



The Asia Foundation



Assessment of Existing Trafficking in Persons Data Collection and Reporting Mechanisms

Of the National Anti-Human Trafficking Task Force

Submitted by



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Abbreviations

AG	Attorney General
CID	Criminal Investigations Department
GN	Grama Niladhari
GoSL	Government of Sri Lanka
MOJ	Ministry of Justice
NAHTTF	National Anti-Human Trafficking Task Force
NCPA	National Child Protection Authority
NCW	National Committee on Women
NGO	Non-Government Organization
SLBFE	Sri Lanka Bureau of Foreign Employment
SLP	Sri Lanka Police
TIP	Trafficking in Persons
UN	The United Nations
US	Unites States of America

1. The TIP Context and Background in Sri Lanka

The Palermo Protocol defines ‘Trafficking in Persons’ (TIP) as encompassing the following scope:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs...

Graph 1.1 Forms of Trafficking in Persons



Source; UNODC Global Report on Trafficking in Persons

Sri Lanka has been identified as an origin and destination country for trafficking in persons and is currently facing grave challenges in TIP. For instance, Sri Lankans migrating to the Middle East, South East Asia, and other regions in search of employment are sometimes subjected to forced labor, while sex trafficking also occurs within the country. Furthermore, Sri Lanka was

placed on the Tier 2 Watch List for the fourth consecutive year in the U.S. Department of State's TIP Report for the year 2016. The report explained this placement as follows:

The Government of Sri Lanka does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government ratified the 2000 UN TIP Protocol and the Cabinet approved the government's national action plan to combat human trafficking. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore Sri Lanka is placed on Tier 2 Watch List for the fourth consecutive year in 2016 report. Per the Trafficking Victims Protection Act, Sri Lanka was granted a waiver from an otherwise required downgrade to Tier 3 because its government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards.

However, in 2017 Sri Lanka was upgraded from the Watch List to Tier 2. The report noted this upgrade as follows:

The Government of Sri Lanka does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Sri Lanka was upgraded to Tier 2.

While Sri Lanka has made some significant strides, there is still much work to be done. In June 2015 the Government of Sri Lanka deposited the instrument of ratification of the Palermo Protocol and in the same year adopted the Standard Operating Procedures for the Identification, Protection and Referral of Victims of Human Trafficking. However, at present Sri Lanka needs an effective system that will gather and report on TIP case information, and connect various organizations working on TIP with the National Anti-Human Trafficking Task Force.

2. Project Background

The Asia Foundation (the Foundation) in partnership with Nielsen Company and Women and Media Collective is undertaking a project to build an effective TIP data collection and reporting system in Sri Lanka. The project will feed into ongoing work of the National Anti-Human Trafficking Task Force (NAHTTF) under the Ministry of Justice (MOJ) of the Government of Sri Lanka (GoSL). NAHTTF is the primary agency responsible for collecting and collating information and data for TIP prevention, prosecution, and reporting. Engaging closely with NAHTTF, the Foundation's project is expected to fill a gap in TIP work in Sri Lanka, specifically on comprehensive documentation and information collection, dissemination, and reporting. (*Source; Project Narrative*)

Under this project, there are three objectives:

1. Assess and develop or enhance an effective and efficient multi-sectoral TIP data collection and reporting system.
2. Build the capacity of key stakeholders on the new or enhanced TIP data collection and reporting system.
3. Support dissemination of information from the new or enhanced data collection and reporting system to relevant stakeholders.

Furthermore, two activities have been identified to achieve the first objective:

- 1.1 Conduct assessments of existing TIP data and data collection and reporting mechanisms.
- 1.2 Develop a new TIP data collection and reporting system or enhance an existing one.

In order to conduct assessments of existing TIP data and data collection and reporting mechanisms, The Asia Foundation together with Nielsen sort directives from the National Anti-Human Trafficking Task Force (NAHTTF). The Ministry of Justice which chairs the NAHTTF subsequently issued a letter to 12 stakeholder organizations of the NAHTTF on 28th of September 2018 requesting to nominate a suitable representative from their respective organizations and another reminder letter was sent on 16th of January 2019. These organizations are:

1. Attorney Generals Department
2. SLP CID Trafficking Unit
3. SLP Crime Records Division
4. Department of Probation and Child Care Services
5. Department of Immigration and Emigration
6. Department of Labour
7. Ministry of Foreign Affairs
8. Ministry of Foreign Employment
9. Ministry of Women and Child Affairs
10. Ministry of Women and Child Affairs- National Committee on Women
11. National Child Protection Authority

12. Sri Lanka Bureau of Foreign Employment

Nielsen was tasked by the Foundation with carrying out the first activity under objective one; to conduct assessments of existing TIP data and data collection and reporting mechanisms during the period of May 2018 to February 2019.

This assessment therefore examined the formal and informal mechanisms of the TIP data collection, sharing and reporting mechanisms of 10 (of the 12) organizations that play key roles in combatting TIP under the NAHTTF. The organizations included in the assessment are;

1. National Child Protection Authority
2. National Committee on Women
3. Sri Lanka Bureau of Foreign Employment
4. Department of Labour
5. Ministry of Foreign Affairs
6. Department of Probation and Child Care Services
7. Sri Lanka Police Crime Division
8. Sri Lanka Police Criminal Investigation Division
9. Attorney General's Department
10. Department of Immigration and Emigration

The assessment is based on key informant interviews conducted with representatives of these organizations who are working on TIP. The representatives for the key informant interviews were recommended by the respective heads of the organizations. The assessment also includes a mapping of the data route which serves to illustrate how data typically flows from the original report to the various data collection, monitoring, and prosecution entities. The assessment findings are intended to guide the development of a new or enhanced data collection and reporting system and will be shared with the NAHTTF and all other stakeholders.

This report presents the findings, analysis and recommendations that emerged from this activity.

3. TIP Data, Data Collection and Reporting Mechanisms

In this chapter a summary of the TIP data collection and reporting mechanisms as well as the role played by each organization is presented, under the ten organizations interviewed.

3.1 National Child Protection Authority

The National Child Protection Authority (NCPA) works with the vision of creating a child friendly and protective environment. It works in the areas of child protection, legal frameworks, social welfare, education, health and psychology. The NCPA has Child Protection Officers stationed at every Divisional Secretariat and district offices. It also maintains a center to register complaints on child abuse through multiple mediums such as letters, fax, email, in person, or through the 24-hour helpline: 1929.

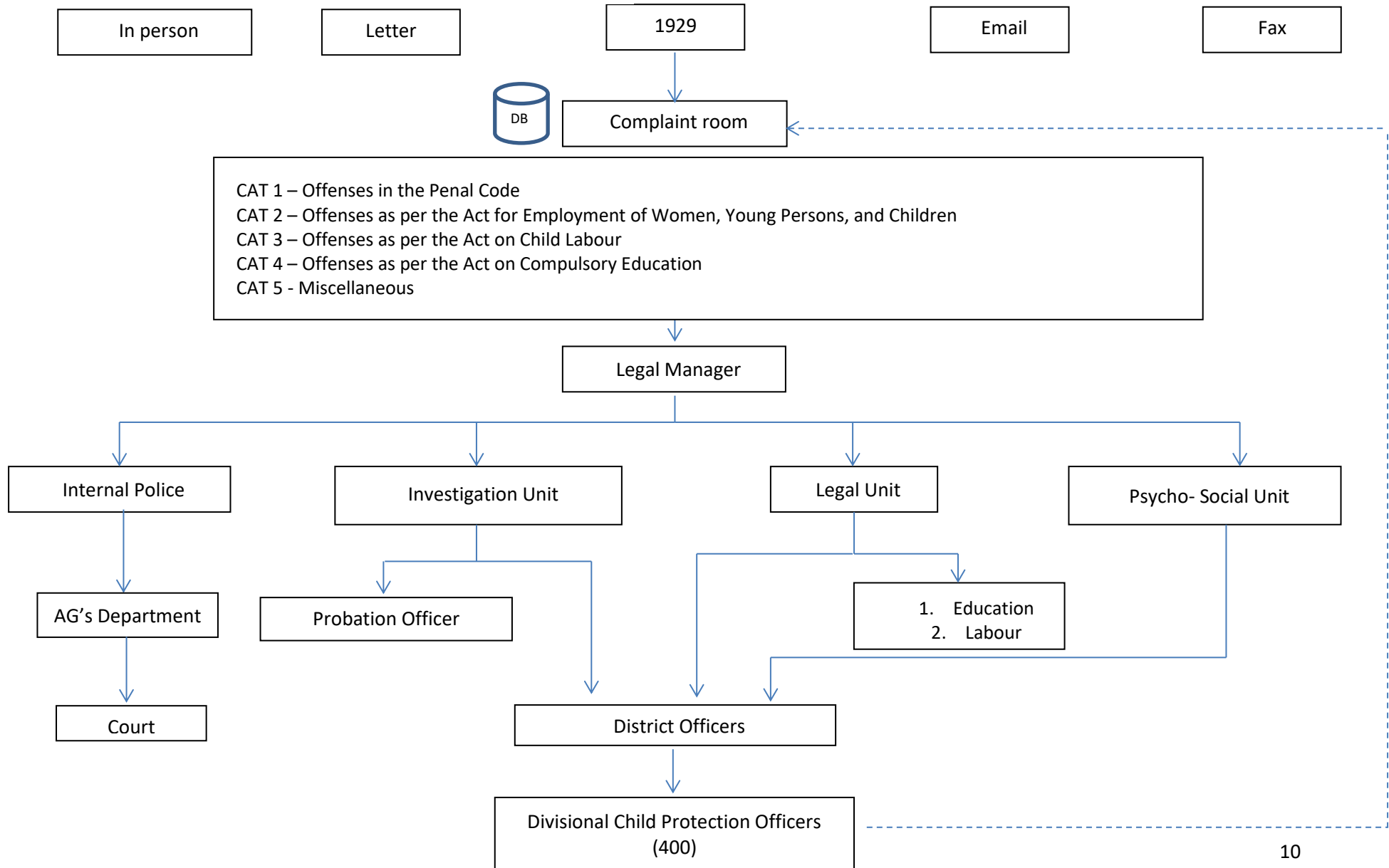
The complaints received are sorted into five categories and—based on their respective subject area—referred to five internal divisions for further action. These five internal divisions are:

1. The police station at the NCPA
2. Legal Division
3. Investigations Division
4. Psycho-Social Division

From these divisions the files are forwarded to the relevant divisional officers or other relevant authorities.

Within this process there is a possibility of potential TIP incidents involving children and not previously reported to the police being captured by the NCPA as an incident of child abuse. Therefore, the NCPA is one point where TIP incidents can be identified.

National Child Protection Authority



3.2 Department of Immigration and Emigration

The Department of Immigration and Emigration is responsible for controlling and regulating 1) the arrival of foreigners to the country and, 2) the departure of both foreigners and citizens from the country. Therefore, it is a key organization that can identify possible TIP incidents.

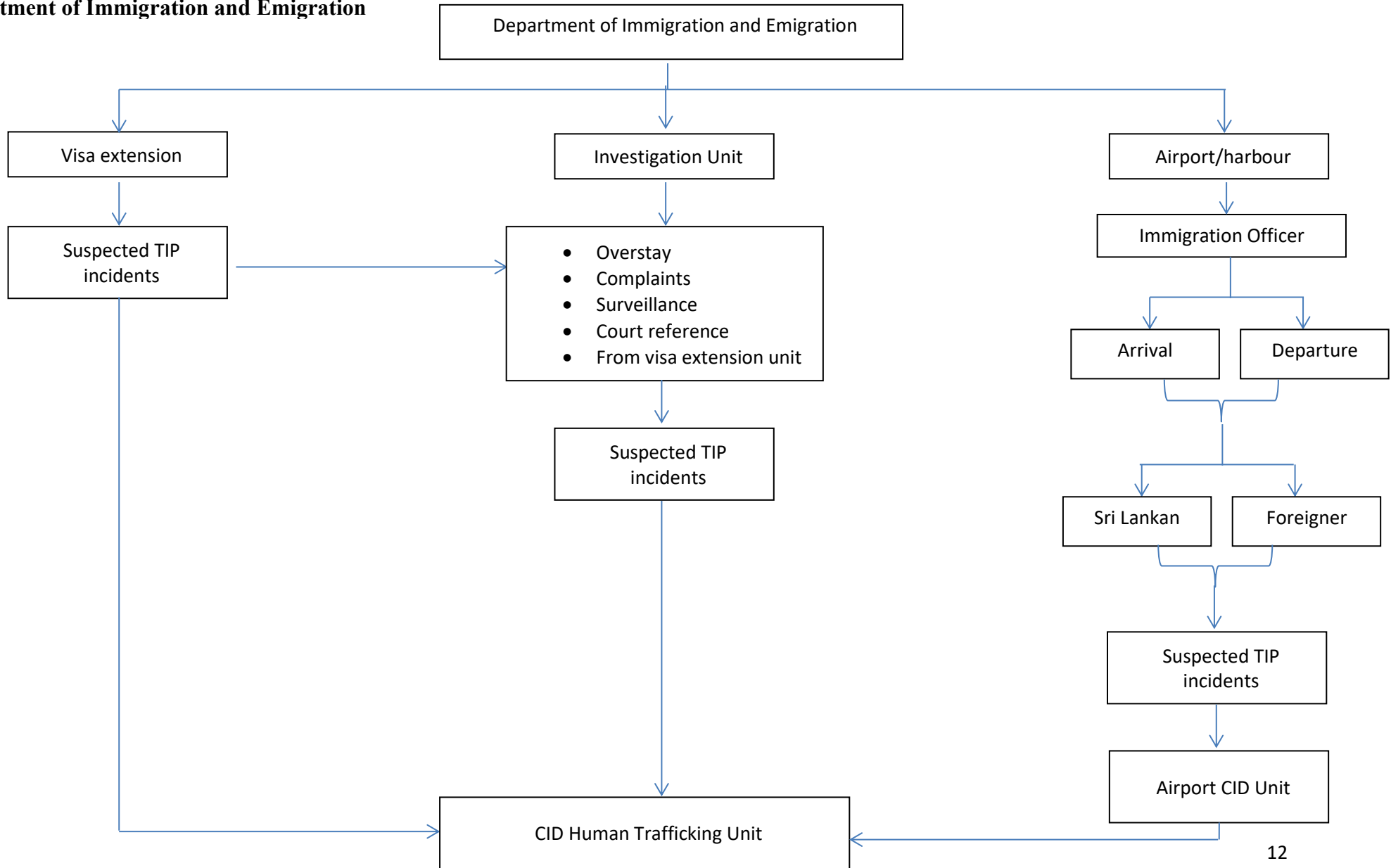
There are two divisions in the Department of Immigration and Emigration which can receive or identify TIP incidents. One is the Investigation Division which maintains a complaint center where incidents can be reported by way of letters, fax, email or telephone. Possible incidents of trafficking are also reported to this center. This Division also investigates foreigners who have overstayed their visa period—among whom there may be trafficked persons—and can identify TIP incidents through surveillance and court references as well.

Meanwhile, the Immigration Officers—who fall under the Port Division—work at airports and harbors which are the first and last point of contact for any person arriving or leaving Sri Lanka. There are four types of TIP incidents that Immigration Officers may encounter. These are:

1. Sri Lankan citizens who are leaving the country and may be subjected to trafficking abroad.
2. Returning Sri Lankan citizens who may have been trafficked.
3. Foreigners arriving in Sri Lanka who may be trafficked in the country.
4. Foreigners leaving Sri Lanka who have been trafficked in the country.

If any incident reported, received or seen at any of the above portals is suspected as a TIP incident, it is reported to the Human Trafficking Unit of the CID. Incidents at the airport are first referred to the CID unit in the airport and reaches the Human Trafficking Unit through this.

Department of Immigration and Emigration



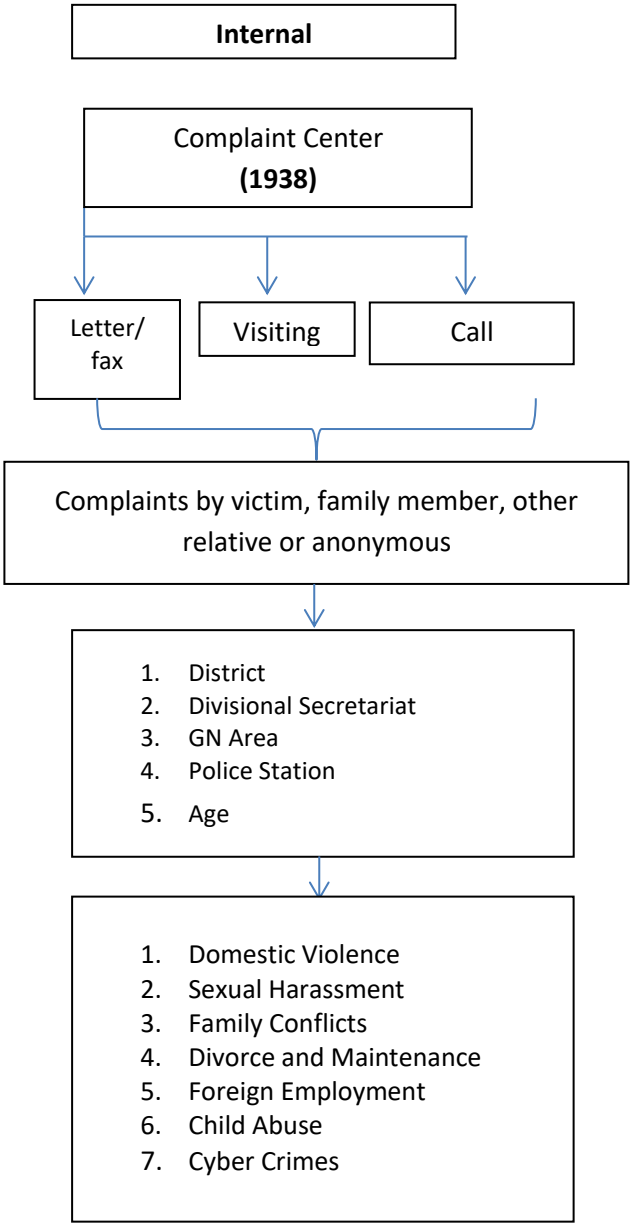
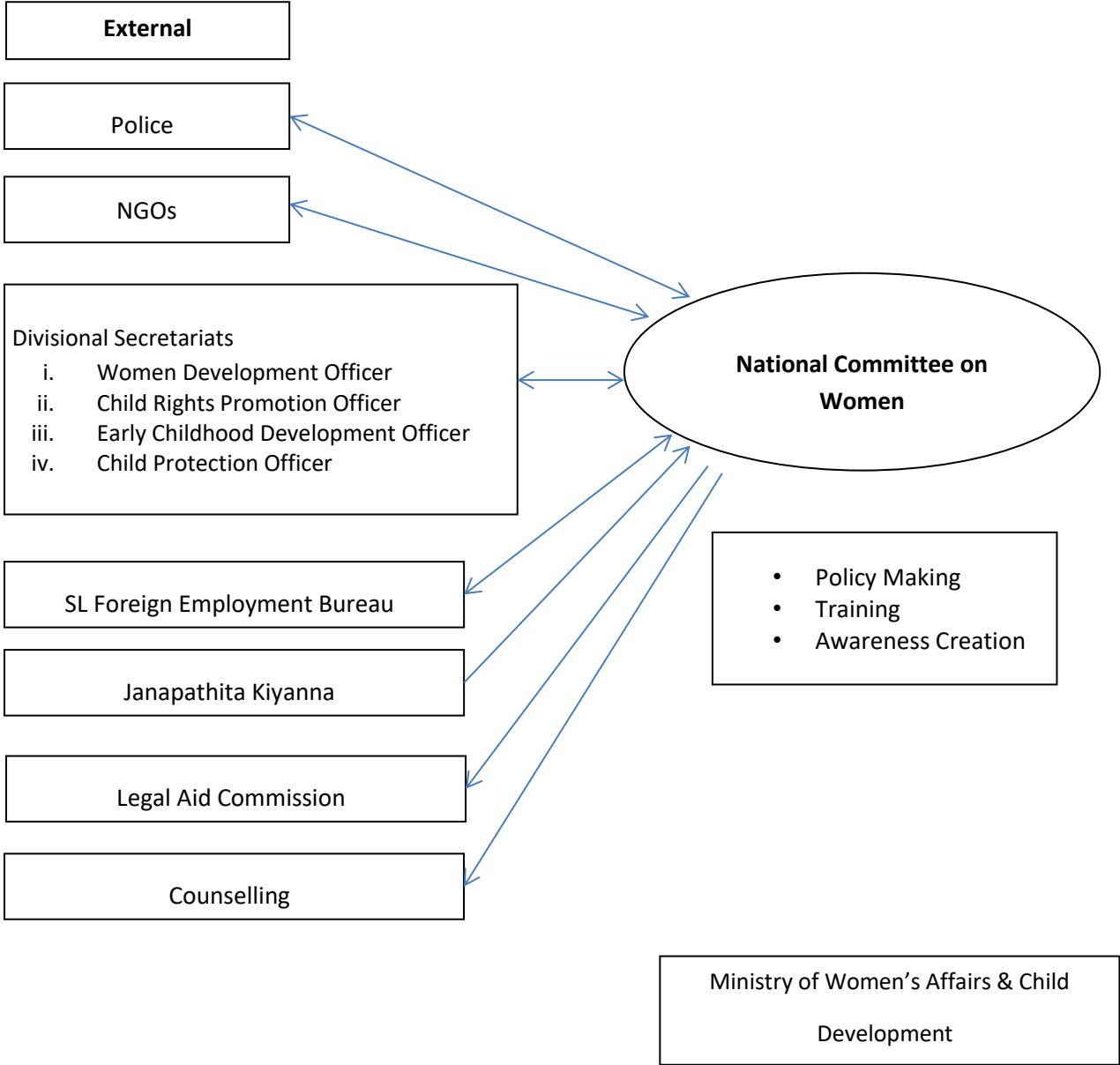
3.3 National Committee on Women (NCW)

The National Committee on Women is an entity under the Women's Bureau of the Ministry of Women and Child Affairs. It was established under the Women's Charter of 1998 for the purpose of examining the progress of obligations undertaken by the Charter and for monitoring the achievement of its objectives. It is bestowed with the responsibility of developing policies—as it relates to women—in the fields of law, health, economic development, education, science and technology, and the environment.

The NCW has a complaint center for women to seek assistance for any problem, crisis, or difficulty they face. Women can make complaints through letters, fax, email, in person, or through the helpline maintained by NCW. This helpline is available in all three languages and receives about 10 complaints a day. All complaints received at the center are sorted into 10 categories. However, trafficking is not one of these categories at present. The NCW refers the women seeking assistance to relevant authorities and services—such as the police, Foreign Employment Bureau, or Counselors—for help. The NCW receives grievances from external agents such as the police, NGOs, and other government departments as well. These are also referred to relevant organizations.

Thus, the NCW can also be identified as a key organization that receives complaints on potential trafficking incidents. It plays a critical role as it functions as a link between victims and the relevant authorities.

National Committee on Women



3.4 Sri Lanka Bureau of Foreign Employment

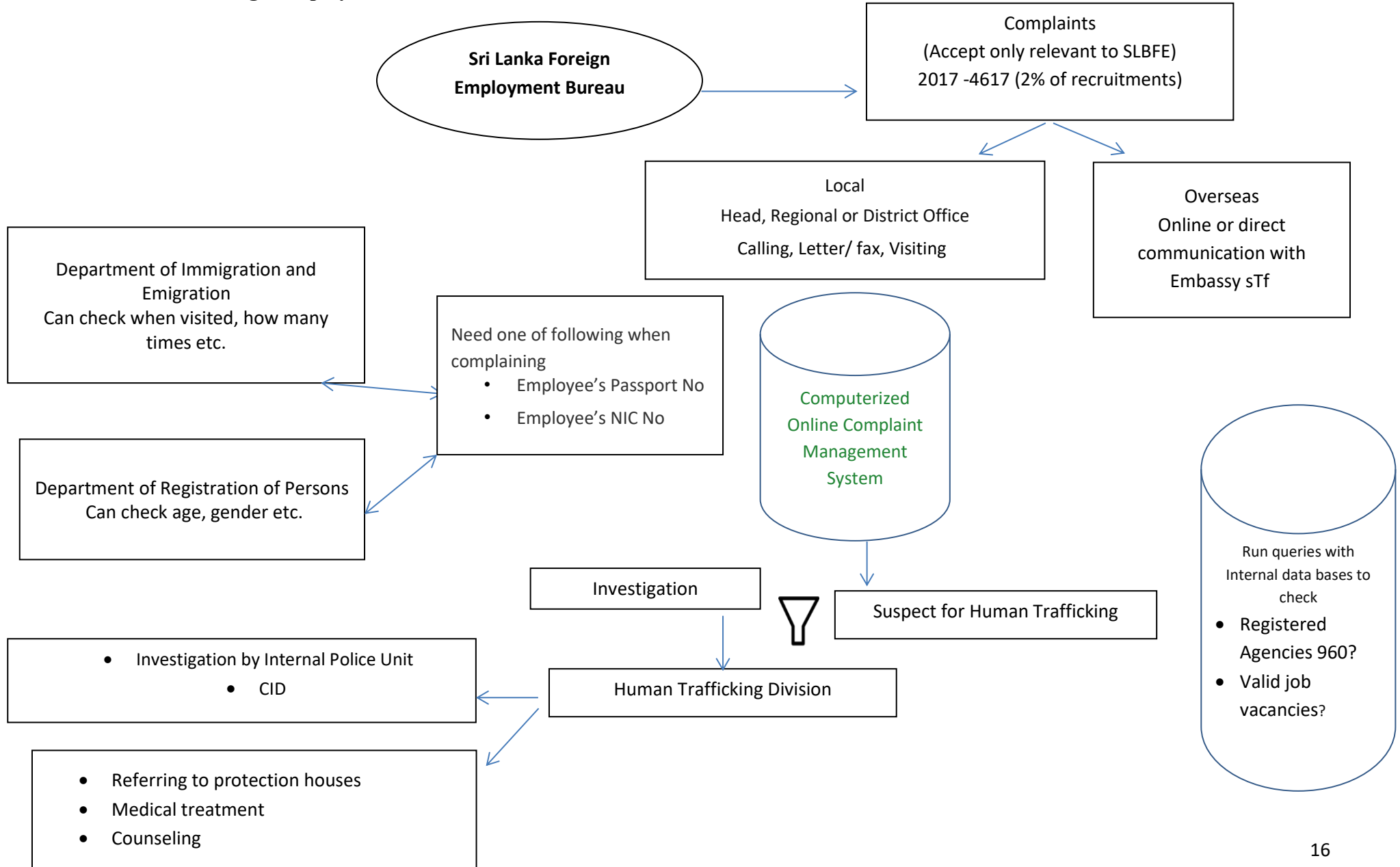
The Sri Lanka Bureau of Foreign Employment (SLBFE) is the first point of contact for any complaints on foreign employment for both the victims and their family and friends living in Sri Lanka. Therefore, it is one of the key organizations which receives potential TIP cases.

Complaints are received by the SLBFE offices abroad and within Sri Lanka. Within Sri Lanka, complaints are registered by telephone calls, letters, fax or in person at the head, regional or district offices. Outside Sri Lanka, SLBFE officers receive complaints while complaints lodged at the foreign missions are also sent to the SLBFE. However, SLBFE only accepts complaints from migrants with work visas.

The SLBFE maintains an online complaint management system. This system includes the passport and NIC numbers of the victims which can be used to connect to other databases and access information about these individuals. SLBFE also has a database of all the registered agencies (960) and job vacancies advertised by these registered agents.

Upon receiving a complaint, an SLBFE officer will carry out an investigation. If an incident through this investigation is suspected to be TIP, it is forwarded to the Bureau's Human Trafficking Division. All incidents verified as TIP are then forwarded from this Division to the CID trafficking unit.

Sri Lanka Bureau of Foreign Employment



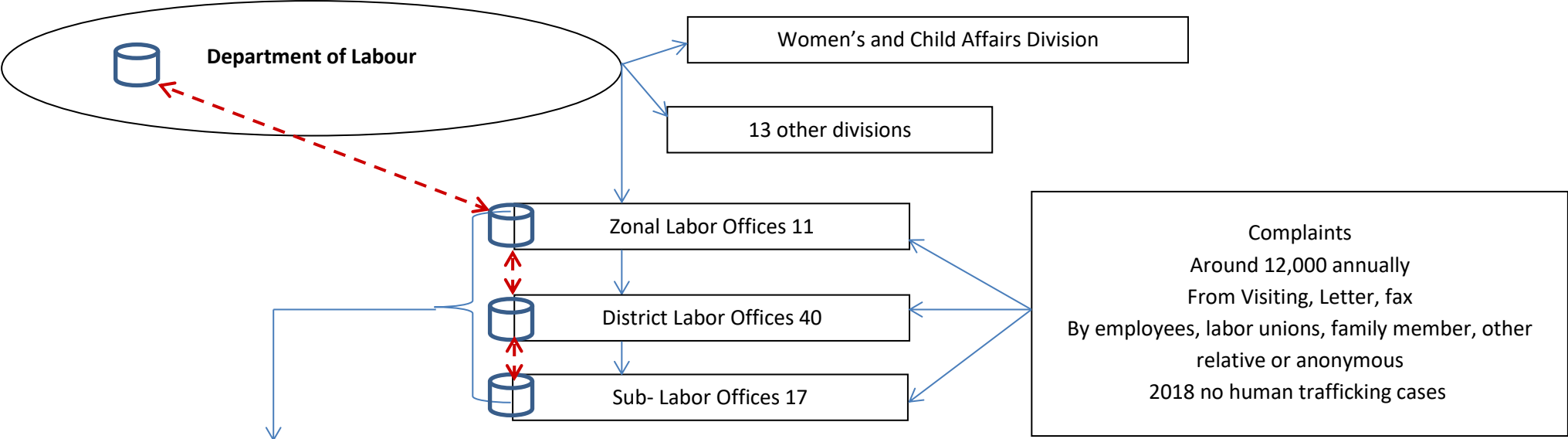
3.5 Department of Labour

There are about 50 legislations passed for the purpose of welfare and protection of the labor force, and the Department of Labour is responsible for the implementation of all these legislations. There are 11 Zonal Labor Offices, 40 District Labor Offices, and 17 Sub-Labor Offices under the Department of Labour. Complaints are received at all these levels. These offices are connected to a central database where all the complaints received are stored; about 12,000 complaints a year.

When a complaint is received by the Department, an investigation is carried out with the police. Based on the findings of this investigation, the Labor Officer will decide whether the case should be filed at the Labor Court or not. Through this process, no cases were identified as a trafficking incident during the year 2018.

The Department of Labour can also be identified as an organization which captures potential TIP incidents previously unreported to the police, as incidents of labor law violations.

Department of Labour



Hardcopy files managed and summary entered to database

1. Category 1
2. Category 2
3. Category 3
4. Other categories (4-N)

No category for human trafficking

Investigation

If child labor, joint search with

- SL Police
- Probation and Child Care, NCPA etc.

Women's and Child Affairs Division - Child Labor Complaints in 2016

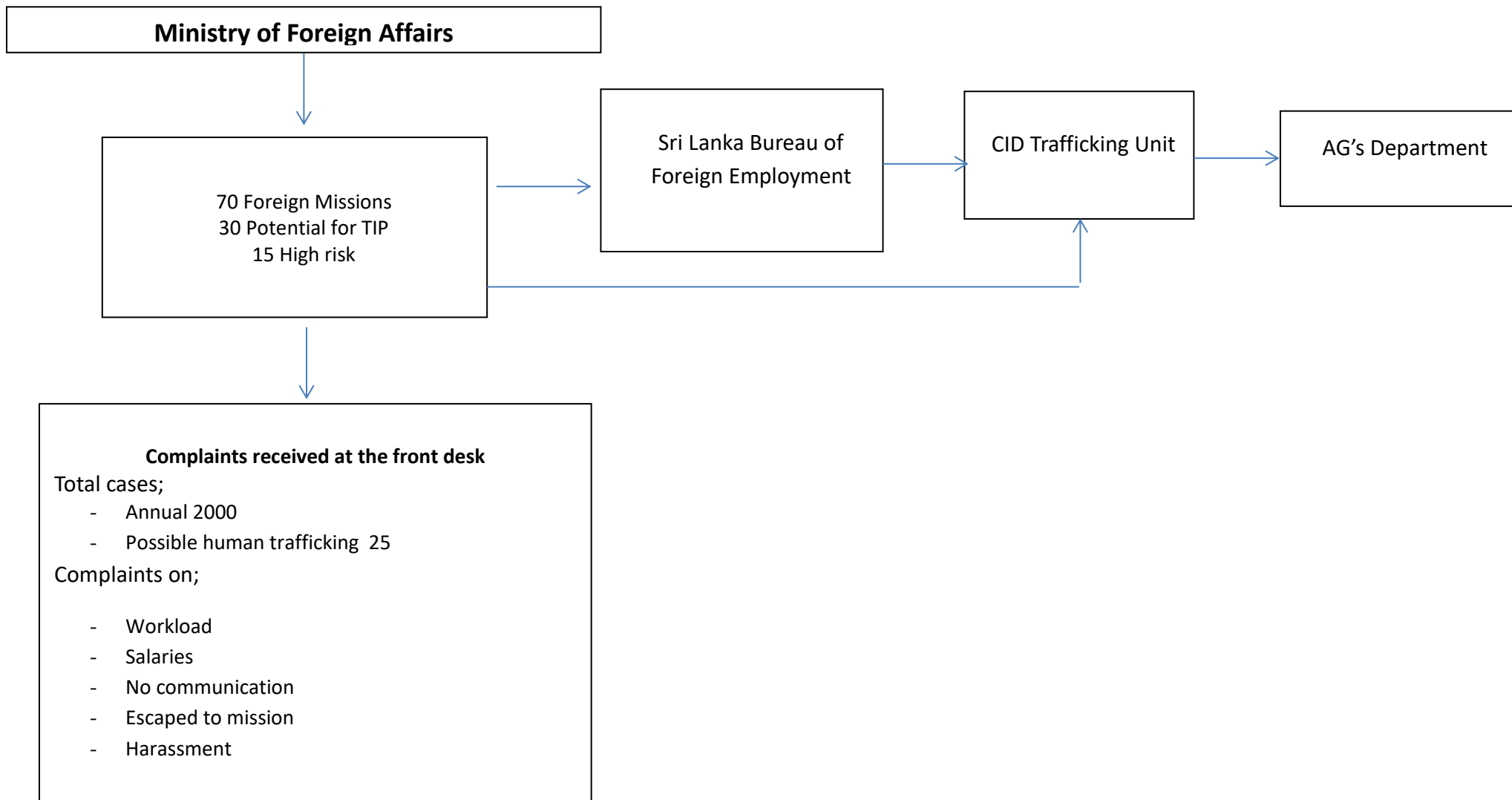
Total Number of complaints during the year	157
Files Finalized	100
Complaints filed in courts	02
Finalized court cases	01

3.6 Ministry of Foreign Affairs

One of the key stakeholders in the combat against TIP are the foreign missions under the overview of the Ministry of Foreign Affairs. These missions are the key point of data collection of TIP related incidents outside the country. However, the Ministry does not take an active role in prosecuting TIP cases but rather acts as a policy maker.

Of the 70 Sri Lankan foreign missions, the Ministry has identified approximately 35 where potential TIP incidents are reported. Of this 35, 15 have been identified as reporting TIP incidents more frequently. The complaints are received by the officers at the front desk of the missions and a standard form is filled. Any available evidence is also collected. These forms are sent by fax to the Bureau of Foreign Employment.

Ministry of Foreign Affairs

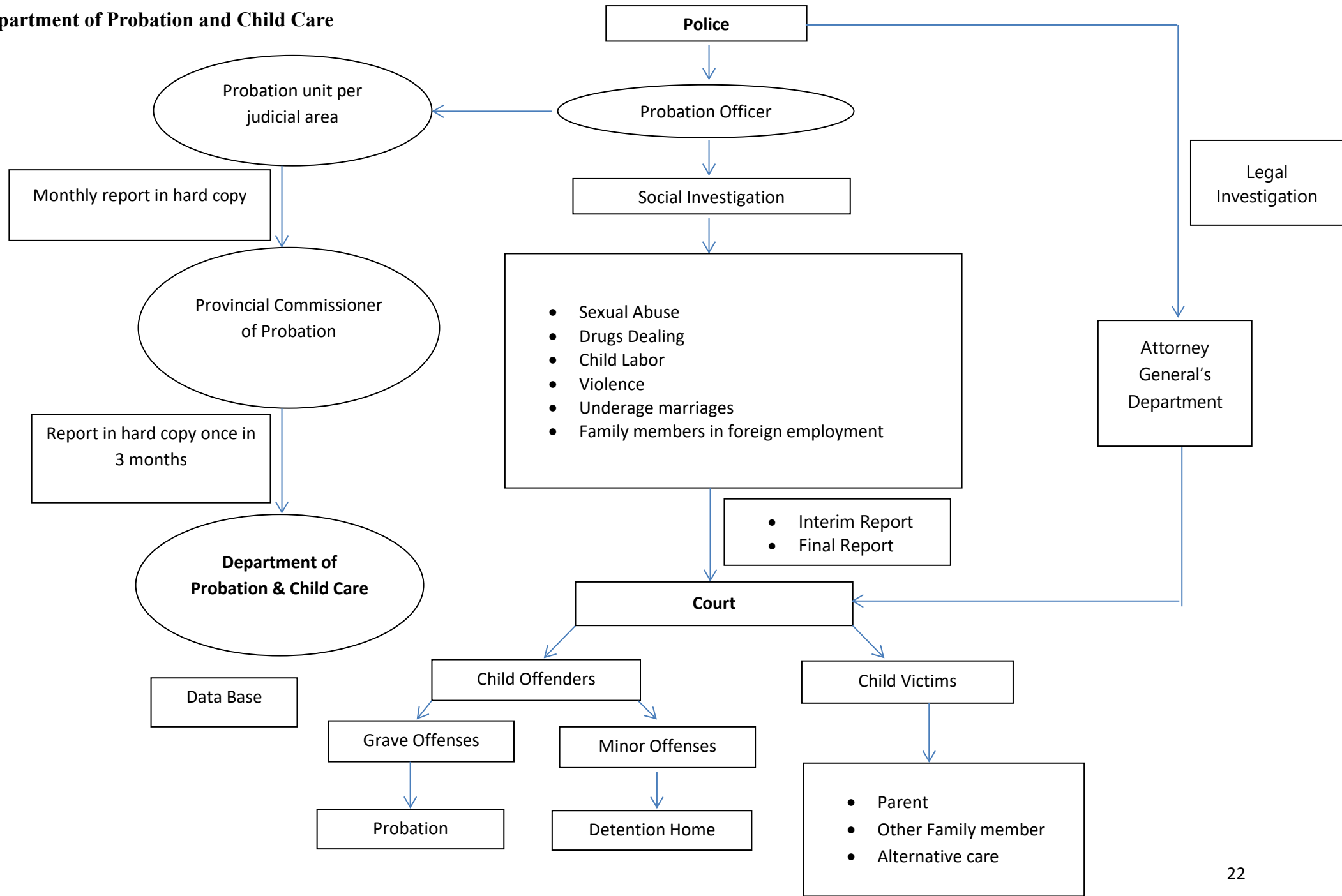


3.7 Department of Probation and Child Care

The Department of Probation and Child Care under the Ministry of Women and Child Affairs is responsible for conducting social investigations on any child that comes into the judicial system, whether as a victim or an accused, and for presenting the report to the courts. If it is found that a child is involved when the police receive a complaint or during an investigation, the police report this to the Probation Officer of the area. Probation Officers are appointed to each judicial area and are responsible for conducting the social investigation for the court cases of the area.

The Probation Officers send a monthly report of all cases reported to them to the provincial offices, and the provinces send a quarterly report to the Department. The Department maintains a database of all the cases. The critical importance of the Department of Probation is that during the social investigation it may find evidence of trafficking that was not discovered in the legal investigation.

Department of Probation and Child Care



3.8 Sri Lanka Police

The Sri Lanka Police (SLP) plays a key role in the TIP case identification, prosecution and conviction process, and interacts with several other organizations as well. In terms of identification, the police is a crucial point as most of the potential TIP cases are reported either directly, or as the primary point of complaint, or through other organizations. It is also the focal point in TIP case investigation and plays a key role in the prosecution process. Furthermore, the police is vital as it interacts with most of the other organizations working on TIP—sending and receiving reports to and from these organizations.

Within the SLP there are three points that work on TIP. These are:

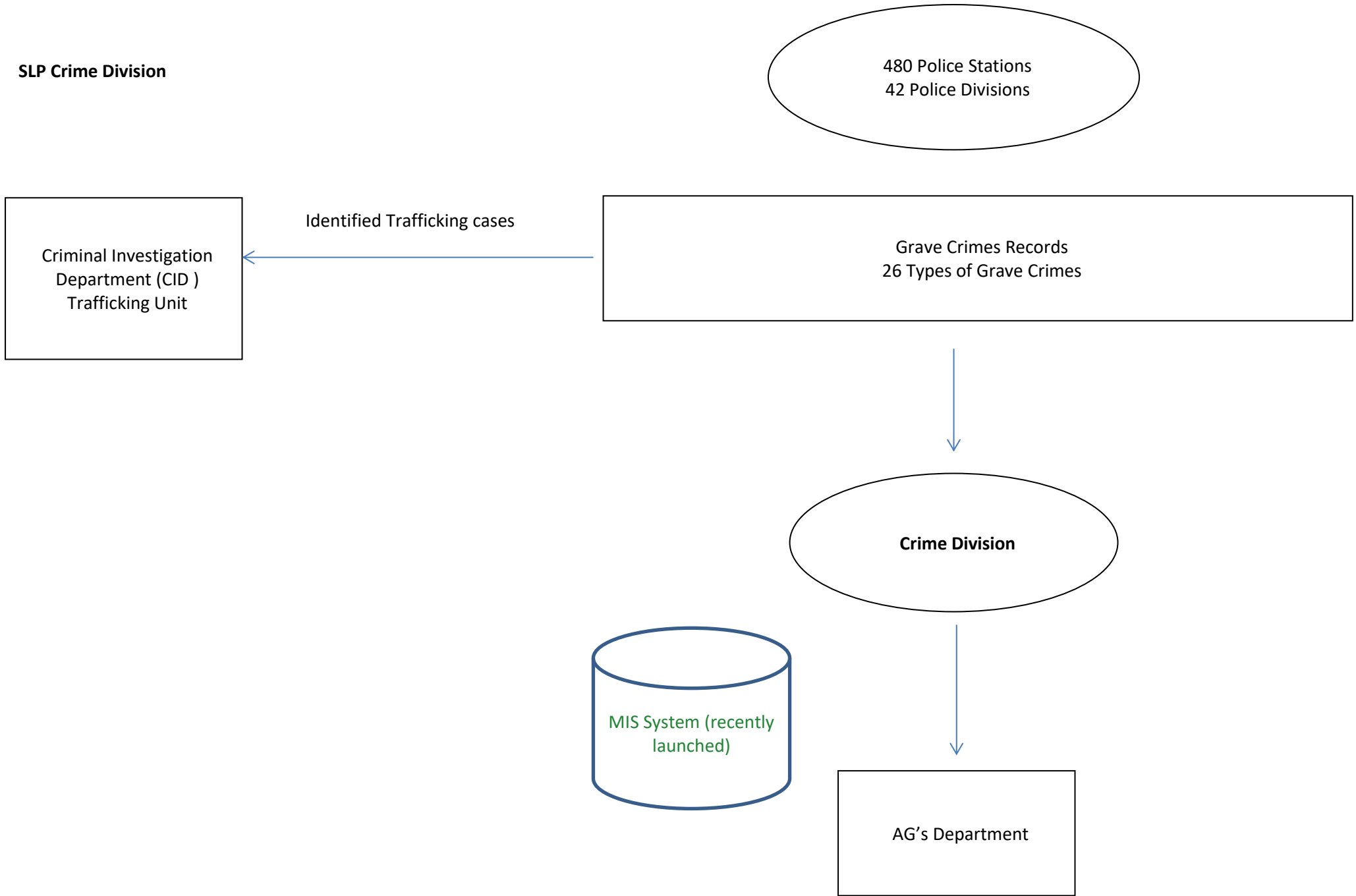
- Police Stations
- CID – Trafficking Unit
- Crime Division

In the overarching network of organizations working on TIP, police stations can be identified as the most vital in receiving and identifying TIP cases. All complaints identified as TIP cases at this level are sent to the Trafficking Unit under the Criminal Investigation Department (CID). All other crimes recorded at police stations are forwarded to the Crime Division. There are 26 crimes categorized as Grave Crimes and documented separately in the Grave Crimes Record at police stations. TIP also falls in this list under category 12 which is Procuring and Trafficking.

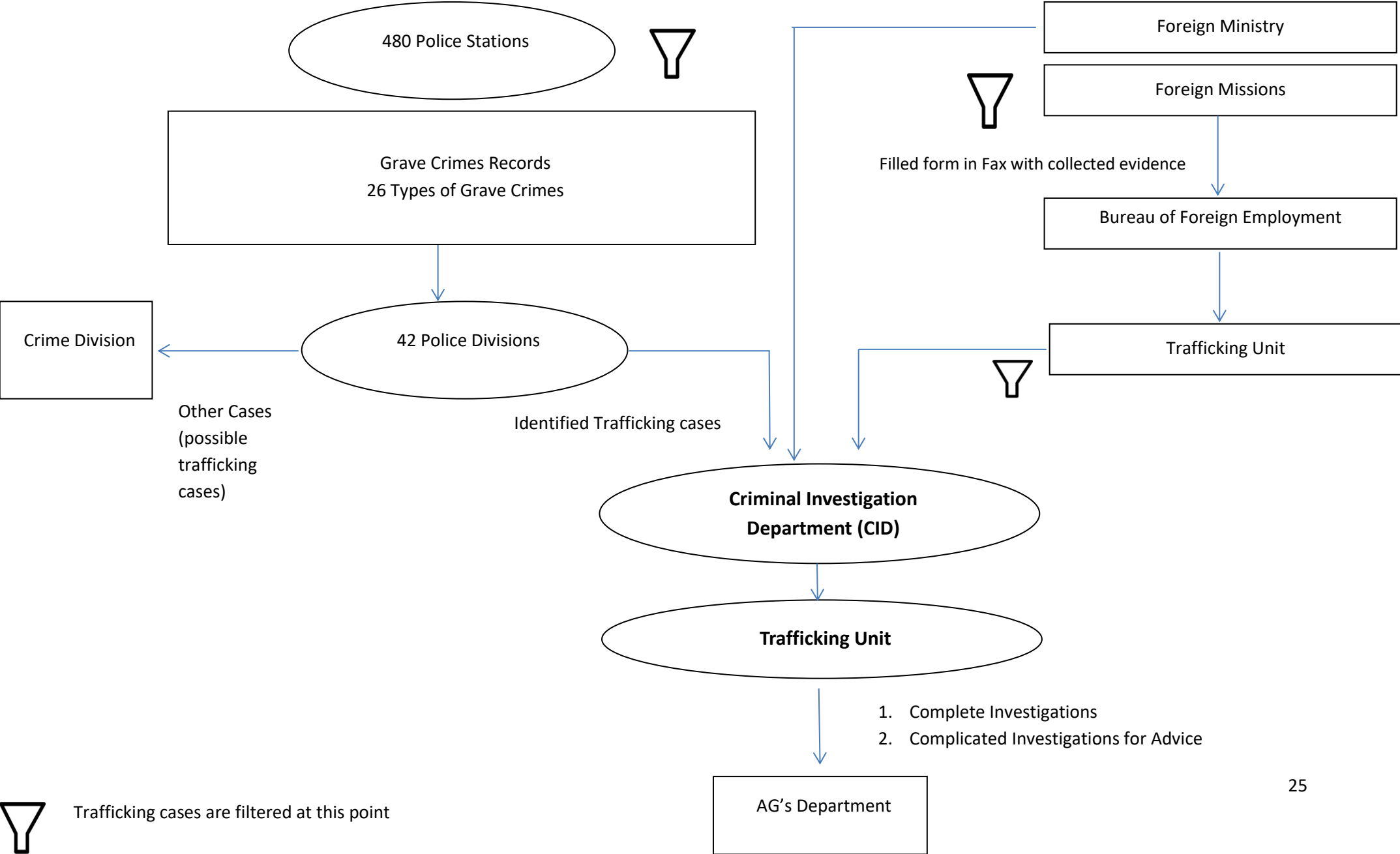
The Trafficking Unit of the CID is the SLP's established focal point to work on TIP. Apart from reports of TIP cases from police stations, the CID also receives reports of TIP incidents from foreign missions through the Bureau of Foreign Employment. This unit has the responsibility of investigating all TIP cases and handing it over to the Attorney General's Department (AG) for prosecution.


The Crime Division receives reports on all other crimes reported to police stations and hands over the files to the AG for prosecution. Thus the Crime Division is also vital in the combat against TIP, as potential TIP incidents that are reported to police but not identified as such may be reported to this Division.

SLP Crime Division



SLP Criminal Investigation Department (CID)



 Trafficking cases are filtered at this point

3.9 Attorney General's Department (AG)

The Attorney General's Office plays a key role in the combat against TIP as it is the focal point for prosecution. The AG's mandate is as follows:

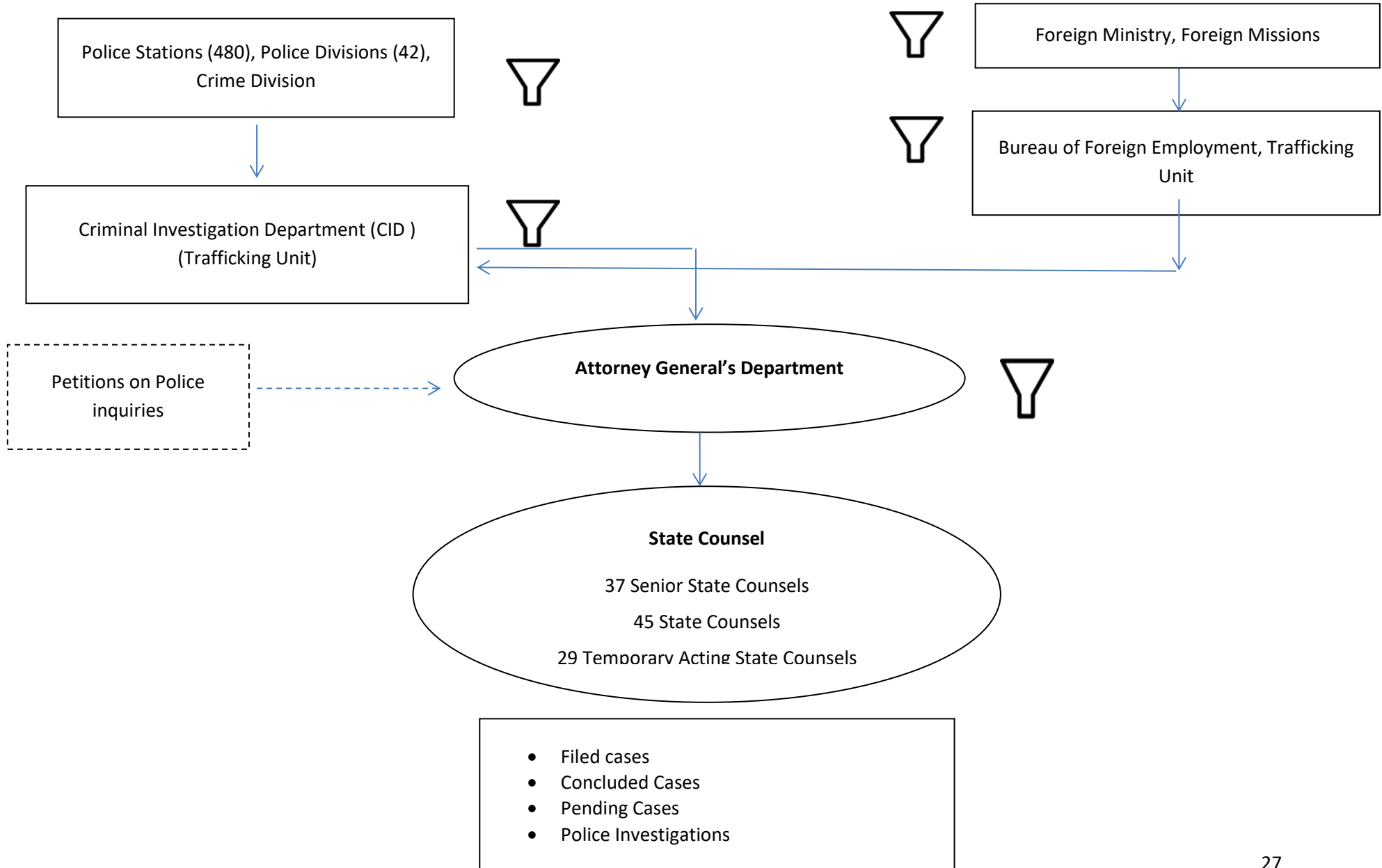
The Attorney General is the Chief Legal Advisor to the Government. In that capacity he advises the Government, Government Departments, Statutory Boards and Public Corporations in respect of all legal matters. He conducts prosecutions in criminal cases and appears on behalf of the Government, Government Departments, Statutory Boards and Public Corporations in any Court or Tribunal.

Source: <http://www.attorneygeneral.gov.lk>

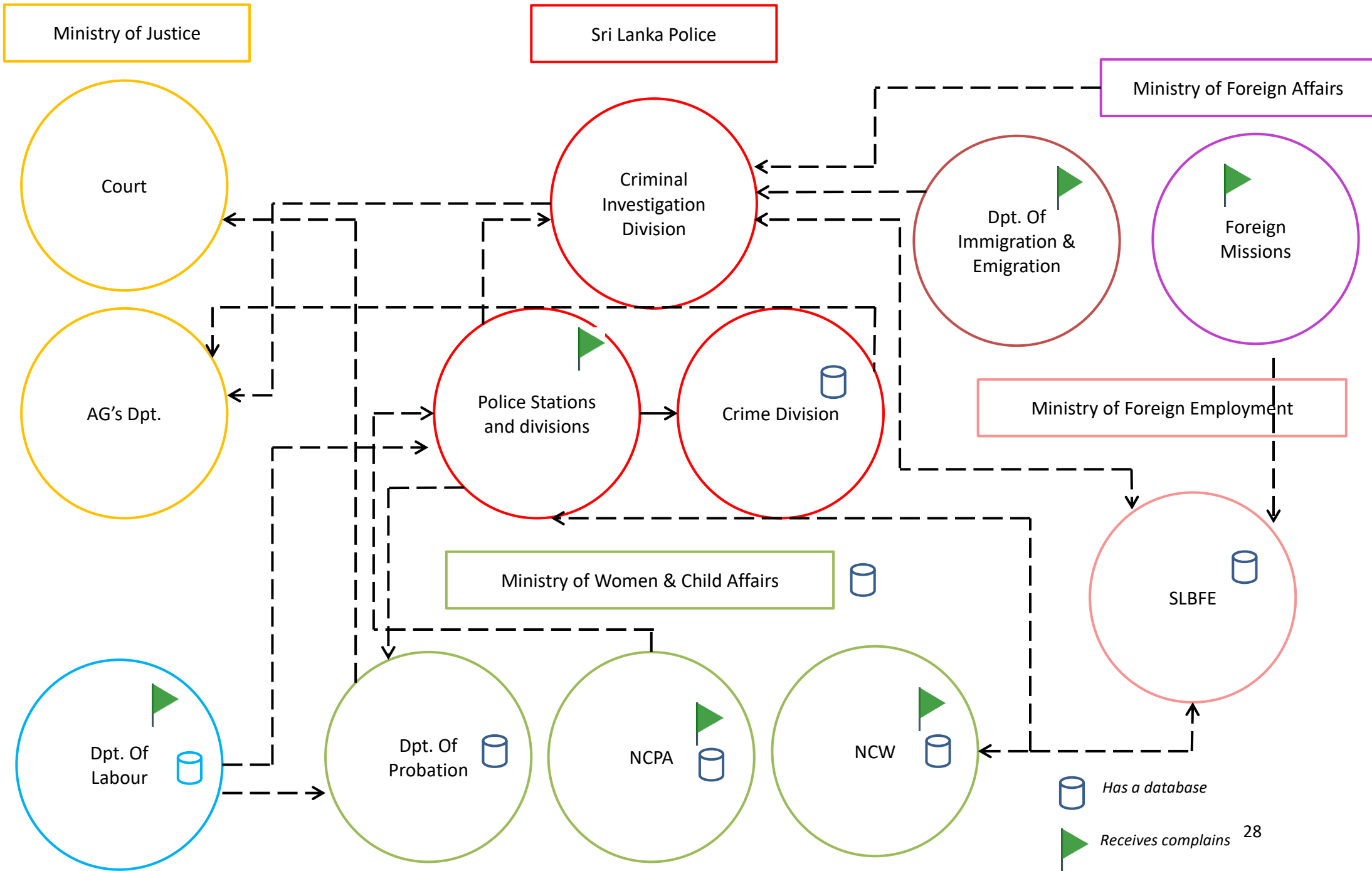
All TIP cases reported to the Trafficking Unit at the CID are forwarded to the AG's for prosecution. Currently these files are stored at the State Counsel offices under the AG's office. Though the AG's Office has records of all the TIP incidents reported to it, the current status of those cases—whether it is pending or concluded—however has to be obtained from State Counsels. These are stored as files in hard copies. Apart from the incidents reported by the Trafficking Unit of the CID, the AG's Office also receives petitions on police investigations which may be related to TIP incidents.

In the network of organizations working to combat TIP, the AG's Office plays a critical role in correctly identifying and verifying TIP cases as it has the required knowledge and other resources which other organizations are still lacking.

Attorney General's Department

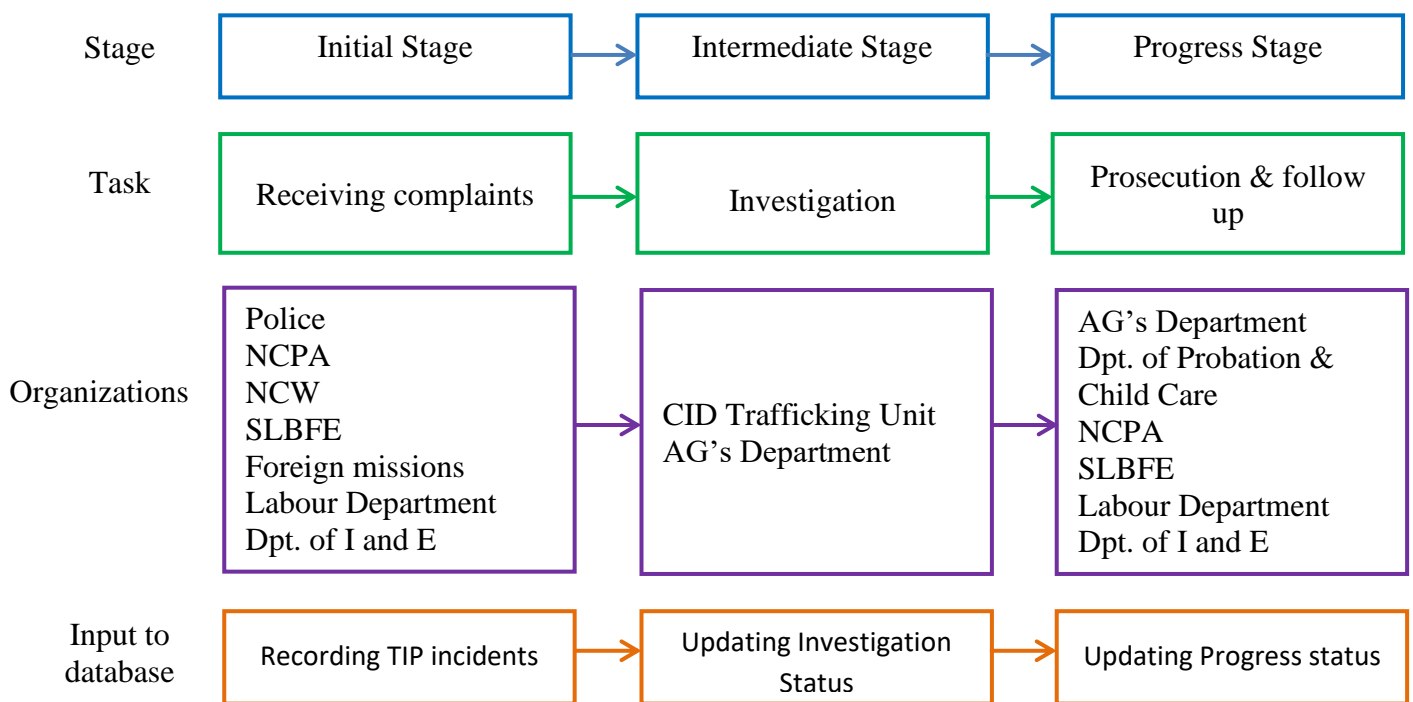


Trafficking cases are filtered at this point



4. Summary of Findings and Recommendations

The AG's Department is the peak point in the overall map of data routes of TIP incidents, while the Trafficking Unit of the Sri Lanka Police Department is the focal point. Complaints are received by several organizations through multiple modes. If these complaints are identified as a TIP incident, it should ultimately be directed to the Trafficking Unit of the CID from where it is forwarded to the AG's Department. The organizations that may receive potential TIP incidents include the police stations, NCPA, NCW, SLBFE, foreign missions, and the Labour Department. After the incident is presented to the courts, these organizations play a role in the follow up process, including victim protection. Organizations that get involved at this stage of a TIP incident are the Department of Probation and Child Care, NCPA, the AG's Department, SLBFE, and the Labour Department.



Thus, for the proposed database/Management of Information systems (MIS) it is recommended that organizations which receive complaints enter incidents that are potentially TIP or show characteristics of TIP into the database. Some of these organizations already have a database. If so, these can be linked to the new TIP database, to avoid entering the same data in multiple systems. However, the final verification on whether an incident is a TIP incident or not should lie with the CID and the AG's Department. The Department of Probation and Child Care can also provide input or recommendations to identify TIP incidents. After prosecution as well it is necessary that the progress is fed to the database by the AG's Department. This can be done by the State Counsels. The Department of Probation, NCPA, SLBFE, and the Labour Department can also provide input on the follow-up and victim protection process. However, this is not a vital step in the present purpose for which this database is being designed. But this information can be very important in the overall efforts to combat TIP. The most critical consideration should be avoiding duplication, as the same incident can be reported to several

organizations in different modes or forms. This needs to be taken as a major consideration in designing the database/MIS.

Recommendations

- Conduct a similar assessment of the two organizations not captured in this study.
- Conduct a joint review of the mapping output by all stakeholders of NHTTF.
- Identify the roles and tasks of each organization for the new database or MIS. Some points to consider regarding this are as follows:
 - The process should be led by NHTTF
 - Involvement of senior management of each organization with designated representatives
 - Level of integration
 - Capacity and resources
 - Confidentiality
- Establish a mechanism to identify if the same incident is reported through multiple sources.
- Facilitate the monitoring of the progress of each incident until the case is concluded.

Annex: Representatives Interviewed

	Organization	Name	Designation
1	Attorney Generals Department	Ms. Lakmaili Karunanayake	Senior State Counsel
2	CID Trafficking Unit	Mr. Sugath Amarasinghe	OIC Trafficking Unit-Inspector of Police
3	Crime Records Division	Mr Priyantha Liyanage	Supdr. Of Police, Director Crime Division
		Mrs. Iresha Gunasekara	OIC- Statistics Unit
4	Department of Probation and Child Care Services	Ms. Nirmalee Perera	Probation Officer
5	Department of Labour	Mrs. MN Gunawardena	Commissioner of Labour (Women's & Children's Affairs Division)
6	Ministry of Foreign Affairs	Mr. U.L. Niyas	Asst Director-Consular Affairs
7	National Committee on Women	Ms Aoka Goonarathna	Legal Officer
8	National Child Protection Authority	Mr Champika Ayagama	Investigation Officer
9	SLBFE	Mrs Srimal Kahatuduwa	Manager Counter Human Trafficking Unit
10	Department of Immigration and Emigration	Mr. P.P Aluthge	Chief Immigration Officer
		Ms. K. C.C.V. Perera	Immigration Officer