



SITUATIONAL ANALYSIS OF TRAFFICKING IN PERSONS IN SRI LANKA

A Civil Society Perspective



The Asia Foundation



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List of acronyms

AG	Attorney General
CAT	Convention Against Torture
CBO	Community Based organization
CDS	Community Development Services
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention for the Elimination of all forms of Discrimination Against Women
CEPA	Centre for Poverty Analysis
CHRCD	Centre for Human Rights and Community Development
CID	Criminal Investigations Department
CMW	Convention on the rights of all Migrant Workers and their families
CSO	Civil Society Organization
DOFE	Development Officer Foreign Employment
EQUIP	Equipping Sri Lanka to Counter Trafficking in Persons
ESCO	Eastern Self-Reliant Community Awakening Organisation
FGD	Focus Group Discussion
GBV	Gender-Based Violence
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ILO	International Labour Organization
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
KIIs	Key Informant Interviews
LFEA	Licensed Foreign Employment Agents
LHRD	Lawyers for Human Rights & Development
MFE	Ministry of Foreign Employment
MoJ	Ministry of Justice
MOWCA	Ministry of Women and Child Affairs
NAHTTF	The National Anti-Human Trafficking Task Force
NAP	National Action Plan for the protection and promotion of Human Rights- 2017-2021
NCPA	National Child Protection Authority
NGO	Non- Governmental Organization
NLMP	National Labour Migration Policy for Sri Lanka
NSP	National Strategic Plan to Monitor and Combat Human Trafficking 2015 – 2019

OECP	Organization of Environment and Children Rights Preservation
PREDO	Plantation Rural Education Development Organization
SAARC	South Asian Association for Regional Cooperation
SCOUT	Sri Lanka: Strengthening Counter-Trafficking Efforts Project
SDC	Swiss Development Cooperation
SLBFE	Sri Lanka Bureau of Foreign Employment
SOP	Standard Operating Procedures
SWOAD	Social Welfare Organization Ampara District
The Foundation	The Asia Foundation
TIP	Trafficking in Persons
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
USDOS	United States Department of State
WDO	Women Development Officer
WIN	Women In Need
WMC	Women and Media Collective

1. Introduction

Trafficking in Persons (TIP) or human trafficking for purposes of forced labour, sexual exploitation, slavery, removal of organs etc undermines basic human rights and dignity of persons. It has inarguably become a complex, constantly evolving phenomenon requiring concerted, multi-pronged counter-efforts by both international and national actors.

Sri Lanka too has not escaped the malaise of TIP. Sri Lanka is a country of origin and to a lesser extent a transit and a destination country for victims of trafficking. While many counter-trafficking initiatives have been launched in Sri Lanka by both state and non-state actors, challenges exist in combatting human trafficking such as, low levels of awareness and reporting of TIP cases; limited capacity of the criminal justice system to identify, investigate, prosecute and adjudicate trafficking in persons; and the near absence of sustained cooperation between state and non-state stakeholders in providing protection and assistance to victims of TIP.¹

Further, there is no independent reporting of the ground realities of TIP within the country in order to understand the dynamics of TIP in Sri Lanka and to comprehensively assess the counter-trafficking efforts carried out by different organizations. The only reports available are the United States Department of State (USDOS) TIP Report and the United Nations Office on Drugs and Crime (UNODC) Global Report on Trafficking in Persons, both of the reports to which the government of Sri Lanka provides information. The information provided by the National Anti-Human Trafficking Taskforce (NAHTTF) to either the USDOS TIP Report or the UNODC Global TIP Report does not contain information on the counter-trafficking efforts of Civil Society Organizations (CSOs) as the NAHTTF does not formally engage with CSOs to seek their input for these Reports.

Against the above backdrop, this report aims to document the contribution made by CSOs to the counter-trafficking landscape in Sri Lanka, especially during a time such as the present when increased donor aid is channeled through international organizations to CSOs to engage in counter-TIP activities.

Definition: for purposes of this Analysis CSOs are defined to include NGOs, faith-based organisations, and community based organizations.

1.1 Purpose and objectives of the Report

The purpose of this report is to address the long standing lacuna of comprehensive reporting within the counter-trafficking landscape of Sri Lanka, especially documenting the contribution of CSOs.

Towards this end, therefore, the objectives of this Report are:

- .. To analyze the situation of Trafficking in Persons (TIP) in Sri Lanka;
- .. To evaluate counter-trafficking efforts of CSOs; and
- .. To provide strategies for CSOs to effectively combat TIP in Sri Lanka;

through evidence-based research.

1 UNODC, Gaps and Needs Assessment of the Criminal Justice Response to Trafficking in Persons in Sri Lanka (202)

1.2 Why is this Report important?

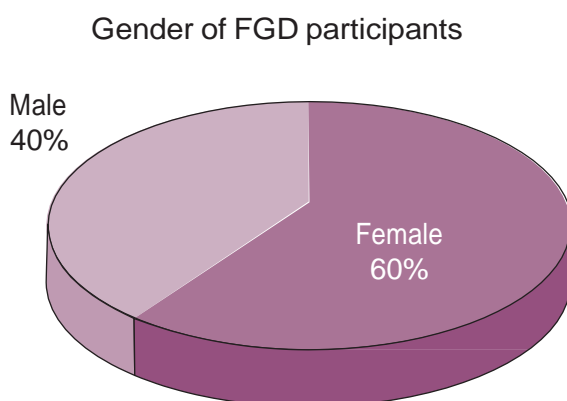
In a pioneering move, this Report captures the TIP context in Sri Lanka independent to other pre-determined reporting formats of different international actors. As currently there is no evidence of national level information available on data and interventions carried out by CSOs and other non-state stakeholders to counter TIP, this Situation Analysis is a coordinated national report predominantly capturing the CSO interventions while taking into consideration the contribution of other stakeholders where appropriate. This Report is expected to improve data dissemination and reporting; initiate and increase victim identification; advocate and lobby for effective policy interventions and improved guidelines; and improve effective and efficient service provisions to victims of TIP and investigations and prosecutions that lead to convictions.

1.3 Assessment framework and Methodology

The assessment framework for this report was developed to comprehensively capture the current status of counter-trafficking efforts of CSOs and related data in Sri Lanka (See Annexure 1 for a list of participating Organizations). Primarily, the report employed three qualitative research tools: a comprehensive desk review, Key Informant Interviews (KII), and Focus Group Discussions (FGDs). Interview guidelines were developed in consultation with the Foundation prior to conducting the KIIs and FGDs. Drawing information through a range of tools served the purposes of triangulation of sources and comparison of information for the precision identification of issues.

The comprehensive desk review provided the foundation for the Situation Analysis and the opportunity to gather information for further verification through FGDs and KIIs. The primary and secondary information gathered through the desk review shed light on the situation of TIP in Sri Lanka; counter-trafficking efforts carried out by non-state actors; and the efficacy of those strategies.

In addition, a total of three (03) FGDs were conducted with 15 CSOs and development partners engaged in counter-trafficking activities. Two of the FGDs were conducted in Sinhala and Tamil inviting the participants to choose their preferred language. The third FGD was conducted in English for development partners. The outcome of the FGDs culminated in a comprehensive understanding of the counter-trafficking work of CSOs, challenges, and good practices.



Five (05) KIIs with donor agencies; experts on counter-trafficking; and key government officials identified in consultation with the Foundation were employed as a primary research instrument. These interviews enabled the consultant to verify and supplement information gathered through the desk review and FGDs as well as identify further issues pertaining to the situation of TIP in

Sri Lanka; counter-trafficking efforts funded and carried out by non-state actors and the efficacy of those strategies; views of state actors on the work of CSOs and the efficacy of those strategies; and means and methods to overcome the challenges and shortcomings of the strategies.

The information collected through the FGDs and KIIs have been synthesized for the purposes of the report and have not been attributed to individual respondents.

2. Sri Lanka: Trafficking in Persons country situation

2.1 Prevalence and forms of Trafficking in Persons in Sri Lanka

The Desk Review together with information gathered through FGDs and KIIs disclose the prevalence of both internal and external TIP in Sri Lanka. However, the extent of the prevalence of TIP cannot be ascertained as the information gathered is largely anecdotal with systematic documentation commencing with various stakeholders only in the past year. Empirical evidence on the prevalence of either form of trafficking is largely absent in the public domain. The accessible officially available data pertains to the number of complaints received by the Sri Lanka Bureau of Foreign Employment (SLBFE) which is limited to labour related violations faced by migrant workers from Sri Lanka, the Police in the crimes statistics reports, and the number of prosecutions initiated by the Attorney General's (AG) Department.² CSOs working on counter-trafficking claim that the SLBFE statistics conflict with statistics gathered through community mapping³, which therefore is deemed incomplete and therefore unreliable by CSOs. There are constant concerns voiced in relation to the low levels of identification of victims stemming from a lack of understanding and application of the basic ingredients of the offence. Therefore, caution must be exercised in relying on officially available data sources for information on the prevalence of TIP in Sri Lanka.

The main forms of exploitation in Sri Lanka in relation to TIP are forced prostitution and forced labour. No verifiable information regarding TIP for organ removal is reported. Approximately 400-500 deaths of Sri Lankan migrant workers are reported each year and their remains repatriated, sometimes with organs removed, but investigations have not indicated TIP for organ removal.⁴

In terms of external TIP, Sri Lanka is identified as a country of origin, transit, and to a lesser extent a destination country for men, women, and children trafficked for the purposes of exploitative labour, commercial sexual exploitation, and servitude.⁵ As the largest source of foreign exchange in Sri Lanka, the foreign employment process receives state patronage.⁶ Consequently, counter trafficking efforts are predominantly geared towards addressing external trafficking, to which migrant workers potentially fall prey. External trafficking mainly occurs in the construction, apparel, and domestic work sectors in the Middle-Eastern region, Hong Kong, Malaysia, Singapore, Japan and at times European countries and even the United States. Contract substitution in destination countries, for both males and females, is a common occurrence while some elements of the Kefala system practiced in certain Middle-Eastern countries have left migrant workers vulnerable to trafficking. Further, the Desk Review discloses that perpetrators force Sri Lankan women into commercial sex in South and Southeast Asian countries as well as in Middle Eastern countries.⁷ Sri Lanka is also a transit point for Nepali women subjected to forced labor in the Middle East.⁸ At the same time, students in search of foreign higher education opportunities are persuaded to migrate on student visas on the promise that suitable employment will be secured for them to cover the costs of studies and living but they are later forced into working under hazardous

2 See 5.1 below for data collection initiatives of CSOs

3 See note 1 above

4 Ibid and FGDs

5 See the National Strategic Plan to Monitor and Combat Human Trafficking 2015 – 2019, Human Trafficking in Sri Lanka, Situation Report International Migration in South and South-West Asia at <https://sitreport.unescapsdd.org/sri-lanka/human-trafficking>, and "Mahiyanganaya woman remanded for sex trafficking", Daily News at <http://www.dailynews.lk/2021/03/13/law-order/243863/mahiyanganaya-woman-remanded-sex-trafficking> (13 March 2021)

6 SLBFE, Annual Statistical Report of Foreign Employment – 2018

7 2020 USDOS Trafficking in Persons Report at pg.471

8 Ibid

conditions to cover their costs of education. This practice is deemed indicative of TIP as the vulnerability of these students is exploited in this instance.⁹

Another aspect of external trafficking is in relation to the relatively recent phenomenon of the migration of large numbers of foreigners into Sri Lanka in search of employment. They predominantly seek work in the commercial construction industry and factories. They originate from countries such as Pakistan, China, India, Bangladesh, and Afghanistan. While some of these persons are on employment visas, the presence on the territory of whom the Department of Immigration and Emigration have records of, it is assumed that most foreigners who engage in work remain on the territory on short-term visit visas which explicitly prohibit employment during their stay and therefore maintain a low profile vis-a-vis the authorities. As a result, unless the employers are diligent and ethical, these persons could be left without the protection of domestic labour laws making them vulnerable to trafficking. At the same time, instances of foreign women being trafficked into Sri Lanka were also reported, mainly from the territories of the former Soviet Union, China, Thailand, as well as elsewhere for commercial sexual exploitation. This is substantiated by the few court cases on TIP in Sri Lanka, including convictions, that have involved sexually exploited women from other countries.¹⁰

While not as visible or acknowledged as external trafficking, internal trafficking too occurs in Sri Lanka. The TIP database maintained by the Women and Media Collective (WMC) as well as information gleaned through FGDs and KIs revealed evidence of commercial sex workers and informal sector workers being trafficked. Sexual exploitation of women and children in spas in Colombo as well as other tourist destinations, which are mostly unregulated, were also reported. Another form of internal trafficking occurs within the external labour migration process, with women brought to main cities with false promises of foreign employment forced into prostitution in larger cities. Domestic workers in Sri Lanka too face labour exploitation, indicated by long hours of work, appallingly low salaries, and unregulated working conditions.¹¹ FGDs also shed light on a recent trend in the Northern provinces where young women are deceived into arranged marriages and subsequently forced to work as domestic helpers in the homes of the husbands, usually in Colombo. As revealed by FGD discussants, another method of labour trafficking relates to manpower workers¹² in Free Trade Zones who are subject to labour exploitation and are therefore potentially victims of TIP. Manpower workers are not regulated by law thus losing legal protection, which makes them vulnerable to hazardous labour conditions. These workers are sometimes required to work longer hours and are not entitled to paid leave, while also receiving lower wages than their counterparts in the permanent workforce due to manpower agencies deducting a commission out of their wages.

FGDs further revealed that children are exploited in worst forms of child labour particularly in shops or the construction field within the country. The Child Activity Survey of 2016 confirms that “43,714 children (in Sri Lanka) were reported as engaged in child labour and out of which 39,007 children were identified as children who engaged in hazardous forms of work”.¹³ Children are also victims of sex trafficking, enticed with promises of education and employment opportunities. Sometimes they are reported to be transported to areas such as Ella, Hikkaduwa, and Polonnaruwa during prominent festivals for sexual exploitation in return for small gifts and money which can be

9 See note 1 above and shared by FGD participants

10 For instance, see *Republic of Sri Lanka v. T.T. Banu and others* available at https://sherloc.unodc.org/cld/case-law-doc/traffickingpersonscrimetype/lka/2011/republic_of_sri_lanka_v._t.t._banu_and_others.html?lng=en

11 UNODC, Global Report on Trafficking in Persons 2020 (United Nations publication, Sales No. E.20.IV.3)

12 See Priyanka Jayawardena, Transforming “Manpower Employment” to Decent Work of Greater Quality, *Talking Economics*, the blog of the Institute of Policy Studies of Sri Lanka (IPS), at <https://www.ips.lk/talkingeconomics/2016/02/19/transforming-manpower-employment-to-decent-work-of-greater-quality/>

13 Report on Child Activity Survey 2016, Department of Census & Statistics of the Ministry of National Policies and Economic Affairs and ILO, Sri Lanka at <http://www.repo.statistics.gov.lk/bitstream/handle/1/760/Child%20Activity%20%20Survey%202016%20-%20English.pdf?sequence=1&isAllowed=y>

indicative of child sex tourism.¹⁴ It is also reported that some child domestic workers in Colombo, usually of Tamil ethnicity from the plantation sector, are subjected to physical, sexual, and mental abuse; non-payment of wages; and restrictions of movement- all of which may indicate labour trafficking.¹⁵

A common concern of CSO respondents was that the issues regarding migrant workers are usually considered as infractions of labour law or contractual obligations rather than potential TIP cases. The Desk Review disclosed that similar concerns arise in relation to internal trafficking due to potential internal trafficking complaints being treated as cases of sexual abuse/prostitution or violations of labour conditions.¹⁶

2.2 Profiles of victims and perpetrators

Both Sri Lankan nationals as well as foreign nationals fall victim to TIP. While it is generally accepted that women constitute the majority of trafficked victims, some KII and FGD respondents cautioned against this estimation as they have come across incidents of labour exploitation of men, who could potentially be victims of TIP. In the absence of programmes geared towards male victims of TIP, including the assistance and protection services, male victims may opt not to pursue criminal justice. Another reason could be the general gender-bias in society and the specific narrative of TIP which strongly emphasizes on women victims. This may dissuade men from complaining about their victimization. Data contained in the 2019 USDOS Trafficking in Persons report also supports the contention that male victims may outnumber female victims. According to the report Sri Lankan authorities identified 66 potential TIP victims during the reporting year, among which 56 were male victims.¹⁷

Available information suggest that most victims of TIP, be it men, women, or children are from rural, poverty-stricken areas including the plantation sector, while also often being in debt. Micro credit financial schemes, a recent phenomenon in most rural areas in Sri Lanka have especially pushed women in to considering migration the only viable option to pay back the debt. Most female victims have also been in abusive relationships or have had spouses who do not financially support the family. Male victims are mostly unskilled or low-skilled labourers. In the case of child victims, victimization often occurs due to a lack of parental care and the victims have faced situations of domestic violence, sexual abuse, or drug abuse.¹⁸

Recruitment agencies and sub-agents or informal facilitators, the latter usually known to the victims and therefore are trusted, are mostly responsible for TIP. This is true for both internal and external TIP. The lack of monitoring or regulation of sub-agents in Sri Lanka creates an enabling environment for TIP. Facilitators are sometimes trishaw drivers, employees of hotels, and debt collectors of micro-finance companies. FGDs also revealed that perpetrators could also be victims or may have been victims in the past. For instance, institutionalization of child victims of abuse may result in the children being subject to TIP by caregivers or persons in authority¹⁹ who may go on to become perpetrators themselves. In other instances, victims of TIP for forced labour may later act as sub-agents to lure others in the community with promises of lucrative employment opportunities and then subject them to TIP.

While no evidence exists on criminal syndicates or cartels trafficking people, which is an issue in other regions of the world, the desk review highlighted the possibility of the existence of loose

14 See note 1 above

15 See note 7 above at pg.472

16 Ibid

17 However, the 2020 USDOS Trafficking in Persons Report noted that identification of victims had drastically decreased in the reporting year, with only 13 identified victims, out of which five were female sex trafficking victims exploited within the country (including three children) and eight were forced labor victims (four male and four female) exploited in various countries abroad.

18 See note 1 above and FGDs

19 See note 7 above at pg.472

networks which may take the guise of criminal groups. At the same time however, there is an observable trend of such groups of traffickers operating from India, through local sub-agents.²⁰

Unfortunately, the Desk Review found reports of authorities penalizing men, women, and children for prostitution, vagrancy, or immigration offenses with no concerted efforts to screen the cases for trafficking. It is also reported that children arrested on charges of prostitution are held in government and privately operated childcare institutions.²¹

2.3 Emerging trends in Trafficking in Persons

The following trends were identified as new or emerging trends in relation to TIP in Sri Lanka through the desk review and field research. Some of these trends have been elaborated in the preceding sections:

- Use of technology for online child sexual exploitation and for the recruitment of vulnerable women for purpose of sex trafficking, through coercive and extortive practices. It is reported that agents or handlers coerce or entice children into pornographic productions when required by pornography producers.²² Children are also trafficked directly through online platforms using the dark web.²³ Boyfriends or intimate partners of girl children and adult women use intimate photos or videos of the victims to force or coerce them in to commercial sexual activities through threats of exposure.²⁴ An incident was reported of an unregistered agency forcing a couple into foreign employment by threatening to show a video of them engaged in sexual activities with unknown persons to the other partner. The videos were allegedly captured by the Agency after intoxicating them and performing nonconsensual sexual acts on them.²⁵
- Drugs and addiction to drugs are used to induce children and coerce women into sex trafficking. Women under the influence of drugs are sexually abused and the photographs of such abuse are later used to coerce women into prostitution. The drug addiction of both women and children are used to coerce them into prostitution in order to sustain the addiction.
- Use of visit and student visas for external migrants as a means to circumvent the requirement for all migrants for employment purposes to register with the SLBFE. Persons on visit and student visas are illegally placed in employment in the destination countries. The precarious existence of these migrants without legal authorization to be employed in the destination countries makes them vulnerable to TIP as they are willing to be employed under any conditions.
- Proliferation of unregulated spas gives rise to concerns of sexual exploitation of women and girls working in those spas. It is reported that these spas are often only fronts for businesses offering sexual services and identification documents of the employees are removed while communication with the outside world is restricted, imprisoning them in these establishments.²⁶
- Internal trafficking within the process of external labour migration as explained before in 2.1 above.
- Trafficking of foreign migrant workers into Sri Lanka as explained before in 2.1 above.

20 Ibid

21 Ibid at pg.470

22 See note 1 above

23 Ibid

24 FGD Respondents

25 Ibid

26 Ibid

2.4 Impact of COVID-19 on Trafficking in Persons in Sri Lanka

In Sri Lanka, as in other parts of the world, the COVID-19 pandemic has brought to the fore systemic and deep-rooted economic and social inequalities that persist in society, which often are the main causes of TIP. The government adopted unprecedented measures, following many other countries, to contain the spread of COVID-19 such as curfew, lockdown of certain areas, and internal and external travel restrictions, which stemmed the spread of the virus but which have created opportunities for TIP to be committed.²⁷

At the same time, COVID-19 also created limitations on the capacity of state and non-state actors alike to provide essential services to the victims of TIP both in Sri Lanka as well as Sri Lankan labour migrants in labour importing countries. CSO representatives were unable to work properly, including visiting communities, meeting with the people they serve and with government representatives during the lockdown and had to resort to reach out to victims via telephone or social media services, which were not as satisfactory as in person services. Further, restrictions on travel and gatherings compelled CSOs to explore alternative training methods such as the use of virtual platforms to replace in-person trainings for their capacity building activities.

In interviews, respondents from the government stated that external trafficking seems to have decreased due to the closure of the airport preventing labour migration, but CSO respondents in FGDs opined that it is too early to definitively determine the full impact of the pandemic on the situation of TIP in Sri Lanka on external trafficking. However, the general consensus is

that the pandemic has made people more vulnerable to TIP. Anecdotal evidence of possible TIP situations was shared during the FGDs, which are briefly listed below:

- .. Labour exploitation in export processing zones and free trade zones due to the reduction in business leading to fewer workers with longer hours of work and reduced salaries.
- .. Sub-agents targeting foreign returnees and people who suffered job losses due to the pandemic on the pretext of recruiting them as health care workers for local and foreign hospitals but in fact recruiting them to work in brothels in Colombo.
- .. Production of ‘soft porn’ by family members using women and children in their own families, without their consent to be broadcast via the internet on a pay-per view basis. This phenomenon is referred to as “abuse by proxy”.
- .. FGD participants predicted a likely increase of up to 30-40,000 female commercial sex workers, who are currently estimated to be around 16,000, as many females, including returnee female migrant workers, are unemployed with no immediate prospects of employment. However, these figures are subject to verification.
- .. Labour exploitation, including non-payment of wages and excessive working hours, of migrant domestic workers in destination countries as lockdowns prevented domestic workers from leaving the houses of the employers.
- .. The thousands of unregistered/undocumented migrant workers stranded without employment prospects, especially in the Middle-Eastern region, whose vulnerabilities could be exploited by traffickers.

27 UNODC, Impact Of The Covid-19 Pandemic on Trafficking In Persons- Preliminary findings and messaging based on rapid stocktaking (2020)

3. Legal and regulatory framework and relevant institutions

The legal and regulatory framework governing TIP in Sri Lanka consists of international and regional Conventions, in addition to domestic laws, regulation, policies, and other commitments. Several government institutions are primarily responsible for counter-trafficking measures of Sri Lanka. While the national legal framework does not specifically recognize the role of CSOs in counter-TIP measures, CSOs play a key role in many aspects of the law, from policy level interventions in drafting laws (See Section 3.3 below), to monitoring and reporting on the implementation of international conventions (See Section 7 below), and reviewing the legal framework for compliance with international standards (See Sections 3.3 and 5.5 below). CSOs also participate in global and regional forums initiated inter alia to combat TIP (See Section 3.2 below).

3.1 International Conventions

Sri Lanka is a party to the United Nations Convention against Transnational Organized Crime (UNTOC) since 2006 and ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo protocol) on Trafficking in Persons on 15 June 2015. Sri Lanka is also a party to other key international human rights treaties relevant to combatting trafficking such as the Convention on the protection of rights of all migrant workers and their families (CMW) in 1995; the International Covenant on Civil and Political Rights (1976) (ICCPR); International Covenant on Economic, Social and Cultural Rights (1976) (ICESCR); Convention on the Elimination of All Forms of Discrimination against Women (1981) (CEDAW); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987) (CAT); and the Convention on the Rights of the Child (1990) (CRC). Further, the State has ratified all core International Labour Organization (ILO) Conventions while endorsing the ILO Multilateral framework on labour migration. CSOs routinely submit shadow reports to the reporting mechanisms of these instruments which assist the international bodies to more reliably monitor state compliance with treaty provisions.²⁸

3.2 Regional processes

In the regional sphere, Sri Lanka has ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. Additionally, Sri Lanka is a member of several regional consultative processes dealing with TIP. The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime²⁹ has UN agencies as members, in addition to states.³⁰ The 2018 Declaration of the Seventh Ministerial Conference of the Bali Process acknowledged the importance of CSOs in identifying, protecting, and supporting victims of TIP and pledged to support the efforts of member states in strengthening collaboration with civil society including broadening the participation of CSOs in policy dialogue, promoting transparency and facilitating exchange and joint learning to increase capacity. The Abu Dhabi Dialogue³¹, a state-led regional consultative process for dialogue and cooperation between Asian countries of labour origin and destination, has IOM, ILO, and civil society representatives as regular observers at meetings.

28 See section 7 below for more details

29 See <https://www.baliprocess.net/> for information on the Bali Process

30 Such as the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the United Nations Office of Drugs and Crime (UNODC) and the International Labour Organization (ILO).

31 See <http://abudhabidialogue.org.ae/about-abu-dhabi-dialogue> for information on the Abu Dhabi Dialogue

The Colombo Process³² is a Regional Consultative Process on the management of overseas employment and contractual labour for countries of origins in Asia.

3.3 Domestic laws, policies, and institutions

CSOs which participated in the FGDs opined that the domestic legal framework was adequate to address TIP with perhaps minor adjustments. However, concerns were raised in relation to the limited recognition and standing accorded to CSOs within the legal framework, especially considering the significant role played by CSOs in combating TIP (See Sections 4 and 5 below for more information on the role of CSOs in combating TIP). Apart from service provision to victims and assisting authorities through capacity building, training, etc CSOs also contribute to the development of domestic laws and policies by way of undertaking reviews of legislation and procedures which are presented to the government for action (See Section 5.5 below for more details), providing technical assistance for the government to undertake law reform, and provide input to policy discussions at the invitation of the government.

For instance, ILO conducted the regional conference related to issues on modern day slavery with the participation of government, employers, and trade unions and shared its findings of the research on the commercial and sexual exploitation of children with the government for action. The Foundation, ILO, UNODC, Helvetas, and the Solidarity Center participated in the civil society consultation of the NAHTTF to review and revise its National Strategic Action Plan to Monitor and Combat Human Trafficking (2014-2019). The Solidarity Center conducted discussions to provide policy recommendations in various forums on the decentralization of the recruitment process and the review of the reconciliation process to include more transparency.

The following account of the domestic legal framework governing counter-TIP in Sri Lanka, where relevant, makes reference to the role of CSOs within the legal framework and contributions made by CSOs to the development of the legal framework.

•• Legislation

The Penal Code is the key national legislation addressing TIP. The *Penal Code amendment Act No. 16 of 2006*, introduced to bring the law in line with international standards, contains a comprehensive definition of human trafficking in section 360(C). The definition includes trafficking of children and criminalizes all aspects of TIP contained in the Palermo protocol. *Section 17 of the Code of Criminal Procedure Act No. 15 of 1979* contains provisions for the court to order the offender to pay compensation to the victim up to one hundred thousand rupees. However, legal professionals opine that investigations often fail to reveal TIP due to the complexity of the crime itself, thereby forcing investigators and prosecutors to prosecute under less complex criminal provisions³³ such as ‘procuration’³⁴. While legislative provisions are adequate, the majority of FGD and KII respondents were of the view that the lack of understanding of the crime at local police station level also contributes to low levels of identification of victims.

Further, the *Convention on preventing and combating trafficking in women and children for prostitution Act No. 30 of 2005*, which has not been operationalized to date, gives effect to the SAARC Convention on Trafficking in women and children for prostitution³⁵.

32 See <https://www.colomboprocess.org/about-the-colombo-process> for information on the Colombo Process

33 See note 1 above

34 Section 360A of the Penal Code (Procuration)

35 The Act comes into operation on a date published by the Minister in charge of the subject in an order in the Gazette which has not been published as yet.

Additionally, the *Assistance to and protection of Victims of Crime and Witnesses Act No. 04 of 2015* is the primary legislation for the protection of victims of crimes and witnesses. It provides victims of all crimes, including victims of TIP a right to compensation up to one million rupees and assistance. The Authority for the Protection of Victims of Crime and Witnesses and the Victims of Crime and Witnesses Assistance and Protection Division, which is yet to be established, are obliged to provide such assistance and protection required under the Act. The National Child Protection Authority (NCPA) is empowered by way of the *National Child Protection Authority Act, No. 50 of 1998* to take necessary measures to prevent child abuse and to protect the victims of such abuse. Child abuse is interpreted to include Trafficking of children as defined in the Penal Code.

The SLBFE established by the *Sri Lanka Bureau of Foreign Employment Act No. 21 of 1985*, has the sole authority to register foreign employment agents and record complaints from migrant workers and provide redress after due investigation. While the Act does not criminalize TIP per se, Section 63 of the Act criminalizes conduct which forces persons to emigrate for employment without their informed consent. Unfortunately, the offence carries as its penalty an insignificant fine and a term of imprisonment, detracting from the deterrent effect of the provision. In 2017, A review of the SLBFE Act was carried out as a joint initiative between several CSOs intended for the Ministry of Foreign Employment (MFE) and SLBFE.³⁶ The review recommends *inter alia* to hold all agents and sub-agents of foreign employment agencies equally responsible for committing offences such as trafficking.

Section 45C of the *Immigrants and Emigrants (Amendment) Act, No 31 of 2006*, while not directly addressing TIP, criminalizes “the recruitment of a person on a promise of securing employment outside Sri Lanka; or knowingly making false promises of employment in a foreign country or making any false representation or disseminating misleading information with the intention of inducing persons to leave Sri Lanka for foreign employment”.

●● **Policies and strategies**

The *National Strategic Plan to Monitor and Combat Human Trafficking 2015 – 2019* (NSP), which was replaced by the National Strategic Action Plan to Monitor and Combat Human Trafficking (2021-2025) introduced in February 2021, identified activities and agencies responsible for each activity in counter trafficking efforts. The Task Force is responsible for the oversight and monitoring of the NSP. It is reported that the majority of the activities of the NSP had not been implemented within the stipulated timeframe which ended in 2019. Objective 4 of the NSP focuses on strengthening partnerships with CSO to support a comprehensive response to TIP. Corresponding activities include establishing a caucus of CSOs working to combat TIP and designate a specific role within the Task Force; conduct quarterly meetings with the caucus to increase information sharing; and identify joint action with CSOs. As the duration of the NSP expired in 2019, the Ministry of Justice (MoJ) sought to draft a new NSP through a consultative process. IOM supported the Ministry to convene a consultation with CSOs for this purpose in December 2019. KIIIs disclosed that the outcome document of the forum was considered in drafting the new Strategic Plan.

The National Strategic Action Plan to Monitor and Combat Human Trafficking (2021-2025) identifies the importance of strengthening coordination and partnerships with NGOs to support a comprehensive response to human trafficking. An activity to convene civil society/CSO stakeholder meetings to present and discuss issues of concern pertaining to human trafficking and to share

³⁶ See Review of the Sri Lanka Bureau of Foreign Employment Act No. 21 of 1985 & The Recommendations made by the Civil Society at [https://www.helvetas.org/Publications-PDFs/Asia/Sri-Lanka/Review%20of%20the%20SLBFE%20Act%20No%20of%201985%20and%20Review%20of%20the%20SLBFE%20ACT%20No%20of%2021.Of%201985%20and%20Recommendations%20Made%20by%20the%20Civil%20Society%20\(March%202017\).pdf](https://www.helvetas.org/Publications-PDFs/Asia/Sri-Lanka/Review%20of%20the%20SLBFE%20Act%20No%20of%201985%20and%20Review%20of%20the%20SLBFE%20ACT%20No%20of%2021.Of%201985%20and%20Recommendations%20Made%20by%20the%20Civil%20Society%20(March%202017).pdf)

best practices for informed decision and policy making of the Task Force is included under the 'partnerships' pillar of the Strategic Action Plan. This may provide fresh impetus for CSOs to engage more constructively with the NAHTTF in the future.

FGD respondents from CSOs identify the reason for the lack of initiative on the part of the NAHTTF to collaborate with CSOs as per the NSP as the failure of the NAHTTF to appreciate the benefit of collaborating with CSOs on counter-TIP activities. Another compelling reason for CSOs not to seek collaborations with the NAHTTF is the inactivity of it which naturally propels CSOs to work with individual NAHTTF members who they already have good professional rapport with.

The *National Action Plan for the protection and promotion of Human Rights- 2017-2021* (NAP) of the Government of Sri Lanka identifies reducing the occurrence of TIP as a necessary condition to ensure the liberty and security of all persons³⁷. One of the objectives of the chapter dedicated to Rights of Migrant Workers is to increase awareness on safe migration, possible risks related to migrant worker exploitation, and trafficking at all stages of the migration cycle.³⁸ While the NAP recognizes a role for CSOs in relation to certain rights such as disability rights, it does not have specific reference to CSOs in relation to addressing TIP related issues.

Labour migration being a priority concern for the government, the *National Labour Migration Policy* (NLMP) for Sri Lanka was introduced in 2008. The Policy recognizes the gravity of the issue of TIP and requires the state to take measures for the prevention of TIP and enforcing of legal procedures and penalties for those involved in trafficking. Currently, this Policy is under review to strengthen its content. The NLMP focusses only on external labour migration which limits the scope and does not capture TIP related to internal migration.

The *Standard Operating Procedures for the identification, protection and referral of victims of human trafficking* (SOP) have been formulated to provide guidance to first responders including CSOs and stakeholder institutions during 5 phases of the identification, protection and referral process. It also contains a screening tool to assist in the identification of potential victims of labour trafficking. CSOs indicate that the SOPs are not comprehensive or updated thus failing to reflect current processes. In order to address lacuna, the Foundation commissioned a review

of the SOP³⁹ with a view to evaluate the role of the NAHTTF, and to assess the implementation of the SOP including the way it has been operationalized, to understand the challenges as well as the best practices in doing so, and where necessary, to make appropriate recommendations to enhance its effectiveness. This study revealed that the SOP is not being followed simply due to the reason that institutions follow their own set of home-grown procedures in identifying victims of TIP. The Review found that the Needs Assessment Matrix, the Screening Tool, and the Referral Form in the SOP are not used to a great extent. It recommends that the SOP could be a guideline for an institution to draft its own procedures, as most users seemed to be reluctant to go beyond the mandates of their own institutions.

At the same time, the *Code of Ethical Conduct for Licensed Foreign Employment Agencies*(CoEC) and the *Standard Operating Procedure for the Code of Ethical Conduct for Licensed Foreign Employment Agencies* (LFEA) (SOP) require Agencies to refrain from committing TIP. Civil Society provided feedback on the recommendations of the National Study of recruitment practices in Sri Lanka and overseas conducted by the ILO at the national stakeholder workshop organized by ILO which was held in April 2012. The CoEC is a direct result of this workshop. Circular No. Lic/04/2014 dated 29th October 2014 issued by the Chairman of SLBFE

37 Goal 2, Objective 2.7 of the Chapter on Civil and Political Rights

38 Goal 5, Objective 5.5 of the Chapter on Rights of Migrant Workers

39 The Foundation Briefing paper titled "Review of the Standard Operating Procedures for Victims of Human Trafficking – 2015- Some Key Findings"

requires the CoEC to be implemented and for all LFEAs to comply with the rules and guidelines spelled out in the CoEC. Section 5(ii) of the CoEC requires LFEAs to take measures to ensure that they do not engage in human trafficking. The LFEAs is obligated to protect the industry and their clients against trafficking in persons and are to offer their fullest cooperation to law enforcement to investigate and prosecute offenders as per Section 5(iii) and educate their staff on the criminal offence of trafficking contained in the Penal Code of Sri Lanka.

The SOP was developed by IOM through a series of consultative workshops with LFEA in Sri Lanka. Civil society also contributed to the analysis of the draft SOP as part of the expert group consisting of labour migration industry experts from the government, recruitment agencies, and international organizations appointed for the task. Section 2.4.3 casts an obligation on Licensed Foreign Employment Agents to assist in the prevention of trafficking and child labour. Section 2.9.1. of the SOP encourages agencies to build positive partnerships with, among others civil society partners, in order to enhance the standards of the Licensed Agency and allow learning about policy and practices in the industry.

While CSOs are not specifically identified in the CoEC as a stakeholder, it does not preclude CSOs from bringing complaints against LFEA to the SLBFE. At the same time, CSOs may use the SOP as leverage to build positive partnerships with LFEA to engage in prevention activities.

●● **Institutional structures**

The NAHTTF was established in 2010 to strengthen the co-ordination and collaboration of all key stakeholders in addressing TIP and was scheduled to meet regularly. The Task Force consists of 19 government member institutions. It is chaired by the Ministry of Justice, which is the lead government agency for the coordination of all counter-TIP initiatives. While CSO representatives have been invited to Task Force meetings in the past, it has been reluctant to

formally engage with CSOs in recent years. Nevertheless, interviews showed that the Task Force has engaged with CSOs through Intergovernmental Organizations working on counter-TIP⁴⁰ while individual member institutions were found to have close links and work successfully with CSOs in the field.⁴¹

The *Human Trafficking and Smuggling Investigation Bureau of the Criminal Investigation Department (HTSIB-CID)* of the Sri Lanka Police is the central focal point for all TIP complaints. Complaints received by government institutions including area police and cases of victims identified by CSO first responders must be referred to this Unit for investigations. After investigating, the Bureau will refer cases to the Attorney General's Department for prosecution. Organizations such as the UNODC and the Foundation have fostered positive working relationships with HTSIB-CID through providing training on identification and referrals, which have been well received. FGDs disclosed that WMC collaborates with the Unit by updating it on TIP related complaints entered in the database maintained by WMC.

The *Anti-Human Trafficking unit* of the SLBFE accepts complaints on potential TIP within the labour migration process. These complaints are screened by the Unit to filter out cases with the relevant ingredients of the offence and forwarded to the Human Trafficking and Smuggling Bureau

40 Such as through IOM's "Sri Lanka: Strengthening Counter-Trafficking Efforts" (SCOUT) Project

41 For example the Foundation has a positive working relationship with the AG's Department, the Police, and the Legal Aid Commission. Helvetas works closely with SLBFE and MFE, while Caritas Sri Lanka conducts a Partner Advisory Committee meeting every 4 months at which the Ministry of Foreign Employment and SLBFE participate. Save the Children successfully partners with the Ministry of Women and Child Development and the NCPA. Further, FGDs revealed that many CSOs invite SLBFE officials as resource persons for their training and capacity building programmes at the same time as government institutions send their officers for trainings conducted by CSOs in order to enhance and update the knowledge of their officers. Some CSOs also interact well with the Ministry of Foreign Affairs to secure documentation for deaths abroad etc.

of the CID. The conciliation process of the SLBFE provides another mechanism through which aggrieved migrant workers could obtain redress. FGD discussants opined that most victims opt for the conciliation process as it is considered more expedient and financially attractive for the victim. However, 'the power imbalance inherent in the conciliation process was felt to disadvantage the victim, who is the complainant. As the recruitment agencies are powerful and have strong connections at the SLBFE, the agency dominates the conciliation process'.⁴² CSOs play a crucial role in this process, as they often assist complainants to submit complaints for conciliation and provide support and assistance throughout the process. FGD discussants believed that CSO interventions result in a higher percentage of successful claims.

Women's Bureau of the Ministry of Women and Child Affairs maintains the only state-run shelter for victims of TIP. It was established in December 2012 and is exclusively for female victims of TIP. A magisterial order is necessary to house officially identified victims of TIP in this shelter. Therefore, CSO service providers refer potential victims who do not enter the criminal justice process to shelters run by other CSOs. At the same time, CSOs provide assistance to the Bureau in relation to the Shelter. For instance, the IOM provided technical support and assistance to set up the shelter in December 2012, while more recently, Helvetas conducted a Capacity/KAP (Knowledge, Attitude, and Practices) Assessment for the Shelter under the Equipping Sri Lanka to Counter Trafficking in Persons (EQUIP) project and conducted capacity building Training for the staff of the Shelter.

42 See note 1 above

4. CSOs and donor aid

CSOs play an indispensable role in the service provision to victims of TIP. While government service providers are bound by their respective mandates and regulations CSOs, despite identified areas of expertise and work, are not bound by rigid mandates. Therefore, CSOs are best positioned to provide support to victims and are able to guide victims through complex legal and service processes with active referrals. Further, FGDs disclosed that most community-based CSOs are closer to the people and have earned their trust over the years by working closely with the respective communities. Victims also do not fear CSO personnel as they would persons or institutions of authority, making them more comfortable in approaching CSOs. CSOs provide a comfortable space in which they could share their stories and do not require evidence at the outset, unlike government officials would before undertaking to investigate the complaint as required by their mandates. Most importantly, CSOs provide assistance for victims to claim redress for their rights violations, as most often victims do not have the necessary social capital for this.

In order to perform these essential functions, the majority of CSOs rely on donor funding to carry out their activities. CSOs such as Caritas receive funding through their own global Caritas network as well. While donor funding is undoubtedly necessary, anecdotal evidence points to a high donor-dependency, which often adversely impact the sustainability of CSO activities. It is pertinent to generate a discourse on whether CSOs cannot generate local funding, and if so, from which sources.

4.1 Sources of funding

Funding for counter-TIP activities of CSOs usually comes from donors, such as individuals, international non-governmental organizations, philanthropic organizations, as well as from governments. Interestingly, FGDs found that only certain organizations such as IOM, ILO, the Foundation, and Helvetas have specific funds for counter-TIP. Therefore, CSOs use other projects on safe labour migration or countering sexual exploitation to address TIP or work through a donor agency. For example, PREDO, ESCO, and SWOAD assist victims of TIP within the external labour migration process through a Swiss Development Corporation (SDC) funded safe labour migration project. Further, when CSOs do not have sufficient funds to support victims, they refer the victims to other organizations such as IOM or WIN.

Available qualitative information indicates that the post-2015 period saw significantly larger funds being allocated for counter-TIP activities by donor agencies. This has at times raised concerns that increase in funding and therefore activities may have contributed to create an artificially inflated sense of the TIP situation in Sri Lanka.⁴³ However, the current findings refute this concern. TIP is a global issue which has attracted significant funding to counter globally. It is not specific to Sri Lanka. CSOs opined that contrary to the popular belief that there exists an influx of funding, in reality funding is insufficient to carry out all counter-TIP activities and to ensure sustainability of such initiatives. FGDs also found that the Covid-19 pandemic has severely limited international donors from allocating new funding for TIP activities in the coming year. Some CSOs affiliated to international networks have been asked to raise funds locally.

CSOs including international development partners secure funding by way of submitting project proposals to donors. As available funding is limited, the process of securing funding is extremely competitive. Often, international development partners secure funding and carry out their work through local grantees. At other times local grantees are required to apply for funding from

43 Ibid

international development partners. FGD responses indicated that some CSOs will have to abandon their TIP related work once the current funding cycle ends, as no new funding has been received for TIP. This is a point of concern as CSOs play a significant role in countering TIP in Sri Lanka. The insufficiency of funding also dissuades CSOs from working with victims and disincentivizes victims from coming forward as it was felt that identifying victims serves no purpose if it is not possible to assist them.

Commenting on the above, the International Organization for Migration (IOM) in Sri Lanka offered a different opinion during the validation process of this report. It mentioned that “under the IOM’s SCOUT Project, we (IOM) always encourage CSOs to collaborate with relevant local government officials (DOFE, WDOs, counselling assistants, NCPA officers, Economic development officers) when providing assistance to victims. Some of the victims (that) IOM and CSOs supported, have been referred to the respective local government officials and have received access to vocational training and loan schemes as part of their reintegration”.

4.2 Sustainability

A successful counter-TIP approach is imperative to break the cycle of TIP. This requires sustainable measures to be implemented, which in turn requires adequate funding to allow CSOs to continue their activities. A challenge posed by project based funding is that funding is time-bound. This precludes the possibility of follow-up action in relation to assistance and prevention measures. To ensure sustainability beyond the project period, the Migrant Societies⁴⁴ and District Anti-Trafficking forums⁴⁵ have been trained to continue even after the projects end. However, FGDs found that time-bound funding is of special concern for CSOs handling cases or providing pro bono legal services, as the duration of the criminal justice process often exceeds the duration of the project. This puts a massive financial burden on the CSO to continue providing its services to victims.

4.3 How do CSOs avoid duplication of activities?

KIIs with donors found that they attempt to circulate project ideas as they come down. While no formal process exists to avoid duplication, in practice, grantee teams meet to discuss the grants provided in order to avoid an overlap in the work towards which the grant is allocated. Despite this there could be a certain degree of overlap. Project Officers oversee how the grants are allocated and strive to de-conflict.

Recognizing the importance of avoiding duplication of activities in order to maximize the utilization of donor funding, development partners have set up a development partners’ coordination meeting to coordinate amongst the development partners. The forum meets every 2-3 months. A mapping exercise was carried out to identify areas in which development partners can work together or to change the work they are undertaking in order to avoid duplication. When instances of duplication are found the grantees inform the donor and justify to the donor a deviation from the proposed project activity or undertake a complementary activity. This initiative also serves the purpose of ensuring that development partners or their grantees do not go to the same communities and repeat the work already done by others or give conflicting messages to that which has already been disseminated.

As the enormity of the issue of TIP requires reaching out to possibly all vulnerable communities, it is noteworthy that FGDs found even two CSOs working in the same district and on identical issues will not duplicate each other’s work as there are more communities to reach than there are resources available.

44 See 5.6 below for more information on Migrant Societies

45 See 5.6 below for more information on District Anti-Trafficking Forums

5. Counter-Trafficking activities of CSOs and attendant challenges

CSOs make significant contributions to the counter-trafficking landscape in Sri Lanka. CSOs, especially those working directly with vulnerable communities, are often the first responders to incidents of trafficking. In addition to identification of victims, collectively CSOs offer a range of services from referrals and protection assistance to case handling, awareness-raising, and reintegration support.⁴⁶

5.1 Data collection

A major lacuna in the counter-TIP efforts of Sri Lanka was the lack of systematic electronic or manual data collection or a central database on TIP, which tracks identified cases through the complaint, investigation, prosecution, and conviction process. Identifying the importance of data collection, the NSP too included the setting up of “effective processes to ensure the crimes database receives accurate and up to date information on identifications, investigations and prosecutions of cases of human trafficking”⁴⁷. However, this activity had not been implemented. Recognizing this data gap, the Asia Foundation (the Foundation), guided by the NAHTTF is working to set up a data collection mechanism to record TIP cases in Sri Lanka. This involved a country-wide survey of data collection and reporting systems in relation to TIP adopted by CSOs as well as a review of government institutions conducted by the Women and Media Collective (WMC) and the Nielsen Company. Based on the outcome of the survey, the Foundation attempted to establish an effective data collection mechanism for the NAHTTF. However, due to the varying mandates of the institutions it was decided to support individual institutions to establish data collection systems for TIP. Stemming from the surveys the Foundation and the NAHTTF developed a screening tool in the form of a checklist to identify potential victims of TIP (See annexure 2). This screening tool is currently used by CSOs working with vulnerable communities around the country. The data collected by CSOs is fed into a database managed by WMC. The database has improved evidence-based data collection and reporting of CSOs. The use of the screening tool has also improved identification of TIP victims by CSOs.

5.2 Identification and referral

CSOs engage in identification of victims of TIP and referrals to appropriate institutions. As stated above the introduction of the database and the use of the screening tool have improved the identification capacities of CSOs. However, while CSOs working on safe migration, trafficking, and other vulnerable communities are at present aware of the existence of TIP and have received extensive training on identification, empirical evidence suggests that most CSOs at community level are not fully aware of the institutional structure in place to specifically address the issue of TIP such as the existence or role of the NAHTTF or the referral process of a victim of TIP.⁴⁸

As concerns are constantly raised regarding low levels of proper identification of TIP victims despite the reporting of possible TIP situations, international development partners such as the UNODC, ILO, IOM and INGOs such as the Foundation, Save the Children and Helvetas have provided significant training on identification and tools such as the screening tool for first responders of both CSOs and government institutions. For example, UNODC has provided training to the Department of Immigration and Emigration, Sri Lanka Police, the Attorney General's Department, the SLBFFE,

46 WMC, Report of the Survey on the Existing Systems of Data and Information Collection by Civil Society Organisations in Sri Lanka relating to Trafficking-in-Persons (2019)

47 The reference is to the Grave crimes database set up within the Sri Lanka Police Criminal Records Division

48 See note 24 above

the NCPA, Ministries of Foreign Affairs, Women and Child Affairs, and Social Services. It has also prepared a comprehensive TIP Training Toolkit for the Sri Lanka Police and conducted trainings on it. The Foundation has training programmes to enhance the capacity of the investigation officers at the HTSIB-CID with technical guidance from representatives of the Attorney General's Department and provided training to officers of the Attorney General's Department to strengthen prosecutions. Helvetas provided training to Counselling Assistants and Counselling Officers deployed by the Ministries of Social Empowerment and Women and Child Affairs, and for SLBFE staff assigned to the Bandaranaike International Airport to enhance the referral mechanisms of victims of TIP detected in the airport to the Anti-TIP unit of SLBFE. IOM has conducted a series of trainings for Government officers, community based organisations (CBOs), and journalists in selected districts on different forms of human trafficking, victim identification, and protection and referral services.⁴⁹ IOM in collaboration with Save the Children supported the NCPA in formulating guidelines for law enforcement Officers on identification and tracking of child victims of TIP and guidelines for the SOP with a focus on child trafficking. Both these documents have been endorsed by the NCPA and State Ministry of women and child development.

CSOs at community level such as Social Welfare Organization Ampara District (SWOAD), CDS together with the Centre for Human Rights and Community Development (CHRCD), Eastern Self-Reliant Community Awakening Organisation (ESCO), and Organization of Environment and Children Rights Preservation (OECRP) have successfully conducted trainings on identification and referrals for police officers, Development Officers Foreign Employment (DOFEs), other government officers, and paralegals at district level. Paralegals were chosen from among community leaders and trained to identify and refer TIP related complaints to the appropriate government or non-governmental institution for further support. CSOs also avail of the expertise of government officials in conducting their trainings. These trainings were highlighted as highly successful by KII respondents in the Government sector. They also acknowledged that these initiatives fostered greater collaboration and networking between CSOs and government entities.

5.3 Protection and assistance

All CSOs either provide assistance or support to victims of TIP or refer victims to appropriate institutions- both governmental and non-governmental- for assistance. Assistance ranges from psychosocial support, legal and documentation assistance, to repatriation and reintegration assistance. However, these referrals are informal and not based on any formal cooperation agreements between CSOs or between CSOs and government entities. While referrals have largely been successful due to the links established by CSOs with local government officials, this lack of systemization and formal coordination between organizations has impacted seamless service provision to victims of TIP. Despite this finding however, IOM clarified during the validation process that it has supported 7 partner CSOs through formal cooperation agreements including a formal agreement with Caritas in terms of victim assistance as part of its SCOUT project.

CSOs with access to more funds have in-house counsellors who assist victims. For instance IOM provides psychosocial counselling for victims of TIP both in person and , through telephone or virtual platforms such as Skype, Zoom, or Whatsapp. In the absence of such services, all CSOs refer victims to government counsellors attached to the District Secretariat or to WDO. Victims in need of psychiatric assistance are usually referred to the closest public hospital. Other CSOs such as the Sisters of the Good Shepherd and WIN run registered safe houses for female victims of abuse including potential victims of TIP. While some organizations such as the LHRD provide legal aid to victims, other organizations such as WMC, PREDO, and SWOAD make referrals to pro-bono legal services, medical, and psychosocial support where necessary.⁵⁰ Also, organizations

50 See note 1 above

such as OECRP assist victims in collaboration with local government officials. Some victims have received psycho-social support, vocational training from “vidatha” offices at District Secretariats, and low interest loans from relevant government officers to support their reintegration. Helvetas works with the Legal Aid Commission looking at setting up a system of providing legal advice and legal aid for trafficking victims. FGDs revealed that CSOs also assist victims with case-handling support such as accompanying the victims to inquiries and conciliation hearings and providing them financial assistance to cover legal costs.

Organizations such as IOM also provide livelihood development programmes, vocational and career guidance, and repatriation and reintegration support for victims of TIP while organizations such as Caritas Sri Lanka provide assistance to obtain legal and identification documentation as well as medical care if necessary.

Additionally, the Foundation has initiated a regional Study aimed at ‘improving the efficiency and effectiveness of screening and service provision to victims of trafficking and gender-based violence (GBV) in diverse contexts’ in order to identify promising practices and challenges in the region in integrating or separating services for victims of human trafficking and GBV.

5.4 Investigations and prosecutions

Development partner organizations continuously provide training and resources to investigators and prosecutors. While UNODC has conducted several moots for judicial officers and the Attorney General’s Department aimed at providing skills needed for investigations, prosecutions and convictions of all forms of trafficking in persons, the Foundation developed a resource package on TIP for the Attorney General’s Department and conducted trainings on prosecution of TIP for the officers of the Department. The Desk Review indicated that ABA-ROLI developed a comprehensive manual for prosecutors on TIP in collaboration with the Attorney General’s Department, which is in the process of being finalized. At the same time, UNODC and the Foundation also conducted trainings for the Police on investigating TIP cases.

5.5 Prevention

Studies, programmes, and campaigns aimed at prevention of TIP are regularly conducted by CSOs. Several studies were carried out by organizations to identify vulnerability to TIP and the adequacy of the existing legal framework. For instance, the ILO with the Centre for Poverty Analysis (CEPA) conducted a study on trafficking and forced labour in the labour migration sector. The findings of the study indicated that most prospective migrants were vulnerable to forced labour as a result of a lack of information regarding the overseas migration process and recommended creating awareness at the grass root level on these issues. UNODC’s ‘Gap analysis of the existing national legislation on trafficking in persons in Sri Lanka’ and its compliance with the United Nations Trafficking in Persons Protocol and other relevant instruments made recommendations to strengthen the legal response to TIP based on its findings. In 2020, IOM conducted a Rapid Assessment on unscrupulous recruitment practices and its impact on human trafficking while also developing a policy brief on COVID-19 and its implications of external and internal human trafficking. The policy brief identified targeted interventions to respond to human trafficking during and in the aftermath of the COVID-19 pandemic.

Many organizations conduct awareness programmes in the community on safe migration as well as the risks of TIP. Such organisations as those in the former ACTFORM network⁵¹ and

51 Action Network for Migrant Workers (ACTFORM) was formed in 1999 as a specialized unit of WMC focusing on the rights of Sri Lankan migrant workers, particularly of women migrants. It was a network of migrants’ organizations working at village and district levels.

50 See note 4 above

SDC funded CSOs conduct pre-departure orientation awareness programmes to assist potential migrant workers to make informed decisions regarding the migration process. UNODC works with grass-root CSOs and through District Secretariats and Community Policing Units to sensitize the communities on TIP.⁵² The ILO conducted grass root level awareness raising campaigns titled 'Hari Paren Yamu' or 'Let's take the right path' coordinated by CDS to create awareness on forced labour and human trafficking. In addition, the ILO reached trade unions through training programmes on TIP and the public through awareness-raising material provided to DOs for distribution. The IOM provided technical support to the Ministry of Justice in collaboration with the NAHTTF to continue a public awareness campaign including broadcasting television advertisements highlighting TIP for labour and sexual exploitation. The hotline provided in the advertisement received calls seeking information and/or assistance. The public information campaign also widely disseminated leaflets, posters, brochures and manuals among government officials, CSOs, journalists, and the general public. The Solidarity Center through the Community Development Services (CDS), a sub-grantee of the Center, conducted workshops on anti-human trafficking targeting migrant communities.

At District level, CSOs disseminate information on safe migration through Migration Information Centres established in Divisional Secretariat Offices, Migrant Societies, and District Anti-Trafficking Forums (See Section 5.6 below for more information on these). They have facilitated the creation of regional networks bringing together DOFEs and other government officials. Migrant societies are another preventive network facilitated by CSOs which plays a pivotal role in combating TIP. Migrant Societies record information of all labour migrants in their areas which enable them to disseminate information on safe migration and also to track the wellbeing of these migrant workers. TIP prevention messages are usually woven into safe migration messages disseminated amongst the public.

5.6 Coordination

CSOs have built strong local networks with government officials and communities in their areas. These networks, despite being informal, have ensured that CSOs are accepted and their activities reach expected audiences effectively.

The IOM facilitated the establishment of District Anti-Trafficking Forums in 7 districts with a view to reach out to the grassroots level to identify and assist victims. These forums have been established in consultation with MOJ, which had officially requested District Secretariats to extend support to the process. Government officers (Police officers, Grama Niladari, WDO, DOFE, and Counselling Assistants), Government agents, community leaders and other CSOs participate in these forums. These forums were initiated in 2019 and meet quarterly. Forums are used to meet and discuss issues, trends, identified cases in the district and to make referrals as appropriate. These forums also link relevant local government officials, CSOs/community leaders in the respective districts and have yielded positive results and enhanced victim identifications and referrals as a result of productive dialogue. At the same time, CSOs participating in the SDC funded Safe Labour Migration Project, established 30 Migrant Societies in 09 divisional secretariat divisions within the project implementation districts. These Societies meet monthly and comprise returnee-migrants who are trained on safe migration practices. DOFE, WDO, CA in the Divisional Secretariats attend the meetings to provide support and referrals when necessary. The objective of the Societies is to discuss issues and concerns regarding the labour migration process and find solutions to these issues. Discussions are underway with the MFE and SLBFE to explore the possibilities of registering these Societies as independent societies. It is expected that participating CSOs in the Districts will sustain these forums beyond the project period.⁵³

52 Sri Lanka Trafficking In Persons (TIP) Report- Responses From Development Partners (2020)

5.7 Accountability and oversight

All CSOs are responsible for the effective implementation of their activities. CSOs registered with the National Secretariat for Non-Governmental Organizations (NGO Secretariat) are required to submit a quarterly report of the progress of their activities to the NGO Secretariat. In addition, CSOs also produce periodic reports to their grantors and are expected to conduct internal and external evaluations during the project implementation period to evaluate if the project objectives and goals have been met. Further, donor agencies conduct field visits to monitor the results of the work implemented, hold regular meetings with grantees, and conduct periodic evaluations of the work carried out.

5.8 Challenges to counter-trafficking activities of CSOs

The major challenge CSOs face in engaging in counter-trafficking activities is, according to the outcome of the FGDs, is the lack of political will. At the same time, CSOs feel that as TIP does not constitute a priority for the government except to the extent of fulfilling the requirements for the USDOS TIP Report, the absence of initiative of the NAHTTF, as the lead government agency responsible for counter-TIP measures exacerbates the situation. This impinges on all other aspects of counter trafficking activities. As government resource allocation hinges on the strength of the political will, the absence of which leaves potential victims without support or assistance. For example, CSOs observed that District Migration Information Centres are ineffective in their services or identification of victims due to the fact that most are under-staffed and under-resourced. They depend on CSOs for training needs and lacks clearly delineated guidance on existing processes. Further, the centralized complaints handling mechanism of the SLBFE incurs heavy financial costs to victims as well as CSOs providing assistance to victims which results in victims abandoning their complaints. A coalition of CSOs has submitted a public petition to allow for district level inquiries by the SLBFE in order to overcome this issue.

CSOs are also challenged by perennial resource constraints especially in providing assistance to victims. Due to a lack of resources or insufficient funds, most CSOs engage in referrals to appropriate services. Unfortunately, the ability of CSOs to provide crucial support such as legal and medical aid, livelihood assistance, and reintegration support is severely limited. Often funding is not provided to cover administrative costs of counter-TIP activities which necessitates CSOs to source those funds through other projects. Funding constraints also affect the sustainability of the initiatives. It is pertinent to note that CSOs do not appear to have explored the prospects of diversifying funding to look beyond traditional international donor agencies to secure adequate funding for their counter TIP activities.

Insufficient levels of awareness of the risks of TIP and available support services amongst the community, and understanding of the offence amongst first responders also are challenging to counter TIP work of CSOs. The solution remains in increased and continuous training and awareness-raising activities in the community and amongst grass-root CSOs. These in turn require large amounts of funding as current funding is insufficient to capacitate all vulnerable communities and CSOs working in counter-TIP.

Further, CSOs feel that the lack of formal recognition of the contributions of CSOs by the government and the reluctance of government counter-TIP mechanisms to formally collaborate with CSOs has impeded the progress of CSO activities. An effective national counter-TIP response requires a holistic approach to combatting TIP which includes government as well as civil society partners. However, countering this finding, IOM opines that it has facilitated the MOJ and NAHTTF members to collaborate with its partner CSOs and the MOJ had officially corresponded with the respective district secretaries requesting them to support IOM's/CSOs counter-TIP interventions at

53 See note 27 above

grassroots level. IOM has also observed close coordination/collaboration between the CSOs and district/divisional secretariats at local level. Nevertheless, no other evidence of formal cooperation between CSOs and government entities at any level came to light during this Study.

6. Coordination between CSOs and government counter-trafficking mechanisms

The NAHTTF is the lead government counter-TIP mechanism. Although, the NSP 2015-2019 requires the NAHTTF to “Strengthen partnerships with civil society organizations to support a comprehensive response to human trafficking”, FGDs found that it has displayed reluctance in the past to formally engage with CSOs, the general sentiment being that CSO participation will interfere with the sensitivity and confidentiality of issues discussed at the NAHTTF meetings.⁵⁴ While the Ministry of Justice, the chair of the Task Force, does not work directly with most CSOs, it has engaged with CSOs through development partners. Eg: setting up of the district level anti-Human Trafficking forums and the civil society consultation to review and revise the NSP. Apart from this, the NAHTTF has had only limited interaction with CSOs such as the event and panel discussion held by the NAHTTF with the support of development partners to commemorate the Anti Trafficking day 2019, which provided space for CSOs to strengthen links with NAHTTF members. The NAHTTF also does not attend the development partner’s coordination meetings (see 4.3 above) regularly. The lack of communication with CSOs has hampered CSOs from making informed decisions in relation to counter-TIP activities. Due to the lack of coordination between and among members as well as its reluctance to engage with CSOs, the common view of CSOs, with a few exceptions, on the NAHTTF is one of weariness.

Government sector KII respondents acknowledged that CSOs have been successful at community level and in the provision of assistance to victims. The anti-Human Trafficking forums have assisted in strengthening cooperation between CSOs and government entities at local level. Individual NAHTTF members also welcome the contribution of CSOs and acknowledge that the government is not equipped to address the issue of TIP alone. However, as an alternative to CSO representation at NAHTTF meetings, it was suggested that CSOs could informally access the NAHTTF through engaging individual members with whom they already have good bilateral relations. Conversely, upon inquiry, the chair of the NAHTTF was open to the possibility of a person representing all CSOs attending meetings periodically in order to exchange ideas, discuss common issues, and identify synergies. CSOs may directly approach the MOJ as a coalition or a group and request for representation at the NAHTTF.

While relations with the NAHTTF have not yielded positive results, different CSOs have fostered successful relations with government entities including individual NAHTTF members bilaterally. The CSOs liaise with and have a good rapport with the DOFEs as well as other members of the cadre at the local level such as with WDOs and Samurdhi Officers.⁵⁵ This has enabled successful victim referrals, community awareness-raising, and extensive training support to government officers at community level. Other CSOs work directly with individual members of the NAHTTF to provide support in implementing programmes such as training and awareness-raising amongst their staff. Some CSOs are members of the National Advisory Committee on Labour Migration chaired by the Minister in charge of Foreign Employment to monitor and evaluate the implementation of the National Migration Policy.⁵⁶ Caritas conducts a Partner Advisory Committee meeting every 4 months with the participation of the Ministry of Foreign Employment, SLBFE, IOM and ILO. All projects implemented by Caritas are evaluated at this meeting and issues are discussed.

54 The NAHTTF had meetings with CSOs once every quarter during the first few years since its inception

55 See note 24 above

56 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure Second periodic reports of States parties due in 2011 – Sri Lanka (2016, CMW/C/LKA/2)

7. Sri Lanka's international reporting obligations and the role of CSOs

Sri Lanka's primary international reporting contribution in relation to TIP is to the UNODC Global Report on Trafficking in Persons, which is mandated by the General Assembly through the 2010 United Nations Global Plan of Action to Combat Trafficking in Persons. The Government also provides information to the USDOS TIP Report which is the 'U.S. government's principal diplomatic tool to engage foreign governments on human trafficking'. In fact, the NAHTTF invests considerable effort into compiling its response to the USDOS TIP Report, in contrast to other reporting obligations. Regrettably, the CSO contributions to counter-TIP are not documented in either response of the Government. To remedy this situation, a selected group of UN and international non-government institutions which are part of an informal coalition of Development Partners supporting work on prevention and redressal of trafficking in persons in Sri Lanka submitted a report documenting work of CSOs in Sri Lanka, to be considered for the 2020 USDOS TIP Report.

In addition to the above reports, the government reports to the following UN mechanisms contain information on TIP in Sri Lanka and counter-TIP measures of the government: UN Human Rights Council Working Group on the Universal Periodic Review⁵⁷; the Human Rights Committee under the International Covenant on Civil and Political Rights (ICCPR)⁵⁸; the Committee on the Elimination of Discrimination against Women established under CEDAW⁵⁹; the Committee on the Rights of the Child established under the CRC⁶⁰; the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)⁶¹; and the Committee of Experts on the Application of Conventions and Recommendations (CEACR) of the ILO⁶².

Despite many contributions of CSOs to the counter TIP landscape in Sri Lanka, only the Eighth periodic report of Sri Lanka submitted to the Committee on the Elimination of Discrimination against Women in 2015⁶³, the combined fifth and sixth periodic reports of Sri Lanka submitted to the Committee on the Rights of the Child 2015⁶⁴, and the second periodic reports of Sri Lanka to the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families due in 2011 but submitted in 2016⁶⁵ make even cursory reference to CSOs and their contributions.

57 UN Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 : Sri Lanka, 24 August 2017, A/HRC/WG.6/28/LKA/1

58 Human Rights Committee, Sixth periodic report submitted by Sri Lanka under article 40 of the Covenant, due in 2017, 25 April 2019, CCPR/C/LKA/6

59 Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention Eighth periodic report of States parties due in 2015: Sri Lanka, 29 May 2015, CEDAW/C/LKA/8

60 Committee on the Rights of the Child, Consideration of reports submitted by States parties under article 44 of the Convention, Combined fifth and sixth periodic reports of States parties due in 2015: Sri Lanka, 1 March 2017, CRC/C/LKA/5-6

61 Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure, Second periodic reports of States parties due in 2011: Sri Lanka, 31 May 2016, CMW/C/LKA/2

62 Observation (CEACR) - adopted 2019, published 109th ILC session (2021) Forced Labour Convention, 1930 (No. 29) - Sri Lanka

63 See note 37 above at 15

64 See note 38 above at 35

65 See note 39 above at 3

CSOs have submitted shadow reports or supplementary reports to the CEDAW Committee⁶⁶, the CRC Committee⁶⁷, and the CMW Committee⁶⁸, sometimes jointly and at other times individually. All these reports provide discussion and analysis of the situation of TIP in Sri Lanka and an analysis of measures that have been taken by the Government to address these issues. These shadow reports do not contain narrative of CSO contributions to counter TIP in Sri Lanka. While these reports are a comprehensive supplementary and/or alternative source of information, the absence of accounts of CSO contributions is a missed opportunity for CSOs to gain visibility for their work.

66 See the Sri Lanka Shadow Report submitted by WMC for the 66th Session of the CEDAW Committee in 2017 available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/LKA/INT_CEDAW_NGO_LKA_26306_E.pdf

67 See for example the Sri Lanka Supplementary Report on the United Nations Convention on the Rights of the Child submitted by Save the Children in 2017 available at https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/LKA/INT_CRC_NGO_LKA_27121_E.pdf and the alternative report submitted by PEaCE/ECPAT Sri Lanka for the examination of Sri Lanka's State Party's Fifth and Sixth Combined Periodic Report under Article 44 of the Convention on the Rights of the Child available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCRC%2fNGO%2fLKA%2f27119&Lang=en

68 See for example the 2016 shadow report of Action Network for Migrant Workers and Women and Media Collective available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCMW%2fNGO%2fLKA%2f24736&Lang=en and the shadow report jointly presented by 20 CSOs available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCMW%2fNGO%2fLKA%2f24817&Lang=en

8. Conclusion and recommendations for future advocacy by CSOs

It is a foregone conclusion that CSOs are an integral part of a holistic, comprehensive, and effective counter-trafficking response geared towards eradicating TIP from Sri Lanka. In light of resource constraints suffered by governments, CSOs supplement and complement government initiatives. CSOs have been contributing to national counter-trafficking efforts for many years despite insufficient funding and a lack of formal recognition by the State. The work of CSOs has achieved varying degrees of success, at times notwithstanding a lack of engagement from the government. Therefore, it is necessary for CSOs to continue working towards eradicating TIP through a multi-pronged strategy. The following actionable recommendations are made in order to strengthen the responses of CSO to TIP:

Data collection

- .. Conduct comprehensive data gathering and research to inform advocacy activities. Reliable empirical information can be the most persuasive argument in advocacy strategies and policy interventions. These interventions could be mapping exercises, gap-analyses, review of laws, setting up of documentation repositories etc. Special attention must be given to map new and emerging trends in Sri Lanka and the impact of COVID-19 on the TIP landscape.
- .. While continuing to support individual government institutions to set up data collection mechanisms, lobby for a centralized data collection mechanism with appropriate linkages to all stakeholders who could provide relevant data. This mechanism should increase the flow of data, the efficiency of data, and the analysis of data. A central database which could be accessed by all legitimate stakeholders including CSOs will make case tracking easier and allow CSOs providing assistance to make informed decisions on victims they support.

Capacity-building of CSOs

- .. Building on the existing knowledge of the data collection capacities of CSOs, conduct an evaluation of the capacities of all CSOs involved in counter-TIP activities. Identify strengths and weaknesses of each organization and formulate a capacity building plan to improve or optimize the capacities of individual CSOs taking into account opportunities for collaboration.
- .. Use the findings of the above capacity assessment to lobby for adequate and sustained funding and support from donors in order to safeguard availability of all necessary services. Implement the capacity building plan which should ideally include enhancing knowledge and technical capacity of CSO staff on TIP and increasing the numeric capacity of staff to reach a larger population.
- .. Identify best practices of CSOs implemented during the COVID-19 pandemic, such as using electronic and digital devices to reach out to victims and conducting trainings via virtual platforms, with a view to prepare mandatory contingency plans for all future capacity-building and service provision activities to avoid unexpected disruptions.

Funding

- .. Conduct a review of unsuccessful project proposals of all CSOs. Identify the reasons for the lack of success through a comparison with successful proposals. Use the findings to formulate successful project proposals to secure future funding.

- .. Identify important areas such as reintegration support for which adequate funding is not provided. Make a concerted effort to secure funding for such services through effective proposals.
- .. Generate a serious discourse amongst CSOs around high donor-dependency, the outcome of which should lead to exploring diversification of funding to look beyond traditional international donor agencies to secure adequate funding for their counter TIP activities.

Prevention

- .. Devise an evidence-based awareness-raising and prevention strategy to disseminate knowledge on TIP and information on the protection of victims and witnesses at the grass root level. It is necessary to correctly identify all vulnerable communities such as potential male victims and include them in the strategy. In the current context, this strategy must include measures to raise awareness amongst vulnerable communities to identify emerging forms of TIP due to the COVID-19 pandemic in order to prevent being trafficked.
- .. Lobby for government interventions as well as sustainable funding to address root causes of TIP at community level. Design and implement programmes to address these root causes, with an eye to the sustainability of such measures.
- .. Continue to diligently monitor the COVID-19 situation to assess new trends of TIP that emerge as a result of the pandemic and alert communities as well as law enforcement authorities of suspected exploitative practices to ensure a strong law enforcement response against TIP.

Coordination and collaboration

- .. Strengthen existing networks or create formal networks of CSOs working on all aspects of TIP in order to bring together resources, expertise, and networks of the different organizations to launch concerted efforts to eradicate human trafficking. These networks will also be useful in maximizing the utility of funds received for specific activities. Consider methods to ensure the sustainability of such coalitions by especially keeping them independent of time-bound projects. These networks must have clearly delineated structures, objectives, leadership roles, and monitoring mechanisms in order to be practically effective.
- .. In recognition of the importance of engaging with the NAHTTF, continue to lobby the Task Force and its individual members for formal recognition and permanent representation of CSOs NAHTTF. At the same time, in the short term, foster and nurture partnerships with individual Task Force members in order to impact policy making through these members. Such interventions could be made by way of research assistance, provision of expertise, participation at consultative sessions etc.
- .. Use current good offices with government institutions at grass-root level as well as at national level to strengthen collaborative networks to ensure seamless referrals of victims. Attempts should be made to enter into formal cooperation agreements for services such as shelters, legal, and medical aid etc. with government institutions and ensure grass-root government officials are aware of services offered by CSOs.

Annexures

Annexure 1

List of contributing organizations

- .. Caritas Sri Lanka- SEDEC
- .. Centre for Human Rights and Community Development (CHRCD)
- .. Community Concern Services
- .. Community Development Services (CDS)
- .. Dabindu Collective
- .. Eastern Self-Reliant Community Awakening Organisation (ESCO)
- .. Helvetas Swiss Intercooperation
- .. International Labour Organization (ILO)
- .. International Organization for Migration (IOM)
- .. Organization of Environment and Children Rights Preservation (OECRP)
- .. Plantation Rural Education Development Organization (PREDO)
- .. Save the Children
- .. Social Welfare Organization Ampara District (SWOAD)
- .. Solidarity Centre
- .. United Nations Office on Drugs and Crime (UNODC)
- .. Women and Media Collective (WMC)
- .. Women in Need (WIN)

Annexure 2

Screening tool for the identification of victims of TIP developed by the Foundation in collaboration the NAHTTF

Checklist to Identify Suspected Victims of Trafficking Developed by the National Anti Human Trafficking Taskforce: Sri Lanka

- This checklist is to be used by institutions receiving complaints and grievances from people to identify possible cases of trafficking in persons.
- Please refer the definitions provided.
- Please fill the checklist and if a case of trafficking is suspected, write the complaint related by the complainant in the form provided below.
- If a suspected case is identified, please refer the case to the CID.
- If it is not a suspected case of trafficking, please address the complaint according to your institution's regular complains redressal procedure.

A. Information received by:	
1. Name of Institution	
2. Name of the person receiving information	
3. Designation of the person receiving information	
4. Contact details of the person receiving information (official address and telephone number)	
B. Information provided by – victim / guardian if it is a child	
1. Relationship/connection to victim	
2. Name	
3. Gender	
4. Age/Date of Birth	
5. Address (current/permanent residence)	
6. Contact number	
7. Nationality	
8. NIC Number/Passport Number	
9. Profession/Occupation	
C. If information is provided by any other person (not victim or guardian of a child)	
1. Name	
2. Relationship to victim	
3. Gender	
4. Age/Date of Birth	
5. Address (current/permanent residence)	
6. Contact number	
7. Nationality	
8. NIC Number/Passport Number	
9. Profession/occupation	

Ask the informant to narrate the story and mark the following as yes or no	yes	No
Section 1 (to identify the act)		
1.1 Victim has been recruited for employment		
1.2 Victim has been transported or moved or taken from one place to another		
1.3 Victim has been hidden or detained		
1.4 Victim has been received by another person		
Section 2(to identify the means)		
2.1 Victim has been threatened		
2.2 Victim has been exploited		
2.3 Victim has been cheated		
2.4 Victim has been misled or fooled		
2.5 There has been force used on the victim		
2.6 Victim has been harassed		
2.7 Victim has been abused		
2.8 Victim has been placed in danger		
2.9 Victim has been given money or benefits		
Section 3 (to identify the aim)		
3.1 Victim has been exploited		
3.2 Victim has been used as a prostitute/sex worker		
3.3 Victim has been subject to sexual exploitation		
3.4 Work has been taken from the victim by force		
3.5 victim has been working like a slave		
3.6 Body parts of the victim have been removed		
Information on alleged perpetrator (if available)		
<i>Write "not provided" if the informant does not have any information required below</i>		
Name:		
Nickname/ alias		
Connection to victim		
Gender		
Age/Date of Birth		
Nationality		
NIC Number/Passport Number		
Address (permanent residence)		
Where he/she is living now		
Contact number		
Profession/Occupation		

Signature (victim):

Signature (person giving the complaint):

Date:

Definitions:

Recruited for employment	Recruitment includes a promise, or providing a contract or other document for employment purposes
Transported or moved from one place to another	Moved with or without informed consent (coerced, through promise of employment or other promise) From home to another location/from one location to another (including one workplace to another)
Hidden or detained	Kept in a place without the freedom to move out, leave or be in contact with anyone else
Received by another person	Handed over to another person's possession
Threat	an intention to inflict pain, injury, damage, or other hostile action on someone in retribution for something done or not done
exploited	Any act that places the victim in a vulnerable position by treating such person unfairly. Could include physical and verbal acts
cheat	act dishonestly or unfairly in order to gain an advantage gain an advantage over or deprive of something by using unfair or deceitful methods; defraud
force used on the victim	Physical, verbal or emotional strength used to illegal or unjust gains
Harassed	subject to aggressive pressure or intimidation physically, verbally, emotionally or sexually
abused	physically, verbally, emotionally or sexually - use (something) to bad effect or for a bad purpose; misuse treat with cruelty or violence, especially regularly or repeatedly speak to (someone) in an insulting and offensive way.
placed in danger	The victim fears for her/his life, the possibility of suffering harm or injury, the possibility of something unwelcome or unpleasant happening
given money or benefits	Any kind of legal or illegal payments or material benefits for promise of such
sexual exploitation	Any act that is sexual and done forcibly or by receiving consent given through fear, trickery, promise of benefits and misrepresentation
Work has been taken from the victim by force	Victim has been made to work without her/his consent and victim does not have the freedom to refuse doing such work
working like a slave	Victim has been made forced to work and obey all commands of the person forcing her/him to work. There are no working hours, no description of the work expected, no agreements or contracts, no rest or any legal benefits like sick leave, proper payments or benefits.
Body parts of the victim have been removed	Victim suspects or complains of body parts being removed (need not be verified at this moment)

Complaint narrated by victim or persons making the complaint

Request the victim to write the entire story related in the language of her/his choice. If the victim is unable to write, please write the complaint on her/his behalf, read it out to the complainant and ask the complainant to place her/his signature on the document.

Signature (victim):

Signature (person giving the complaint):

Date:

For official use only

To identify a suspected victim, Yes answers have to be provided as follows:
Section 1 – at least 2 Yes responses
Section 2 – at least 1 Yes response
Section 3 – at least 1 Yes response

Nature of complaint: Suspected Trafficking | Not trafficking

Victim referred to (give details)

Doctor	
Counsellor	
Shelter	
Other	

Complaint referred to CID on

Signature:

Date:

Seal

