	1556	234	1820	2054	259	2097	2356
Jordan	12	833	845	54	950	1004	37	1190	1227
UAE.	193	510	703	272	549	821	399	599	998
Qatar	338	114	452	418	137	555	440	209	649
Lebanon	5	617	622	3	378	381	6	311	317
Bahrain	6	149	155	24	143	167	21	172	193
Oman	12	57	69	16	89	105	42	140	182

Source: SLBFE (2009)

In Sri Lanka, children are trafficked from rural to urban and tourist areas, mainly for domestic labour and sexual exploitation. The country was notorious for child sex tourism in the 1980s (Squire and Wijeratne 2008). Where the end products of trafficking are concerned, the Child Activity Survey conducted by the Department of Census and Statistics states that 5.3 per cent of children under the age of 18 are involved in economic activity in 2006. With the end of war in 2009 and anti child trafficking activities spearheaded by the National Child Protection Authority (NCPA) (backed by frequent police raids), the incidence of internal trafficking of children for sexual exploitation (prostitution, beach boys in the South, and combat) has receded or has gone undercover. Child labour however remains an issue.

## 2 Methodology

The methodology of this study includes a comprehensive literature review, a set of key informant interviews at central and field level, and a survey of affected communities using face -to -face interviews, and focus group discussions. At the onset, we conducted a set of elite interviews with senior officials in Colombo in areas covering academia, justice, law enforcement, protection and monitoring. In total 21 interviews were held in Colombo and 26 in the field. The field work for this study was conducted during the period 15 July, 2010 to 15 October 2010 along the coastal belt of Sri Lanka in three districts: Puttalam, Galle and Trincomalee.

Agencies in the study districts that work with the target groups, helped with the logistics and selection of participants for the interviews. These purposive selections included trafficked/potential migrant workers, and sex workers. Both females and males were in the sample, but children could not be interviewed due to accessibility reasons which have been stated in the report. However, to compensate for this, emphasis has been given to the key informant interviews in the case of child trafficking. Another caveat is that the migration related trafficking victims interviewed mostly consisted of migrants to the Middle East<sup>4</sup>. A semi-structured questionnaire, similar to the type used in Colombo, was used for interviewing key informants directly involved in, or indirectly connected to human trafficking. The group included government officials, NGO workers and international agency staff. Besides verbal information, feedback was received, at times, with the assistance of a site visit or field interviews and providence of statistics/data.

A structured questionnaire was employed for interviewing former trafficking victims and potential traffickees. These tools were developed by the researchers to gather information on victim profile, motivation, case process details and behavioural, data that was useful in identifying causes and processes of trafficking. Three separate methods for sourcing of participants was arranged to maximize interview numbers and affect the in-sample breadth of victim/participants. These tools are also annexed at the end of the report. The researchers did notice that there seemed to be reluctance on the part of respondents to share personal encounters of sexual harassment while abroad. All respondents, with the exception of prostitutes, referred to the stories as something that happened to ‘their friend’, to a ‘known person’, or as a ‘common occurrence’. This may be due to the rapid nature of the research and cultural inhibitions, and needs more time and in-depth probing.

The research findings are organized under themes based on the three main exploitative situations that render men, women, children and the youth in Sri Lanka, vulnerable to trafficking: labour migration, commercial sex and child exploitation.

### **3 Legal Aspects/Law Enforcement**

Articles 11 and 27 of the Constitution of Sri Lanka clearly indicate that freedom from exploitation is critically important for the Sri Lankan human rights environment. While these provide safeguards for the trafficked victims, there are other statutes that criminalise trafficking and prohibit exploitation. These include the Brothels Ordinance (1889), the Vagrants Ordinance (1841) and the Penal Code (1883). However, ‘trafficking’ as a concept was introduced to the law of the country for the first time in 1995 with the enactment of the Penal Code (Amendment) Act, No.22. The definition of

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<sup>4</sup> This was not purposely done but was a result of the fact that only a smaller population of migrants was trafficked to other destinations.

trafficking in Section 360C of the Penal Code underwent further changes with the 2006 Amendment to the Penal Code. These changes brought the provisions in the Penal Code more in line with the Palermo Protocol (Ranaraja 2010; Samaranayake 2010).

Section 360C stipulates the need to establish the same three conditions as the Palermo Protocol—act, means and purpose—to build a case against trafficking. This is proof that Sri Lankan law against trafficking had emulated or followed what had happened internationally. However, as Ranaraja (2010) notes, the Palermo Protocol provisions aimed at victim care and training border officials and law enforcement officials have not been given effect in Section 360C or other legislations in Sri Lanka. Important missing elements include exemption of the victim from criminal liability, provision of assistance and protection to the victim and the prevention of re-trafficking of the victim. On occasions, this research suggests that these could explain some of the lapses in anti -trafficking work in Sri Lanka.

Despite the legal provisions and adequate capacity on the part of the police to handle trafficking cases, the number of convictions in Sri Lanka has been low (TIP Report 2010). So far there had about 200 trafficking related prosecutions with about 17 indictments, with sentencing to take place, which most agree is only the tip of the iceberg. Focused discussion with officials at the AG department revealed a few points here. The ‘trafficking’ definition is itself not a problem. However it is important to note that human trafficking is relatively new to the institution and officials are currently learning its elements. The justice system is overloaded with a backlog of various cases of all types (including murder, assault, extortion, robbery etc. that have to be heard) and prioritising trafficking cases as the top agenda in hearings is not always easy, in practical terms. Hence, unless there is persistence and commitment from officials, trafficking cases, like all other cases in the country, will take their standard course of time (which might be years). Therefore commitment and interest of individuals within the system play a major part in alleviating this blockage – which in other words is part of a larger problem.

Discussions with justice and police officials indicated six key areas where they intervene (or are responsible for) with varying levels of success and challenges. These include (in order):

### **Incident – Detection – Arrest – Investigation – Prosecution – Conviction**

The research surfaced some interesting revelations here, in relation to policing and justice in the field.

Firstly, the officers on the field find it very difficult to gather enough evidence to establish trafficking cases. This is because trafficking cases need to establish that the act, means and purpose of the crime are as described in Section 360C (see Table 3). In other words, to charge someone under Section 306C, the authorities have to provide evidence that the accused had committed at least one crime from each of the three columns in the

table. As this is complicated, law enforcement officials find it far easier to charge a perpetrator with molestation or rape rather than trafficking. See for example the child pornography case in Coomaraswamy and Satkunanathan (2006: Box 3.7) where the perpetrator was charged with child abuse and not trafficking. The situation is aggravated by anti -trafficking officers in law enforcement being not conversant in the subject. Further, officers in Puttalam Police for instance confirmed that trafficking complaints are hardly lodged at the station (they assumed that these are handled instead by the SLBFE). If handled by police, they stated, such complaints will be dealt with as civil cases, occasionally using arbitration.

**Table 3: Three components of Section 306C.**

<b>Act</b>	<b>Means</b>	<b>Purpose</b>
Recruits	Threat	Securing / or by force
Transports	Force	Compulsory labour or services
Transfers	Fraud	Slavery
Harbours	Deception	Servitude
Receives	Inducement	Removal of organs
<i>(any person)</i>	Exploitation (of vulnerability)	Prostitution (or other sexual exploitation)
	<i>(of another)</i>	<i>(for the intention)</i>

Secondly, trafficking is always a culmination of a series of other criminal acts such as forgery, under age recruitment, immigration offences, *etc.* often perpetrated by different parties. This makes police work complex and harder because all these elements will have to be accounted for in a successful prosecution.

Thirdly, the victims, particularly the child traffickees, often change their stories. NCPA alleges that this happens often when under age children are rescued. This could be because the victim is actually unaware of the nature of the crime or processes involved, or because the victim too wants to cover up the crime (in fears for his/her protection or in fear of losing benefits). The latter is where reliable victim care becomes important. Nevertheless, it seems that responses to the trafficked victims from law enforcement in Sri Lanka are very informal and left to the discretion of the officers. There is no standard for victim care and procedures.<sup>5</sup>

Fourthly, the length of legal procedures is also an impediment that reduces indictments. There are problems of implementing these in a manner that redresses the plaintiff – the trafficked victim. Interviews suggested that often the victims are frustrated in the process and/or even harassed by way of being sent from pillar to post. Take for example, a case

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<sup>5</sup> The US lay, in contrast, stipulates a well defined path to take in victim care.

where child trafficking is suspected. Police would first take the child into custody and take him/her to hospital for examination by GMOA. If home is safe and the mother is available, the child will be brought back to home. If the mother is not available or if home is not safe, then the child will be removed and probation department will put the child into a male or female center and will send him/her to school. Court proceedings will take place after this. These proceeding usually are late and suspects are already released by that time (three months).

In some situations, cases are heard after ten years. There are also delays in the government medical report examination report to police and the court, very often. The medical report delay is a major impediment in processing the evidence for the investigation. This is an acute problem in Trincomalee where patients are occasionally sent to other districts (Anuradhapura, Kandy and Colombo) for examination due to lack of local capacity. The follow -up instructions from the Attorney General's (AG) department in Colombo is also a major element of the delaying factors for the case and for follow up at local level (i.e. due to the length of time, the victim has got married and started a family and the perpetrator too has gotten married, changed his occupation, left the area or had even deceased). These systemic blockages and frustrations were frankly shared with us by law enforcement officials in all three target districts and hence is a serious matter of concern in combating trafficking.

Fifthly, the political economy of trafficking could be a potent explanation of the low number of arrests and convictions. Field discussions suggested political interferences, the involvement of influential figures and the large sums of money involved as a source and an obstacle for controlling the phenomenon of trafficking. It is well accepted that the enterprise is a lucrative business, albeit the risks for the subjects.

Sixthly, the investigative inquiry side is under resourced. For instance, though there are a sufficient number of NCPA officials, they are not authorised to go on field enquiries without a WPC from the Women and Children's desk of the police. The Women and Children section itself is minimum, which also hampers NCPA's investigative inquiry work. On occasions, WPCs are not available due to lack of man power or facilities or their commitment to other general functions in the police station. For example, Women and Children's desks have one Bajaj to cover the complaints of a whole district. Having said that, it is important to underscore that these resource constraints are an endemic problem faced by all government institutions in Sri Lanka, not just those in anti-trafficking work.

In contrast to the above, probation officers in the South and West seemed to have more facilities and infrastructure. However, discussion in Trincomalee indicated that institutional capacity building was lacking in the region. Further, there was the dearth of child rights promotion officers and early childhood development officers. The capacity shortcomings in the Women and Children's desks were the same as in other locations. Interviews with officials suggested the NCPA desk also needed strengthening in Trincomalee. With reference to coordination among the relevant stakeholders, *i.e.*

probation, Women and Children's desk, NCPA and magistrate courts, there was a lacuna of corporation.

The following three case studies bring out some of the issues raised above.

**Case 1:** *A 24 year old girl from Galle who worked in the garment sector had gone abroad and come back. She met a known person and while travelling with him in a Bajaj, was raped at a lonely spot. The man subsequently gave her to other men. She was rescued by the police who filed the case as trafficking.*

The police are unsure if it is a case of rape or trafficking and how the courts would respond to it. This is a common issue with the implementation of Section 360C which owes to the lack of experience on the part of police officers in handling trafficking cases. The novelty of the concept of trafficking and freshness of the legislation also account for the lack of field experience. This sometimes forces the police to avoid charging a perpetrator under the "unfamiliar" trafficking law; choosing instead other, more familiar, legislations as in Case 2 below. It is based on a case narrative by a WPS at a Women and Children's desk.

**Case 2:** *A 23 year old girl from Colombo travelled to Galle. She met a man in the railway station with whom she had sex. After the incident, the man sold her to other men in the same hotel against her will. She was rescued by the police and produced before court for prostitution.*

The WPS explained that the case involved attributes of consensual sex and attributes of trafficking. However, by charging the woman with prostitution the police had chosen to disregard the latter. Probably the most efficient way to break out of this is to provide training to these officers. For example, IOM has held a trafficking training program for the rank of OICs. Such training however needs to be expanded and include officers that interact with the public; for instant officers attached to the Women and Children's Bureaus of Police stations.

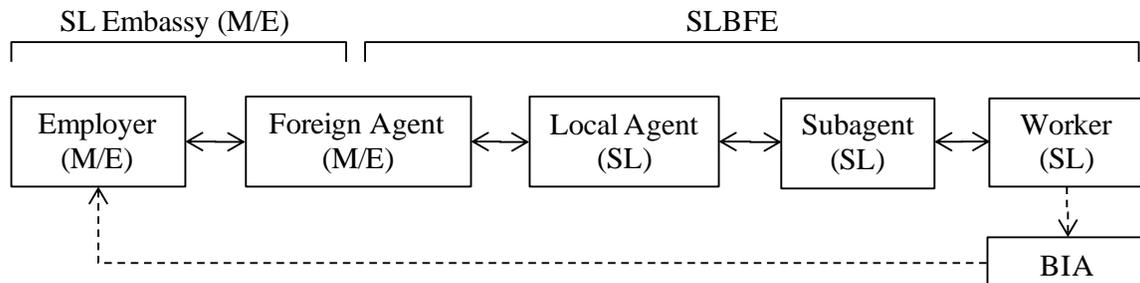
**Case 3:** *A mother in Badulla was selling her 15 year old daughter to men for sex. One of the clients tipped off a local NGO, who in discussion with NCPA took measures to rescue the child. The local police was not involved in the operation and a CID team from Colombo travelled to Badulla to conduct the rescue and make the arrests.*

This case illustrates the nature of public opinion particularly about the ability of local police to arrest and press charges against the perpetrators. For instance, two of the interviewees confirmed instances where police raids are sabotaged by insiders: culprits are warned before the raid. Money, politics, and favours are known to play a critical role in these. Moreover, the public knows about this as illustrated by the behaviour of the NGO in the above case. This is a serious problem that prevents victims from coming forward to lodge complaints.

## 4 Trafficking of Labour Migrants

Many migrants from Sri Lanka leave home in search of a better life—often seeking new horizons in the oil rich Gulf countries. The study discovers ways in which this quest for a brighter future could in fact lead to misery at a destination where deceit and exploitation await. A significant number of Sri Lankan migrant workers, mostly from the female domestic labour category, but also others, suffered exploitative conditions which make them trafficked victims. There are no formal statistics on the break down, but according to the Rural Development Foundation (RDF), an NGO in Puttalam, about 40 percent of the migrant workers don't face difficulties abroad (based on the experience of RDF). Of the remaining 60 per cent, a third find themselves directly at the mercy of traffickers, and the balance face problems not related to trafficking, in the formal sense.<sup>6</sup>

Several parties are involved in connecting foreign employers in the Middle East with potential migrant workers in Sri Lanka. Who gets involved would depend on the migrants' choice of channels but usually include state agencies such as SLBFE, licensed recruitment agencies, as well as individuals and unlicensed agencies. For example, if a licensed agency is used, it would involve a foreign agent (for example in the Middle East) who seek out or receive job orders from the employer, and a local agent, who through subagents recruit workers for the vacancy. This process can be sketched as follows:



It is clear that the worker is the most vulnerable party here, which is why the overseeing function of the SLBFE and the embassies are important. The Bureau, established under the SLBFE Act of 1985, is the main government arm to regulate the industry. The Sri Lankan embassies in the Middle East also play a part in compiling and vetting employer information and job requests in the foreign country. Last but not least, the Bandaranaike International Airport (BIA) performs the role of final point of control and monitoring for the individuals at their time of departure. If any of the links above involve a fraud leading to breaking of contract, then it would increase the vulnerability of the workers because

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<sup>6</sup> TIP (2010) citing an NGO says “a survey in mid-2009 found that 48 percent of returned Sri Lankan domestic workers were assaulted by a member of their employers' household, 52 percent were not paid the salary promised to them, and 84 percent were not paid for their overtime work, abuses that may indicate forced labor.”

they, particularly if female, have no political, financial or human capital to protect them. Such vulnerabilities expose them to trafficking.

Most common frauds involve subagents who either break their contract with the worker or their informal agreements with the local agent. However, it is not uncommon for the employer or the foreign agent to break their contracts as well. For example, the focus group with eight female workers in Puttalam underscored some of these issues: non-payment or delayed payment of salary, having to beg to be paid, payment of lower salaries than was contracted for, long working hours (e.g.: 5.30 am to midnight), mobility restrictions by withholding passports and communication restrictions by curtailing telephone use, inadequate food, threats and dangerous work (cleaning high windows). Similar information was obtained from in-depth interviews with three migrant workers in Galle. Therefore the implementation of work terms is a major issue that urgently needs attention.

For its part, SLBFE had made efforts to minimize the harm and strengthen the position of the overseas labour migrants by setting up regulations.

1. SLBFE inspects and approves all the job contracts that come through
2. There are hotlines for workers to check on the legitimacy of the agents/legitimacy of the job, and charge rates.
3. Workers have to come to Colombo or go to a district SLBFE office to sign the contract in the presence of the officer.
4. Training for females, first timers, or those with outdated training.
5. Proficiency trainings (language, safety, technical) where a clearance certificate with stamp is issued only after the person passes the course (this stamp is checked at BIA).
6. The maintenance of a data base on the migrants.

However, even if one goes through SLBFE prescribed channels, there is no guarantee that he/she will be free of danger. For example, SLBFE reported of incidences where workers, who had used its channels, including registered agencies, had got stranded (40 in Riyadh, and 11 in India).

There is also the case of victims being “trapped” in the contract for three months. This is a three month salary deduction to cover the agency commission, sub agents fee, costs of travel and a small advance to the worker. This is why the workers have to work for three months without salary. And if they should leave their jobs during that period, they would need to return using personal funds. Agreements are also (sometimes) in Arabic, while several governmental and non-governmental agencies have attempted to remedy the situation. There is still substantial work to be done in this area.

#### **4.1 Causes**

Men and women seek employment outside Sri Lanka motivated primarily by a mixture of economic factors: lack of suitable employment opportunities, economic necessity,

poverty and the search for a good life. Trincomalee in particular, exhibited high levels of unemployment and poverty in the rural areas of the district. For instance, the eleven trafficked labour migrants that were interviewed had monthly incomes in the range of Rs.4,500 to Rs.10,000 before they decided to go abroad; four of them were unemployed. However, this research is more interested in why they got trafficked in the process of migration.

The primary and the obvious reason as to why labour trafficking occurs, is that there is a great deal of money in it for the traffickers and it is a fairly simple occupation requiring little inputs of finance and infrastructure. They use legal foreign employment gaps to exploit the existing system. The benefits for the traffickers come in various forms, depending on which point they position themselves in the chain of transactions between employee and the worker. If the trafficker is posing as an agent, then he/she will benefit from legal or illegal commissions and other monetary or in-kind benefits. If on the other hand the employer is the trafficker, then he/she will benefit by exploiting the worker (salary cuts, work load and poor work conditions).

The trafficking risk of migrant workers can be reduced if they have timely access to accurate information. However, they are known to rely mostly on informal sources of information (Transparency International Sri Lanka 2009). In the sample studies, all had relied on friends, relatives and return migrants, or subagents for their information. Interviews in Trincomalee also highlight another risky behaviour on the part of migrants: haste. Migrants are hasty in preparing for foreign jobs and as a result are ill prepared for the venture and lack crucial information. Therefore those in Trincomalee have even lesser access to information than those in Puttalam and Galle. This is probably because they decide to look for overseas work when all else had failed and their household financial situation is in poor shape. Often, they sell or mortgage their assets (such as land and jewellery) to finance their trip in the process, adding to their vulnerability. This goes without saying, that a significant portion of those who encountered problems had little knowledge of the legitimate labor related migration process, with its various safeguards and steps, prior to their departure.

It was noted earlier that trafficking can befall a migrant worker without him/her ever leaving the country. These involve victims who are cheated and misled by any of the Sri Lanka based parties involved. However, the fingers usually point at subagents. It is easy for a subagent to mislead migrants as they completely rely on the subagents for all aspects of their migration. Subagents are also known to employ strategies that strengthen this advantage. For example, in Puttalam, and in Trincomalee, the subagents recruit only a few from a village. This prevents communication and exchange of information between migrants. They will 'catch' the subjects in a web of psychological and financial pressure. The errant subagents always operate with mobile telephones which can easily be changed or with wrong land telephone numbers.

A sub agent would usually be a good talker, be very mobile and would know the area well. This profile makes it very hard for the local agency to sufficiently monitor the

subagents. There are reported cases where the subagent would also cheat the local agency. Even with an SLBFE approved legitimate job order, the subagent can cheat the main agent. The method used include pilfering the monies given to provide services to the migrant, charging illegal amounts from the migrant, etc. The flip side of this argument, according to interviews, is that the local agencies in fact use the subagents as a scapegoat and decidedly do not want the latter to be regulated.

According to the SLBFE, the hardest problem in relations to trafficking, is to do with breaking of contracts after the worker leaves Sri Lanka. The caveat is that trafficking occurs when contracts are broken by subagent, registered agents, or employee; but not when the worker breaks them. The latter is not uncommon with Sri Lankan migrants. For instance, SLBFE reports that there are about 40,000 Sri Lankans working in Afghanistan and Iraq—both banned countries. Men in the South reach these countries by first going to Dubai and then to Afghanistan and Iraq. Charges for these banned work opportunists are in the range of Rs.250,000-Rs.300,000. It is not clear whether these men consented to these, or are exploited in these countries. But what is clear from this example is that there is only a very thin line between trafficking and a breach of contract by a worker.

Coming back to the issue of breach of contract by any party other than a worker, the SLBFE has very little or no control over its implications to the worker once the latter has left the country. In such situations the migrant is completely at the mercy of the laws of the destination country, which usually results in no action. SLBFE runs various programs aimed at redressing these issues: (1) Pre-departure scheme which includes training in preparations for working in a foreign country, (2) An insurance scheme for the workers and (3) Conciliation scheme (advice for problems, settlement of issues).

As previously discussed, there is a system in the Middle East where the staff is ‘owned’ by the employer after signing the documents, meaning that the labourer is completely under the control of the employer. This is strengthened by the fact that the employer had already paid USD 2000 as deposit and the workers are expected to work with no salary for three months till the deposit is paid off. It is said that until this period lapses, there is very little that Sri Lankan embassies can or would do to protect the worker. If /or when problems arise the foreign agent try to switch workers so that the employer has a worker and the worker a master. If it completely fails, then the migrant is put in a safe house and gets sent back to Sri Lanka. The agent is not liable to compensate the worker.

Some of the victim migrants interviewed holds the opinion that Sri Lankan embassies in the Middle East intervene in migrant problems in a weak manner, which opens up trafficking opportunities. For instance, Sri Lankan embassy officials along with foreign agencies will put the troubled worker to various other places and not follow up on his/her condition. Victims, interviewed, compared this with strong and forceful action on the part of embassies of Philippine or Nepal, to bring redress to their nationals facing trafficking related issues. Here, the capabilities of Sri Lankan embassies to manage the task are highly questionable, either because of the volume of cases or skills and commitment of the staff.

In addition to the migrant labour trafficking, domestic labour trafficking is also common in Sri Lanka (internal labour trafficking). It is common to see ‘servants’ being employed at the household level in Sri Lanka. They are usually in exploitative work situations which is socially accepted and widely practiced though out the island, and in south East Asia. Usually there is no contract between the two parties; there are no specific laws for their protection (no minimum wages or guidelines) and they often face verbal, even physical, abuse, low wages, long working hours, *etc.* One of the interviewees from National Workers Congress (NWC), an NGO, pointed out that human trafficking only brings this household level practice out into the open and raises its operational level of intensity. With a culture of servants taking place, the bridge to domestic trafficking is much shorter and convenient for the would-be trafficker.

The below cases examine victim experiences with a view to bringing out the causes of labour trafficking outlined above. The reader can note the diversity of their experiences and the difficult circumstances faced by these victims. The reported ambiguities and challenges with regards to the trafficking definition (where incidents require the Act, Means, and Purpose conditionality), from an operational approach are also evident.

#### Case study 1

Sanjeewa was a shopkeeper in Galle who earned about 15,000 a month. In 2006 he was approached by friend and a subagent about a job in Italy. The cleaning job on contract for a company would pay Rs. 150,000 per month for two years and the agent would provide the visa and ticket. In return he would pay Rs. 550,000 in two equal instalments. When he paid the first advance, he was taken to an agency office in Dehiwala which provided him a short training programme. Sanjeewa arrived at the BIA with five similar members in his group. They were stopped by customs in Italy for possessing false visas and sent them back. Upon return, he found out the agency in Dehiwala had closed up. He managed to track down the sub agent and recover his money. Sanjeewa lodged a complaint at the BIA but did not report it to the police in Galle. He still works as a shopkeeper and earns around Rs. 20,000 a month. He would like to go abroad due to income needs, but will be more careful in the next instance.

#### Case study 2

Piyawathi made a living out of preparing rice packets, earning an income of Rs.7,000 to Rs.10,000 a month. She had made inquiries with known people about jobs abroad and was approached by a sub agent who offered employment in Saudi. The house work job for a small family would pay Rs. 13,000 for a period of two years. In return, the agent would provide the visa, ticket, and passport. Once she made a small advance payment, she was taken to an agency office in Dehiwala for briefing. She was not given a contract. In Saudi she ended up working for three families and two other persons. Due to her complaints she was allowed to leave after three months and the employer provided her the return ticket. However, she received no salary for this period. She did not lodge a

complaint or search for the agent and feels it is better to do something in Sri Lanka. She currently earns about Rs. 18,000 from her food parcelling business.

### Case study 3

Dayawathi did not have much work and sold peanuts occasionally. She wanted to go abroad and earn some money as she was building a small house. Her brother in Colombo informed her about an actress who was managing a reputed agency providing jobs. She was impressed by the big office in Colombo and immediately agreed to a housemaid job for a family of ten in Baharain. She did not ask about the salary or the length of the employment. There was also no contract. The agency supplied her ticket and visa and provided some self defence and other training. In Baharain, Dayawathi had to look after an extended family of more than thirty people. She ran away after a month when they refused to increase her salary. Representatives of the agency brought her back to Colombo. The company then sent her to Singapore where she had to care for a sick and mentally unstable man. She was not comfortable with the job and returned after three weeks. She received no salary and did not lodge any complaints. Dayawathi is not interested in going abroad again and currently makes paper bags for packing, earning Rs. 3000 a month.

### Case study 4

Ganesh was a student in Trincomalee who wanted to leave the country on three occasions. The first time was in 2001 when he was offered a job as a supermarket sales boy with a monthly salary of Rs 60,000 in Cyprus by a relative and an agent in Colombo. He was made to pay Rs. 180,000 as an advance for the visa and ticket with an equal balance to be paid at point of arrival. No documentation was provided. The trip got delayed by nine months and the agent disappeared with the advance money. Ganesh did not lodge an entry as his relative was involved. On the second occasion, in 2006, a relative offered to take him to Canada for a fee of Rs. 4,000,000. The agent in Colombo who managed the operation initially said there were no advance payments, then later onwards asked for Rs. 1,500,000 as front money. Ganesh gave him Rs. 600,000. The trip got delayed by a year. The agent returned Rs. 200,000 and disappeared with the rest of his money. On the third occasion, in January 2010, an agent in Trincomalee said he would smuggle Ganesh to Australia by sea for Rs. 1,000,000. He was made to pay Rs. 250,000 as an advance. Him and another 50 people were put on a small boat and taken to the deep sea. The group came back after two days as the big ship that was to take them to Australia did not arrive. Ganesh's brother reported the matter to the police and the agent was arrested. He is currently in jail and facing court proceedings. Ganesh has no further plans to leave the country and is satisfied with his Rs. 21,000 salary with an NGO.

### Case study 5

Nishantha was a carpenter in Trincomalee who earned around Rs. 30,000 a month. He wanted to leave the country for safety and a better income. In early 2010, a sub agent

offered him a two-year job in Saudi as an electrician that would pay Rs. 45,000. In return for paying Rs. 95,000, he would get a contract, visa and ticket. In Saudi, Nishantha was put to hard labour work on the road. When he complained to his employer after 35 days, he was taken to the desert, assaulted and tied up for three days. He managed to send a message back to his family about his predicament. The Colombo agents offered to bring back Nishantha once the family paid Rs. 60,000 plus another Rs. 35,000 for the ticket. Nishantha did not lodge an entry with the police or bureau when he returned. He did not receive any salary or compensation for his ordeal from the agent. He now works as a carpenter earning Rs. 36,000 a month. He encourages others to earn a living in Sri Lanka and if they do choose to leave, to minimize the risk by following the procedures laid down by the SLBFE.

## **5 Trafficking for Commercial Sex Work**

On a head count, victims trafficked for commercial sex work is less prevalent in Sri Lanka than labour trafficking. However, the violations of human-rights and freedoms that result from it are often different and more horrific. Female, male and child sex trafficking is prevalent in the country. This section of the report however, would focus on the first two categories as child sex trafficking will be discussed separately in the next section.

It might be important here to revisit the definition of trafficking because quite a number of sex workers in the country are consensual workers. UNAIDS for instance, believes that only about 20 percent of those in the sex trade are trafficked and others have not been tricked into it. For example, officers at the Women and Children's desk in Puttalam confirmed that police usually look at consent in a trafficking case and takes the victim to hospital for examination and compilation of medical evidence. In the case of consensual sex workers who are rounded up, after producing them to courts, the prison authorities (not the hospital) do the medical and then they are released after a small fine (Rs.100 up to Rs.3000; the latter is rare). The reader will note such a fine is not a deterrent for sex workers as it could be covered in one day's work. If they are unable to pay the fine, they are remanded for three months.

There are however extreme sex trafficking issues or cases in Sri Lanka: Anuradhapura has figured as a high risk locality as there are a significant number of war widows that are vulnerable to trafficking because of poverty. Also the high incidence of consensual sex in the form of (1) commercial sex (about 35,000 workers) with clear transactions in terms of the services provided and moneys exchanged, and (2) undocumented numbers of transactional sex for non monetary considerations, which are troubling. It is worrying because case histories of some of who were interviewed suggest that transgression from consensual sex to trafficking and *vice versa* are not uncommon in Sri Lanka. For this reason, this report will also look at some of these consensual sex workers to better understand the motives, networks and finances. Moreover, many of them had undergone incidents when they were young (incest, molestation, and rape by family and outsiders) which make them victims of circumstantial trafficking.

Many sex related offences including trafficking, go unreported because of cultural and religious factors. Desire to avoid community and family problems and social stigma are also reasons. For instance, Galle Police reported only two cases of sex trafficking for the whole of 2010 while our interviews revealed that there is a significant level of sex trade activity in the area. A similar state of affairs was reported by Puttalam Police in relation to the IDP camps in the district. Rarely do the police get complaints from the residents of the IDP camps, though many sex related offenses/problems are known to be there. Because the victims are scared to express themselves, attempts will be made to resolve the issues internally, and therefore they do not surface.

The prominent sex worker outlets include brothels, hotels, lodges, massage parlours, karaoke bars, homes, and even vehicles. Apart from instances where underage girls are employed in these, most of these locations, according to second hand information, are not likely to traffic women for sex work. The employees themselves know exactly what they are getting into. For instance, there are advertisements for massage parlours and karaoke bars in newspapers.

Male sex workers are a much hidden group compared to females and their numbers are low. Galle is known for MSM (men who have sex with men)<sup>7</sup> activity and services of male guides and beach boys. Though they suffer human rights violations, they are not known to make complaints against such (Police, Galle). Male guides and beach boys provide services such as tours, hotels bookings, business, girls, boys, drugs and even themselves to mostly foreigners. They do it for money (including shares/commissions from purchases made by the foreigner), for gifts, or to get a chance to go to Europe. There are demarcated territories for guides (some operate in the Galle station, in the Galle fort, on the beach, *etc.*) and there are local networks and groups. There are unwritten agreements which UNAIDS described as a part of sub culture. Hotel waiters can also be bought; when that happens there are conflicts between waiters and beach boys. The client buys the waiter in subtle ways (room delivery, body language, informal offer and acceptance, lucrative financial transactions in dollars).

## 5.1 Causes

There were nine sex workers (eight females and one male) interviewed at length for this research; five of them in Puttalam and four in Galle. Their responses with regard to how they entered sex work are summarized in Table 4 (for other information about them see Table 5). Their reasons for entering sex trade include high levels of poverty, lack of support from family (either parents, or husband), social marginalization, sexual abuse and drug addiction. Though these were cases of own drug addiction, a separate incident was reported to us where an addicted mother had forced her daughters into sex work to find money for drugs (Police, Puttalam). The reverse, where addicted children push reluctant mothers into sex work, is also occurring. The “How” column in Table 2 suggest that three

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<sup>7</sup> MSM includes social identities of gay and bisexual men.

cases out of the nine were clear cases of trafficking: 30(M), 32(F) and 28(F). Others indicate elements of consent under trying circumstances. The cases also show the operation of a diverse network of friends and acquaintances who introduced these persons to the trade.

**Table 4: Sex worker experiences**

<b>Now age (sex)</b>	<b>Age first incident</b>	<b>Why</b>	<b>Who initiated/ first experience</b>	<b>How</b>	<b>Where</b>	<b>Finances</b>
40 (F)	20 years old	Needed drugs	Navy person	Offered money for sex	Hotel in Unawatuna	Rs. 1000 / short time
31 (F)	18 years old	No family/ poor	3 wheel driver	I offered sex	Small lodge	Rs. 1000 / short time
22 (F)	21 years old	Addicted to drugs/ poor	Navy person	Sex for money	My house	Rs 2500 / short time
30 (M)	28 years old	Was initially raped, then later mental comfort and livelihoods security provided in exchange for sex	Known person	Was tricked into staying the night	In perpetrators house	No payments
30 (F)	20 years old	No husband/ Poor	Women in village	Offered me job	Brothel	Rs 5000 per month with Food/ room
49 (F)	17 years old	No parents/ raped by step father at 16	Another women patient at hospital	Offered a job with food/ lodging	Brothel	Rs. 2000/ less than 1 hour
29 (F)	18 years old	Husband ill-treating/ drunkard	Friend introduced me to man	Sex for money	My house	Rs. 500/ short time
32 (F)	22 years old	No husband / poor	Boy friend's friend	Was locked in room	Hotel	Rs. 300/ short time
28 (F)	26 years old	Husband left / no job /poor	Girl friend	Forcibly kept	Guest house	Rs 200 with tip

**Table 5: Survey results – Sex workers.**

<b>Why did you get into this?</b>	<b>Would you like to stop?</b>	<b>What is needed to stop?</b>
Drugs 02	Yes 07	Medical support 01
Chased from home 01	No 00	Livelihoods Assistance 05
Poverty/Need of money 05	Already stopped 01	Job with good pay 04
Partner left or ill treat 05	Temporarily stopped 01	Self Control 01
Depression 01		Social Acceptance 01
Garment factory job 01		
Raped by step-father 01		
Rape by friend 01		
Worked as servant 03		
Need to raise children 03		
Parents died/left 03		
<b>Did you ever stop?</b>	<b>Is there someone you worked for?</b>	<b>Is this your only occupation?</b>
Yes 09	Independent 07	Yes 07
No 00	N/A 01	No 02
	Pimp/Madam 01	
<b>Why did you stop?</b>	<b>How is your income spent?</b>	<b>Your current problems</b>
Due to environment 01	Food 08	Difficulty in stopping this/No other job 03
Disease 01	Children 07	Debt 02
Embarrassment 01	Drugs 02	To live longer 01
Children 03	Alcohol 01	Husband 01
Husband Dislikes 02	Cigarettes 01	Stop drugs 01
Own Will 01	Small savings 01	Environment 02
New job 02	Clothing 03	No house 03
Marriage 01	Transport 01	No social support 01
Got arrested by police 01	Medicine 02	Husband in prison 01
	Water bills 01	Children's future 04
	Lending to others 02	Risk/harassment 02
		Trouble with neighbors 01

Note: Interviews with nine commercial sex workers in Puttalam. For certain questions the individuals had more than one response which is why for them the total number of responses is more than 09.

Family disputes, even domestic violence, make females vulnerable to sex trafficking. We were told of an incident where a woman after an argument with her husband, was travelling in a three-wheel-taxi, and had confided her situation to the driver. The driver raped her and sold her to a brothel where she was kept for a few of months. After being rescued, she was given counselling, but attempted suicide later and her marriage broke up. Discussions with UNFPA officials revealed an interesting insight when it comes to examining case histories of sex workers. According to them, allowance must be made to 'the stage' the individual is in, in their sex work occupation (recently joined industry - accepting their circumstance – happy and lucrative stage – slowing down/marriage/children – in retirement), as the distance to events and their memories, would influence the persons responses on whether he/she was trafficked. Conscious to this we cross checked most information provided by victims. However, it is difficult to gather wholly accurate information from these individuals unless substantial time is spent earning their trust and confidence. This was a challenge we encountered due to the rapid nature of the research.

Female headed families in the country have reached epic proportions in recent times. Daily Mirror (16/10/2010) quoting social services minister reported that 23 per cent of the families in Sri Lanka are single parent. These are a particularly vulnerable group prone to trafficking. The reasons for single parenthood in the country includes, war widows, divorce, and separation. The report added that the worst affected province is the North.

Another important cause of sex trafficking involves labour migration. For instance, the interviews in Puttalam revealed that sex trafficking uses foreign employment as bait where women had been promised foreign jobs and then later using various methods, were forced into prostitution (RDF, Puttalam). Rural women who are brought to Colombo in the guise of various migration-related official matters (obtaining a passport, leaving the country, *etc.*) are given various excuses and put up in lodges. Once separated from their homes/villages, these women are extremely vulnerable to molestation and rape. Victims of such abuse are often put to forced prostitution. There is some evidence that the practice had been stepped up with 'easy victims' in the newly opened up North and East.

There is another group of migration -related sex trafficking victims who, instead of being exploited locally, are being pushed to prostitution abroad. This primarily happens in East Asian destinations such as Singapore. However, our sample did not have such victims. Causes of this form of international sex trafficking may be similar to the causes outlined in subsection 5.1 in relation to labour trafficking.

As sex traffickees and consensual sex workers, share commonalities we believe that studying either would help understand the other. Proliferation of sex work seems to be gathering momentum in Puttalam and Galle. Higher level of promiscuity and social acceptance of the practice, are the alleged social reasons for this trend, at least in these two districts. For example, there are known cases where husbands/boyfriends, parents, and children support or even force, these individuals into the sex trade. Having extra

marital affairs when working abroad, having multiple affairs as teenagers and young adults, and greater sexual activity between young lovers, reveal this trend. The lower social stigma is supported by the upward trend in sex worker incomes in recent times.

In Trincomalee, in contrast, these trends are not visible and triangulated interviews suggested that sex at a commercial level is an infant industry at the moment (there are a few street prostitutes in Trincomalee town). Currently no beach boys, no brothels and no massage parlours are to be found there. UNICEF, however, has information that tourism related prostitution is emerging in the Nilawali and Kutchiwali areas of Trincomalee, which is a point of concern. It was interesting to note that the conservative community in Trincomalee, in comparison to areas such as Galle and Puttalam, saw promiscuity as a form of prostitution. This was a case in point where women who had returned from the Middle East and war widows were having sexual relations with multiple partners, including members of the security forces. If this is a case of subtle trafficking by way of coercion by individuals, is yet to be discovered.

The following case studies are useful to illustrate the intricate ways these causes impact the lives of sex workers.

#### Case study 1

X is a 22 year old girl from Galle. Her girlfriend who worked for an NGO introduced her to drugs two years ago. She then got addicted and required about Rs. 1,000 worth of drugs a day. Her husband's income supported her addiction, but when he was arrested by the army for desertion she had no other means for living or drugs. A known prostitute brought a man from the navy to her place and he paid Rs. 2,500 for sex. She then continued the occupation and earned up to Rs. 10,000 a day or Rs. 200,000 a month from numerous clients from all over. As her husband has come back, and he does not approve of it, she is unable to sell sex anymore. They now sell fruit outside the Galle fort for living. X does not want to return to the sex trade but is willing to go with other men if her husband becomes absent, due to the drug problem.

#### Case study 2

X is a young man from Panadura who now resides in Galle. Two years ago while staying at another male friend's house in Kadawatha, he was raped in the night by the person. He stayed with the man for one year, as the person offered him lodging and other comforts in exchange for regular sex, and then later came to Galle to work as a clerk in a hotel school. Since then he has got involved with men again and slept with them for money. He earns up to Rs. 10,000 a month from prostitution as a second occupation. He keeps his affairs private and his clients are mostly from outside towns such as Matara, Nuwara Eliya, Badulla and Kandy. He saves a little money every month and would like to build a house one day, get married and settle down. X feels if he gets a better paying job and has self control, he will be able to give up the current practice.

### Case study 3

X is a 30 year old woman from Kurunegala now living in Puttalam. Her first husband with whom she had two children died and the second left her. While in desperation, a woman in the village offered her a job in a garment factory. She was taken by bus and then by three wheeler to a hotel. There she was sold to various men and paid Rs. 5,000 a month with food and lodging. She worked at the hotel for four years, and eventually left freely, as the hotel had by then earned a substantial amount by selling her, and then commenced the occupation independently, earning up to Rs. 30,000 a month. However, now that her children are grown up and they disapprove of it, she has reduced her business, earning a quarter of the previous amount. X would like to have decent work and have a happy marriage and family and is presently making plans to leave for Saudi to work as a domestic servant.

### Case study 4

X is a 32 year old woman from Puttalam. She has seven children from two failed marriages. While living in poverty her boyfriend took her to a hotel. She was not allowed to leave the premises and was forced to sleep with men. In time she got used to it and liked the occupation as it earned her up to Rs. 1000 a day. She moved to a second brothel after some time, left that and now conducts the business independently from her home. Presently she earns Rs. 10 – 15,000 a month from a regular set of clients from Puttalam, Kalpitiya, Kurunegala, Anuradhapura and Colombo. X would like to stop her occupation as the children are growing up, but have no alternative for livelihoods.

### Case study 5

X is a 28 year old woman from Puttalam. Her husband has left her with two children. She used to rely on her mother but she died from cancer. While in a state of helplessness, a girlfriend offered her a job at a garment factory. She was taken to a guest house, put in a room and beaten. She was paid around Rs. 800 with tips for sleeping with four to five men every day. After some time, she escaped and worked as a labourer for fishermen, but found the jobs were being taken over by men. She reverted to prostitution, earning around Rs. 16,000 a month. Her clients come from Puttalam, Chilaw, Negombo, Anuradhapura, Kurunegala, and Colombo. X would like to stop her occupation if her previous fishing job is available.

### Case study 6

X is a 29 year old woman from Puttalam who has four children. Her parents had died at a young age and she experienced sexual abuse while living in other houses. Some years back while living in a difficult state, a girlfriend encouraged her to become a prostitute. She commenced, earning about Rs. 30,000 a month, servicing clients from Puttalam and

Kalpitiya. Her alcoholic husband found out and assisted the enterprise by arranging more men to sleep with her. He has died in jail. She tried working as a labourer, but lost the job when the police arrested her because of her past history. Since then she restarted her prostitution business. X knows her occupation has no future and it is very risky. She worries about her children’s future. She feels cornered from society and would like to be accepted like other individuals.

## 6 Trafficking of Children and Youth

Children are a vulnerable group in any society. Even with Sri Lanka’s impressive ranking based on UNDP’s recently launched Multidimensional Poverty Index (MPI)—out of a total of 104 countries only 26 others have better MPI poverty statistics (UNDP 2010)—the country still has issues with regard to children’s vulnerability to trafficking. Certainly the country’s image as a notorious child sex tourism location in the 1980’s has now improved thanks to concerted efforts of various parties. This improvement has been particularly noted in destinations such as Galle (Squire and Wijeratne 2008). The other forms of child trafficking such as for labour purposes are also becoming less visible. The data available with the NCPA may reflect these trends (see Table 6).

**Table 6: Child abuse cases**

	<b>Male</b>	<b>Female</b>	<b>Total</b>
2003	126	277	403
2004	129	280	409
2005	90	225	315

Source: NCPA (<http://www.childprotection.gov.lk/>)

Another important reason for the reduction of child trafficking is the end of war in Sri Lanka. Abduction of children by the LTTE for recruitment or labour was a major impediment for the protection of children in the past. The networks used for this was strong during the war but are now effectively dismantled. In fact, the rehabilitation of former child combatants and other child recruits are currently progressing well.

NCPA is responsible for effecting the reductions in child trafficking from the law enforcement side. NCPA has substantial field presence and carries out prevention, monitoring and counselling. They usually have two officers in every district in the country. Their field work includes lectures, counselling, follow-ups on cases, and home visits.

Though less visible, child labour has a presence in Puttalam. The police in Puttalam said that incidents of child labour have increased in recent times. Children are being employed in garages, hotels, factories and as beggars. NCPA Puttalam corroborated this and highlighted that child labour is mostly done by Muslim businesses. These are small traders who engage children for small wages in sectors such as salt, fisheries, agriculture, tiles and coir. Fishing and salt are industries in Kalpitiya, whereas the others are in

Dankotuwa. In Trincomalee, child labour occurs in shops in town areas, for small salaries, and more widely in the rural areas in the fishing and farming sectors (UNICEF). Child labour complaints in Galle are low (Police, Galle). Where it does occur, employers report a false age or tell a cover up story such as: “I keep the child for schooling; to help his/her parents.”

Therefore, child labour activities take place least in the South (most likely due to factors such as consciousness of the population about the issue, communication and the strong presence of NCPA), while Puttalam had sporadic incidents of child labour in spite of raids by law enforcement agencies to control the situation. Trincomalee showed the highest level of child labour among the three districts due to cultural and livelihood practices.

NCPA, Puttalam claimed that girls from Puttalam were taken to Colombo promising education or good jobs and are then used as servants. UNICEF in Trincomalee has unofficial news about young girls who are recruited as housemaids with bogus documents to conceal their age. The same unconfirmed reports say that sexual abuse and molestation take place enroute to Colombo. Further, Southern garment companies are making advances on the area to recruit labour and have been seen distributing leaflets in the area. They offer Rs.10,000-Rs.15,000 per month for young, unmarried girls. It was also noted that a local villager (representative of the subagent) could get up to Rs.1,000 for recruiting or introducing a girl to the scheme. This additional node of representation and financial payment for recruitment is not seen in Puttalam or Galle. The local community is anxious about this happening due to the lack of available information on the said garment companies.

Galle has been known for child sex tourism (CST), particularly for the sexual exploitation of boys by foreign tourists (South Asia Partnership International 2003; Squire and Wijeratne 2008). Community members or government officials in Galle stated that although it was widespread in the 1980s and 1990s, its occurrence has greatly reduced at present. However, they acknowledged it could be taking place in secret. For instant, NCPA - Galle, maintains that child prostitution occurs in Galle, it had gone underground, and is well-organized. Therefore, according to them, only a limited number of cases get recorded in police, probation or the justice system. This was corroborated with the information received by tourist guide/beach boy interviews, where we were told children are available for sex, when required. The perpetrators sometimes have contacts within the local law enforcement. Nilawali and Kutchiwali areas in Trincomalee, since the end of war, face the risk of tourism-related child prostitution.

With regard to child sexual abuse, the researchers found an alarming trend during their study. At almost all the interviews conducted with senior officials and respondents there was a across the board consensus that molestations, incest and abuse of children was an abnormally common practice among Sri Lankan adults. This phenomenon went beyond the general migrant family, where the mother was away, but was visible in the regular households where the father, grandfather, uncle, brother, cousin, or neighbour would take

advantage of a young boy or girl child for sexual gratification. If this is an innate mental health problem with the population, was not looked into in the study, but is an aspect that should be investigated at the earliest. It is on this backdrop that child trafficking occurs.

During the interviews in the three districts, Puttalam and Galle showed higher signs of abuse among children (including occasions of trafficking) in contrast to Trincomalee. Deliberation on this result led to three possibilities: (1) multicultural communities in Trincomalee are far more conservative than those in the south or west, (2) there was less reporting taking place in Trincomalee due to the population’s lack of trust on the state agencies, and (3) Galle is/has been exposed to various outside elements for a long duration, while Puttalam is in transition toward such a setting, and Trincomalee is the least exposed, due to its conflict history.

**Table 7: Women and Children’s desk data, Trincomalee.**

	<b>2009</b>	<b>2010</b>
Children (in relation to trafficking)	-	01
Girls under 18 (raped or molested)	10	22
Women (raped or sexually assaulted)	00	02

Source: Women and Children’s Desk, Trincomalee.

Table 7 provides data from Trincomalee which elucidates this situation of low numbers when it comes to reporting.

### **6.1 Causes**

Household poverty and debt is a major cause of child trafficking in Sri Lanka. For example, there have been instances where parents repay their debts to businessmen by providing their children for minor tasks. While NCPA’s work and police raids have reduced the use of child labour, guardians try to avoid these safeguards using forged documents to show that the children are of legal age. There are instances where guardians have used forged birth certificates and forged national IDs to secure legal passports for underage girls to go abroad. All of this reflects that parental commitment to continue to keep children in education is low, which pushes the children to work.

Lack of alternatives or opportunities in education or training causes the young (age 14-18) to enter the labour force. This is particularly evident in Trincomalee where youngsters saw little scope in continuing education. The young are used for long labour hours within different roles as apprentices, interns and trainees. This is seen in the apparel industry and other locations.

Migration of mothers can create conditions suitable for the trafficking of her children. If migration causes the marriage to break and/or father starts other affairs, children will be further neglected. Such children are often afflicted with pregnancies, alcoholism of fathers, molestation and neighbours and friends abusing them. Children will, in such

settings, look for affection outside home which is when they become vulnerable to trafficking. In this setting, the recent regulation by SLBFE which stipulates that mothers in consultation with NCPA must arrange a guardian before going abroad, makes good sense and is timely.

NCPA noted that the social environment of the country is also an influencing factor for child trafficking. For instance, the media contains material with sexual connotations which impacts child psychology. The accessibility of pornographic material including movies also promotes this trend. The availability of pornographic material has been increasing in Trincomalee since the end of war. NCPA argues that this environment can be easily used by child sex traffickers. Where children are drawn into commercial sex, it is usually encouraged by friends and close adults, in return for pornographic movies or some money.

## **7 Processes, Networks and Facilitators**

This section draws upon the previous sections and summarizes operational aspects of different forms of human trafficking in Sri Lanka. The section emphasises that no large networks like those in Hong Kong or Thailand are involved in trafficking of Sri Lankans. However, syndicate type trafficking activities may be involved in the prostitution of foreigners (Thai, Russian, *etc.*) in Sri Lanka. This report however did not focus on this group involving inbound trafficking.

As examined in Section 5, the exploitation of a labor migrant, who is trafficked, happens throughout the ‘trafficking process’ which could involve three locations: at home; in transit; and in-destination. First the aspirant migrant can be exploited without ever leaving his/her home. The trafficker(s) would singly or in combination, include local agents, subagents, and village recruiters. Usually the perpetrators operate alone or as part of a small network. The typical victim would end up paying more than what he/she should (for Middle East migration all transaction costs are paid for by the employer), or receiving less services than he/she is entitled to, or both.

Secondly, the migrant can be exploited in transit *i.e.* the victim leaves home but is exploited before he/she reaches the contracted destination. In this situation the victims are a lot more vulnerable as they had left the security of their home base, by the time they realise that they had been tricked. This can happen within or away from Sri Lanka. Examples include abandonment enroute to or at BIA, and abandonment in third countries after leaving Sri Lanka. These situations can leave female migrants especially vulnerable to rape, molestation and even forced prostitution. Parties that get involved in this form of trafficking include subagents, local agents and foreign agents. Often, false travel documents (or true documents with false data) such as visas and passports are involved that would require some level of complicity on the part of officials.

Thirdly, the victim may be exploited at the destination country. Victims leave Sri Lanka and enter the destination country, but face serious problems that tantamount to trafficking

within the destination country. These exploitative instances too are often hatched by a single person or a small group. Frequently the culprit is the employer who breaks the contract and subjects the workers into various human rights violations. The agent can also be culpable at these instances if the individual knew beforehand that the contract would be violated and the subject put in a dangerous situation.

The trafficking of sex workers happens at a much smaller scale in Sri Lanka than trafficking of migrant labour. And the numbers are often circumstantial and isolated. Conversations with academics and senior law enforcement officials suggested that the intensity of human trafficking, if it were to be traced in a continuum, would fall in the medium and lower-medium range for the situation in Sri Lanka. Rarely do we come across high intensity sex related trafficking where victims are transported thousands of miles across borders, transferred like commodities in markets, brutalized, and kept in slave like conditions. Local and foreign labour migration does expose females to sex trafficking risks. The perpetrators, who pose as agents of factories in the South or as subagents for foreign employment agencies, trick the girls to leave the safety of their homes and force them in to prostitution within Sri Lanka. This probably is the most organized form of sex trafficking in Sri Lanka. Hotels, brothels and massage parlours can be common outlets that are used by sex traffickers. Other vulnerable female groups include the poor and the destitute, victims of domestic violence and drug addicts. Bajaj taxi drives play a major part in these local networks (transport, link contacts, protection, *etc.*). Their participation was noticed in numerous scenarios including involvement with perpetrators. The research team themselves encountered Bajaj drivers in the south and west, who were willing to facilitate prostitutes if required. Due to this reason, it is a group that calls for further study, to understand their motives and modus operandi. Once in the trade, the sex workers migrate between various centers such as Galle, Puttalam, Matara, Pollonnaruwa, Anuradhaura, Trincomalee, and Colombo, where the transport providers, such as Bajaj drivers, play a role.

In addition to the females who are trafficked for sex trade, there is a hidden population of male sex workers some of whom also get trafficked. They work as MSMs, beach boys and guides.

There seems to be more information available on trafficking for sexual exploitation compared to labor related trafficking, in spite of its (sexual exploitation) lesser volume in quantitative terms. The reasons for this could be that labor issues are not as dramatic or intriguing and rarely draw media attention. However, recent events, such as the highly publicized abuse cases in Saudi Arabia, seem to have changed this pattern by drawing the attention of numerous actors. Nonetheless the labor and migration related trafficking sector is an area where data is lacking, and it requires stronger emphasis in the form of research and investigative studies. Due to the sheer volume of numbers and their distribution, it might be pertinent to approach the subject on a sector by sector or geographic basis, in quantitative and qualitative study terms.

## 8 Concluding Recommendations

The overall findings from the study indicate a strong correlation between poverty/lack of opportunity and all types of human trafficking in Sri Lanka. Victims fall into trafficking, through a series of occurrences, over a period of time, chiefly related to economic and knowledge gaps. Due to this reason, there is no one place where the problem should be addressed, but it must be tackled in a number of realms at different depths. Reflecting on this here are our recommendations for combating trafficking in labour migration, commercial trafficking, and trafficking of children in Sri Lanka.

### Labor migration

- Conduct comprehensive awareness and educational campaigns at grassroots level on the risks and processes of migration
- Bring in regulations to monitor subagents and their activities similar to registered agencies. If this cannot be done make registered agencies legally and financially accountable for the conduct of subagents acting on their behalf
- Maintain a systematic real-time database system for exchanging information between all nodes of the recruitment process (SL embassies/SLBFE/SLBFE district offices/Agencies/BIA)
- Keep in file a blacklisting system for employers and strictly ensure that follow-up checking is done to check on the wellbeing of the employee
- It might be helpful to conduct a brief study on other nationals and their embassies for success stories on minimizing incidents of contracts violation or trafficking
- Encourage individuals who had encountered issues locally or overseas to report immediately to the respective authorities
- Do a breakdown analysis of those migrants who had gone through registered agents against those who had gone by way of other means (unregistered agents, subagents, individual contacts, personal initiative, *etc.*). This could be part of the future studies recommended, with the information feeding into the sector based analysis for identifying most problematic areas and vulnerable target groups
- Ensure that contracts and all other documentation are cleared by the bureau and comprehensive job orders are in local languages
- Put in place a formalized system where employees fill in a feed-back form after their first 3 months of service and return it to the embassy or the bureau
- Promote formation of localized employee groups who maintain contact with each other (to the extent possible) and trigger responses if issues arise
- In view of the fact that the fraudulent agencies/or subagents are highly mobile, strengthen the co-orporation between district policing to track and arrest the perpetrators
- Law enforcement authorities to regain the confidence and trust of the public by bringing to task offenders speedily irrespective of their political or economic assets. This includes actions such as arresting and convicting perpetrators and publicizing the successful cases so that the general community understands that the rule of law is enforced

- Timely follow-up of the cases by the judicial system to charge and punish the local traffickers to set examples (as punishing traffickers outside the country might not be feasible)
- Provide trainings to law enforcement and legal officers who interact with the victims on trafficking related cases, especially those in the districts

#### Commercial sex (trafficking for sex purposes)

- Disseminate to the masses messages on vulnerabilities and trafficking by way of print and electronic media, including alternative approaches such as street drama
- Encourage victims to come forward and strengthen counseling/support services for women and men who had undergone traumatic situations that make them vulnerable to trafficking (domestic violence, incest, molestations, loss of breadwinner, *etc.*)
- Identify especially vulnerable groups such as single mothers living on or below the poverty line and drug addicts, and encourage them to take part in income enhancing micro activities
- Expand vocational training and employment opportunities for middle class and lower middle class youth, especially in trafficking prone areas
- Strengthen the capacity of Women and Children's Desks hotlines to respond to trafficking tip-offs and detections
- Fortify co-ordination between women's organizations and law enforcement bodies to monitor and combat trafficking at local level
- Involve police units from Colombo, when necessary, to close down known brothels in districts and arrest the owners
- Decriminalize trafficked victims by providing care and support, and protect them by bringing in legislature for victim protection
- Provide trainings to law enforcement and legal officers so they can build clear trafficking cases against offenders
- Do a through examination of the capacities and time taken for medical clearance reports and AG instructions, and address the gaps immediately
- For those cases that are currently under review, conduct the hearings and convictions expeditiously, so that examples are set for future traffickers and the public/victims regain confidence in the judicial system
- Carryout additional nodes of research on perpetrators

#### Trafficking of children

- Reinforce current of levels awareness and vigilance against child trafficking by way of print and media campaigns
- As the child sex industry is now underground conduct focused undercover operations to interrupt these
- Prevent sabotage of arrests and prosecutions by informants within and pressures by external forces

- Pay special attention to building the capacities and focus of the Women and Children's desks in the districts
- Strengthen back to school programmes and community level trainings on reducing child labor in the east
- Reinforce tri-partite co-ordination between Women and Children's Desks, NCPA, and Probation in the districts, including their synchronizing with Magistrate Courts

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