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Ref. HR/50

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and other International Organizations in Switzerland presents its compliments to the Special Procedures Branch of the United Nations Office of the High Commissioner for Human Rights (OHCHR) and has the honour to refer to the communication No. UA/LKA 1/2023 on the 'Joint Urgent Appeal from Special Procedures' dated 7 February 2023 and e-mail communication dated 19th April 2023 granting an extension to the Government of Sri Lanka to provide a reply to the communication by 5th May 2023.

The Permanent Mission of Sri Lanka wishes to submit herewith the response provided by the Government of Sri Lanka on the issues raised.

The Permanent Mission of Sri Lanka would appreciate an acknowledgment of the receipt of this communication by the Special Procedures Branch at the earliest.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and Other International Organizations in Switzerland avails itself of this opportunity to renew to the Special Procedures Branch of the United Nations Office of the High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.



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Geneva

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**Government of Sri Lanka's response to the Joint Urgent Appeal from two Special Rapporteurs
(UA LKA 1/2023)**

With reference to the Joint Urgent Appeal (UA LKA 1/2023) dated 7 February 2023 submitted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences and the Special Rapporteur on trafficking in persons, especially women and children, the Government of Sri Lanka wishes to make the following observations:

1. As a country of origin for over one million migrant workers, Sri Lanka accords high priority to their welfare and concerns. Sri Lanka remains committed to addressing the root causes that can lead migrant workers into vulnerable situations, including being victim to human trafficking.
2. In preventing human trafficking, including of migrant workers, Sri Lanka has taken several progressive steps particularly through the National Anti-Human Trafficking Task Force (NAHTTF). The establishment of the 'National Anti-Human Trafficking Task Force' in 2010 under the leadership of the Ministry of Justice and Prison Reforms enabled to put in place a strong coordination mechanism between all relevant government ministries, departments and institutions. The Task Force is the National Coordination body which advises and monitors activities to be implemented in combating human trafficking which is chaired by the Ministry of Defence and comprises representatives of the Ministry of Foreign Affairs, Ministry of Women & Child Development, Ministry of Labour and Foreign Employment, Ministry of Justice, Ministry of Public Security, Ministry of Tourism and Lands, Criminal Intelligence Analysis and Preventive Division of Sri Lanka Police, Human Trafficking Smuggling Investigation and Maritime Criminal Investigation Division (HTSIMCID) of the SL Police, Bureau for the Prevention of Abuse of Children and Women, Department of Immigration and Emigration, Sri Lanka Bureau of Foreign Employment (SLBFE), National Child Protection Authority, Department of Probation and Child Care, Victim and Witness Protection Authority, Chief Judicial Medical Officer. The members of the Task Force also work in close coordination with international organizations including IOM and UNODC and civil society organizations. The NAHTTF is responsible for the implementation of the activities stipulated under the five-year (2021-2025) National Strategic Action Plans for Monitoring and Combating Human Trafficking in Sri Lanka. In order to strengthen the identification of victims of trafficking, capacity building and training programmes are conducted regularly among the relevant stakeholders.¹
3. The Secretary to the Ministry of Labour and Foreign Employment (MoLFE) is the Chair of the Task Force on Forced Labour and representatives of the Ministry of Defence (MoD), Ministry of Justice (MoJ), Ministry of Public Administration (MoPA), the Department of Labour (DoL), Sri Lanka Police, and the Sri Lanka Bureau of Foreign Employment (SLBFE) attended the first Task Force meeting held in December 2022, where it was decided to review legal gaps, if any, and take necessary action to address those gaps. It was also decided to organize awareness and training workshops for labour officers and police officers involved in labour matters to enable them to identify and take legal action against instances of forced labour. Training for higher officials of the Department of Labour and the Police was conducted recently. It was also decided to train all the labour officers and selected police officers in stages on identifying and prosecuting cases of forced labour.

¹ *National Action Plan to Combat Human Trafficking 2021-2025*, Available at: <https://www.nahttf.gov.lk/download/National-Action-Plan-to-Combat-Human-Trafficking.pdf> (Accessed: April 18, 2023)

4. The Task Force on Forced Labour is a significant step towards implementing Protocol 29 on Forced Labour which was ratified by Sri Lanka in 2019. The elimination of forced labour is one of the UN Sustainable Development Goals (SDGs), the achievement of which Sri Lanka remains committed to.
5. It is observed that human traffickers exploit visa regulations in countries to bring in Sri Lankan workers either directly or via other routes without confirmed employment contracts. After arrival, these human traffickers who are well networked keep these female workers at their recruitment offices or at places of their choice, until prospective employers are found. When these migrant workers overstay their visa period, they become liable to pay the relevant fines imposed by the local authorities. Those who fail to find employment in a timely manner, and thus face such penalties seek shelter at the Sri Lanka Embassy seeking repatriation due to their inability to pay penalties.
6. It is further observed that in some instances, female domestic workers who are duly employed but choose to leave their employers without completing their respective contracts for various reasons also seek shelter at the Sri Lanka Embassy until their repatriation or until such time they find alternative employment. An employee who wishes to return to Sri Lanka without completing her two-year contract period, is required to pay the full/partial cost of recruitment, to secure the exit permit.
7. In spite of the challenges above, the Government of Sri Lanka with the assistance and close coordination with other Governments continues to facilitate the repatriation of domestic workers in distress.
8. Due to the progressive steps taken by the Government of Sri Lanka to vigorously investigate allegations of human trafficking and the public awareness of the Government's victim-centered approach, the number of complaints the relevant authorities have received has increased recently.
9. Officers from Human Trafficking Smuggling Investigation and Maritime Criminal Investigation Division (HTSIMCID) of the SL Police have visited the relevant countries when an investigation is required. The officers from the HTSIMCID interviews and records statements from the relevant migrant workers during such investigations and during the current case it has been revealed that most of the victims, who belong to different age categories, had been trafficked by human traffickers who use tourist visa/ visit visa and had undergone numerous difficulties. Allegations made by the victims of the current case are being comprehensively investigated at present. Allegations of human trafficking made against any official are also investigated by the relevant Department and the HTSIMCID of SL Police.
10. The Cabinet of Ministers has recently approved vital amendments to the SLBFE (Sri Lanka Bureau of Foreign Employment) Act No. 21 of 1985 which includes regularization of sub-agents who are reportedly involved in sending female domestic workers under visit visa.
11. The Select Committee of Parliament to look into and report to Parliament its recommendations to ensure gender equity and equality with special emphasis on looking into gender-based discriminations and violations of women's rights in Sri Lanka at a meeting held on 28.04.2023 decided to entrust the monitoring of the irregular/undocumented migration of female domestic workers at the Bandaranaike International Airport (BIA) with the NAHTTF acting on a proposal jointly made by the Ministries of Labour and Foreign Affairs.

12. In addition, several preventive measures have already been taken to address the issue of some female workers leaving on visit visas for identified destination countries. These include inclusion of required provisions to the proposed amendments of the SLBFE's Act to make the monitoring process at the airport more effective; introduction of enhanced punishments for illegal departures for foreign employment and violations of SLBFE's Act, implementing media campaigns to educate prospective migrant workers, strengthening the Special Investigation Division of the SLBFE while decentralizing its activities, and refraining from accepting visit visas for the registration with the SLBFE for employment abroad in several identified destinations.
13. Measures are being taken to establish a Sub-unit of the Human Trafficking Smuggling Investigation and Maritime Criminal Investigation Division (HTSIMCID) of the SL Police at the Bandaranaike International Airport. The main intention of this Unit is to respond and investigate human trafficking related cases effectively.
14. The Attorney General's Department is involved in institution of legal action and conducting prosecutions relating to cases of human trafficking. In this regard, special reference is made to Attorney General's exclusive authority to forward indictments and conduct prosecutions in High courts.
15. The following facilities are available for the safe house residents at relevant Sri Lanka Embassies maintained by the SLBFE: free food, free medical facilities, arrangement for leisure time, free legal assistance where necessary, free cost of repatriation and free welfare facilities if necessary. Free communication facilities are also available for residents to contact their families while counselling and religious programmes are also arranged for them. In 2022, a total expenditure of approximately 85.5 Million LKR has been incurred for welfare expenses for migrant workers in 16 Sri Lanka Missions abroad. During 2022, a total number of 2274 persons were assisted by the Airport Unit and 'Sahana Piyasa' of the SLBFE which provides shelter and assistance to distressed migrant workers upon their return to Sri Lanka. 05 Safe houses are currently maintained by SLBFE overseas attached to Embassies.

Complaint mechanisms and training on providing assistance for victims

16. Complaint lodging facilities for Sri Lankans employed abroad are ensured by the SLBFE through a hotline facility (1989), visiting in person, through Next of Kin (NoK), via online and through an app.
17. The Ministry of Defence as the Chair of the NAHTTF has taken action to initiate a Hotline under the MoD (+9476 844 7700) to receive complaints/information etc. regarding human trafficking of Sri Lankan Nationals both in country and abroad. This initiative was undertaken with the assistance of IOM.
18. Training has been conducted for diplomatic and labour section officials of Sri Lanka Embassies and the relevant Government line agencies on prevention of trafficking and providing assistance to victims of trafficking. For instance, in 2022, officials of 14 Sri Lanka Embassies were provided training on law relating to human trafficking and regarding receiving and referring complaints related to human trafficking. As of April 2023, staff of 2 Sri Lanka Embassies were given training on Counter Human Trafficking (i.e., Law relating to human trafficking, receiving and referral of complaints, identifying victims of trafficking, etc.).

19. Training Programme on 'Effective Identification, Protection and Referral of Victims of Human Trafficking' for officials of the Ministry of Foreign Affairs was conducted by the International Organization for Migration (IOM) on 18 February 2023. In addition, trainings on assistance to Victims of Trafficking (VOTs) were conducted among relevant government stakeholders, including, Department of Probation and Child Care Services, Department of Labour, Sri Lanka Police, Institute of Forensic Medicine and Toxicology, Department of Immigration and Emigration, Sri Lanka Bureau of Foreign Employment, National Authority for the Protection of Victims of Crime and Witnesses, Ministry of Labour and Foreign Employment, and the National Child Protection Authority.

Protection of victims of crime & witnesses

20. Upon the receipt of the approval of the Cabinet of Ministers, a draft was developed with the view of setting out the rights and entitlements of victims of crime & witnesses and the protection and promotion of such rights and entitlements. It further focuses on introducing appropriate international norms, standards & best practices relating to the assistance to and protection of victims of crime & witnesses. In addition, the aforesaid legislation intends to repeal the Assistance to and protection of victims of crime & witnesses Act no. 04 of 2015 which is in operation.

21. The aforesaid draft Bill was gazetted and presented in Parliament for approval subsequent to obtaining the necessary Cabinet approval in this regard.

22. In case of retaliation to the victims after reporting the case to the law enforcement authorities when a request is made to that effect, the National Authority for the Protection of Victims of Crime and Witnesses will forward the complaint to the Victim Protection Police Division. When the matter is reported interim protection will be granted as soon as possible. Thereafter the threat assessment will be carried forward to evaluate the threat and the protection will be granted based on the said report findings.

Steps taken to prevent trafficking of migrant workers

23. Steps have been taken to prevent trafficking of migrant workers by the SLBFE as follows:

- i. Strict law enforcement provisions have been proposed as amendments to the SLBFE's Act in order to ensure safe and orderly migration. These amendments to the SLBFE Act have been approved by the Cabinet of Ministers.
- ii. SLBFE's officials who are serving at interacting points with migrant workers locally and overseas have been given adequate training on the subject and such training will also be continued from time to time.
- iii. The government and non-government officials have been given training and awareness based on SBFE's Act and identification of victims of human trafficking.
- iv. Timely improvements have been introduced to the recruitment process and grievance handling process of migrant workers by the SLBFE.

24. A Select Committee of Parliament to look into and report to Parliament its recommendations to ensure gender equity and equality with special emphasis on looking into gender-based discriminations and violations of women's rights in Sri Lanka, has been appointed. Several short- and long-term proposals have been submitted to the Parliament Select Committee, for their consideration.

25. The following steps have been taken to monitor offers of employment and protect female migrant workers:

- i. All employment contracts of female domestic assistance are required to be authenticated by the Sri Lankan Diplomatic Missions in the country of employment.
- ii. All the job orders are required to be authenticated by Sri Lankan Diplomatic Missions of the country of employment irrespective of the gender of the migrant worker.
- iii. It is a mandatory requirement to have a contract for the SLBFE's registration prior to departure for employment abroad for all categories of migrant workers.
- iv. All Sri Lankans leaving for employment abroad, registered with the SLBFE, are covered by an insurance scheme of which the cost is borne by the Government.
- v. SLBFE's officials who are serving at interacting points with migrant workers overseas have been given adequate training on the subject and refresher courses will also be given from time to time.

26. The following steps have been taken to prohibit misconduct and ensure oversight of personnel in employment and welfare sections of Sri Lanka missions:

- i. The officials are selected based on the approved scheme of recruitment by the Department of Management Services of the Ministry of Finance in Sri Lanka and police clearance is taken prior to issuance of a letter of appointment.
- ii. The discipline of such workers is governed by the Establishments Code of the Government of Sri Lanka and in addition to that those officers are subject to the laws of Sri Lanka.
- iii. The officials who have been appointed to the employment and welfare sections (E & W sections) of Sri Lankan missions are given an adequate training prior to posting and while in service from time to time.
- iv. The activities of E & W sections are guided by a manual of procedure.
- v. Officials who are assigned by the SLBFE to the Embassies are monitored by the SLBFE regularly.

27. The following measures have been taken to ensure safe and regular migration for women prior to departure from Sri Lanka:

- i. Pre-departure training which is at national vocational qualification limit three or equal previous experience is mandatory for SLBFE registration prior to departure.
- ii. In respect of female workers, authentication of employment contracts by the respective Sri Lankan Mission of the country of Employment is mandatory.
- iii. A database of Sri Lankans including women migrant workers registered with the SLBFE is maintained and access has been provided to this database to the respective Sri Lankan missions overseas.
- iv. All the Sri Lankans including women leaving for employment abroad are monitored at all Sri Lankan Airports at the time of leaving the country and they are assisted at the Airport on their arrivals.
- v. All the Sri Lankans including women leaving for employment are given awareness based on trafficking in persons at their Pre-departure Orientation.

Role of civil society in prevention of trafficking in persons

28. The SLBFE and the Ministry of Labour and Foreign Employment have taken the following measures to support the role of civil society in prevention of trafficking in persons:

- i. Conducting awareness on prevention of human trafficking for civil societies by the SLBFE at provincial levels.
- ii. Organizing awareness programmes for the general public jointly with civil society.

- iii. Identifying Foreign Employment Development Officers (FEDO) as key officials of district and divisional level and providing training for them. Further, these officers conducted safe labour migration awareness programmes and Anti-Human Trafficking programmes for government officials, community and prospective migrant workers.
 - iv. Acceptance of complaints made by civil society Organizations for investigations and law enforcement.
 - v. Inclusion of a member from a Migrant Worker Association to the Board of Management to the SLBFE under the proposed amendments to the SLBFE Act.
29. The NAHTTF, under the leadership of the Ministry of Defence, is maintaining a constructive engagement with prominent Civil Society Organizations (CSOs) engaged in counter-human trafficking activities. The NAHTTF is also taking steps to introduce a survivor-led initiative to combat trafficking. The first in the series of a total of 5 consultative meetings linking IMPACT project of IOM, key implementing partners - Organization for Environment and Children's Rights Preservation (OECRP), Sarvodaya, Family Rehabilitation Center (FRC), Association of Mobilizing Community Resources (AMCOR) and Save the Children, and local government officers representing District Anti-trafficking forums (DATFs) of Kalutara, Matale, Vavuniya, and Trincomalee Districts with key NAHTTF members was held on 20 April 2023 in Colombo.