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SRI LANKA:

**GOOD PRACTICES TO PREVENT
WOMEN MIGRANT WORKERS FROM GOING INTO
EXPLOITATIVE FORMS OF LABOUR**

by

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Foreword

Changing labour markets with globalization have increased both opportunities and pressures for women to migrate. The migration process and employment in a country of which they are not nationals can enhance women's earning opportunities, autonomy and empowerment, and thereby change gender roles and responsibilities and contribute to gender equality. But they also expose women to serious violation of their human rights. Whether in the recruitment stage, the journey or living and working in another country, women migrant workers, especially those in irregular situations, are vulnerable to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity. Women migrant workers, whether documented or undocumented, are much more vulnerable to discrimination, exploitation and abuse – relative not only to male migrants but also to native-born women. Gender-based discrimination intersects with discrimination based on other forms of “otherness” – such as non-national status, race, ethnicity, religion, economic status – placing women migrants in situations of double, triple or even fourfold discrimination, disadvantage or vulnerability to exploitation and abuse.

To enhance the knowledge base and to develop practical tools for protecting and promoting the rights of female migrant workers, a series of case studies were commissioned. These studies were intended to provide background materials for an Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers. The Guide, which is comprised of six individual booklets, aims at assisting and enhancing the efforts of government agencies, workers' and employers' organizations, non-governmental organizations and civil society groups in sending, transit and destination countries to protect the human rights of women migrant workers in the different stages of the migration process.

This working paper is based on one of the country case studies. The countries covered included Bolivia, Costa Rica, Italy, Japan, Nicaragua, Ethiopia, Nigeria, the Philippines, Sri Lanka and the United Arab Emirates. The focus was on the situation of the women migrant workers in their families, workplaces, communities and societies in sending and receiving countries and also on the initiatives, policies and programmes, “good” and “bad” practices implemented by government, private recruitment and employment agencies and a wide range of social actors to assist and protect women migrants against exploitation and abuse and to prevent them from being trafficked.

The case studies represent a collaborative effort between the Gender Promotion Programme and the International Migration Branch, as well as a number of Area and Regional ILO Offices. Katerine Landuyt had main responsibility for commissioning the case studies. Tanja Bastia provided technical guidance to the national consultants, while Minawa Ebisui and Tiina Eskola provided editorial and formatting assistance.

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Contents

	<i>Page</i>
Foreword.....	iii
Acknowledgements	vii
Introduction.....	1
Overview of socio economic context.....	1
General trends in migration and trafficking in persons	2
Trafficking.....	4
I. Legislative framework.....	7
1.1. Ratified Conventions and bilateral agreements related to migrant workers	7
1.2. Legislation related to migration for employment	7
1.3. Legislation pertaining to trafficking.....	9
1.4. Implementation and enforcement	9
II. Government migration policies and programmes	10
2.1. Preparing migrants for overseas migration	10
2.2. Prevention against exploitation	13
2.4. Migrant’s assessment of Government initiatives and suggestions for future interventions	19
III. Private initiatives.....	21
3.1. Preparing migrants for overseas migration	21
3.2. Prevention against exploitation	23
3.3. Protection and assistance against abuse.....	24
3.4. Migrant’s assessment of private initiatives and suggestions for future interventions	26
IV. Government initiatives related to returnees.....	29
4.1 Social and economic reintegration	29
4.2. Remittance management.....	30
4.3. Support and counselling for victims of exploitation	31
4.4. Migrant’s assessment of Government initiatives for returnees and suggestions for future initiatives	32
V. Private initiatives related to returnees.....	34
5.1. Social and economic reintegration	34
5.2. Remittance management.....	35
5.3. Support and counselling for victims of exploitation	35

5.4. Migrant’s assessment of private initiatives for returnees and suggestions for future interventions	37
VI. Institutional framework.....	38
6.1. Bodies to promote, enforce and supervise policy and legislation.....	38
6.2. National and international co ordination efforts.....	38
Conclusions and recommendations	40
Conclusions	40
Recommendations	41
Bibliography	43
Appendix	45
ANNEX 1.....	45
ANNEX 2.....	51

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Introduction

Overview of socio economic context

Since independence in 1948, Sri Lanka has had an average annual economic growth rate of 4.2 per cent and latest figures (1999) record a growth rate of 4.3 per cent¹. This growth and Sri Lanka's market-oriented economic policy has had a diverse impact on different sectors of society. The rising cost of living has adversely affected low-income groups and the income disparity between the rich and the poor has widened. While the focus on poverty and poverty alleviation has been a prime concern of the past Governments, it continues to remain a grave issue in the country.

The impact of the country's economic growth has been most significant on Sri Lanka's labour force of 6.7 million people, or 51.5 per cent of the population over 10 years of age according to the 1999 Labour Force Participation survey as Unemployment was recorded at 9.1 per cent. (Annex 1, tables 1 and 2).

Sri Lanka's labour force is largely made up of men. Women constitute only half of the number of males in the work force. However, women's participation in the labour force has seen a gradual and continuous increase over the past two decades, from 20 per cent in the early 1960s to 36.2 per cent in 1990 and 36.7 per cent in 1998. Male participation recorded at 69.2 per cent in the early 1960s has slightly decreased, to 67.7 per cent in 1990 and 67.5 per cent in 1998. The significant impact of women entering the labour market can be seen in the reduction of the female unemployment rate, which fell from 23.4 per cent in 1990 to 12.5 in 1999. Yet, the female unemployment rate remains almost double that of male unemployment.

Further, women's increasing participation in the labour force and increasing contribution to the country's economy is not wholly satisfactory. The number of women in the labour force continues to be considerably lower than men and women earn only 33 per cent of the income earned by the entire labour force. In addition, a closer look at the *status* of women in the economy and related social spheres shows wide gender inequalities and discrimination, unequal opportunities and exploitative situations.

Commenting on the impact of macro-economic policies on employment and unemployment rates and the inability of the economy to absorb increasing numbers into the labour market, Dr. Swarna Jayaweera² states, "women have been more vulnerable to unemployment particularly in the context of their rising educational levels from the 1960s and the economic pressures on families in the 1980s as reflected in the fact that the unemployment rates of women have been double those of men consistently over the last three decades".

In the background of this economic change, Sri Lanka has lived with ethnic conflict for two decades. The impact of the war is significant not only to the country's economy, but also socially. The defence budget in 1998 was US\$719 million amounting to 4.2 per cent of the Gross Domestic Product. Yet, the social impact of the war on all Sri Lankans, including those actively involved, has never been documented. However, investigative

¹ The Central Bank Annual Report 1999.

² Jayaweera, Swarna.(1999). "Socio Economic Development in Sri Lanka — Trend since the Social Summit" presented at the South Asia Regional Conference. Centre for Women's Research (CENWOR), Colombo.

reports by NGOs reveal the suffering of displaced groups from all three main ethnic groups and the hardship faced by women in such situations.

General trends in migration and trafficking in persons

Sri Lanka's migrant population is estimated to be approximately 858'000³. This number is questionable due to discrepancies in statistics even within Government institutions and the practical difficulties of maintaining accurate and dependable statistics. It is possible that the actual number of migrant workers is more than the recorded number due to workers leaving the country through unauthorized sources and personal contacts and the non-identification of the large numbers who have secured employment prior to the formalisation of the registration procedures. This discrepancy in statistics is a serious issue, not only in ascertaining the numbers of Sri Lankan migrant workers and employment locations, but also in holding the State accountable for the safety and well-being of these workers.

Of the estimated 858'000 migrants, 590'420 are women migrant workers and 78 per cent of placements, are in the unskilled labour category, which includes housemaids. (Annex 1, table 3). Nearly 90 per cent of these workers are employed in the Middle East and, whilst the Middle East is considered the most favoured destination for women, recent reports in the media reveal that countries such as Italy, Greece and Cyprus offer employment to domestic workers. Italy permits the entry of wives of male workers and it is known that such persons are able to secure employment as housemaids (Annex 1, table 4).

Looking at the skill level of migrant workers depicted in table 3 (Annex 1), professional workers have remained between 100 and 200, as have middle level workers and clerical workers, whose numbers have ranged near 1000–2000 in the past five years.

The number of skilled workers rose from zero in 1975⁴ to 1'913 in 1985, to 18'652 in 1995 but the increase is not as drastic as that of unskilled workers. The number of unskilled workers shows a tremendous increase from 1975, when no unskilled migrant workers were recorded, to 9'024 in 1985 and to nearly hundred thousand in 1995. The increase over the period 1991–1995 also shows a continuous rise with the 1995 number being 96'129 (Annex 1, table 5).

The number of Sri Lankan workers annually leaving the country for employment abroad through all channels is over 100'000. In 1992, 124'494 persons left for employment in ten countries, while in 1993, the destinations increased to twelve countries taking in 129'076 Sri Lankan workers. In 1994, the number of destinations increased dramatically to 46 countries taking in 130,027 workers. Of this number, only a percentage traveled through the official channels of the Sri Lanka Foreign Employment Bureau and through licensed employment agents. In 1992, only 35.8 per cent of migrant workers traveled through official channels, while in 1993, 38 per cent were sent through official channels. In 1994, the percentage increased to 46 per cent (Annex 1, table 6).

Over 500'000 Sri Lankans are thought to be abroad but the list of countries does not reflect accurately the specific nature of labour outflow (Annex 1, table 7). Prospective migrants are known to use all types of ruses to leave the country and often become the victims of unscrupulous human smugglers. Recent reports of a group of men suffocating in

³ Research Division, Sri Lanka Bureau of Foreign Employment Provisional estimate for 2000.

⁴ In 1975, none or very few recorded Sri Lankans migrated due to the closed economic policies of the Government at that time and the insufficient data collection on migration.

a container bound for Germany and another group abandoned on the shores of Northern Australia are tragic examples.

Looking at the general profile of migrant workers, 1994 records show that more married persons seek employment in foreign countries, with 78.9 per cent of females and 68.3 per cent of males married.

As for age group categorization, the majority of both male and female workers fall into the wide age group of 20 to 39 years, becoming significantly fewer in the older age groups of 40–45 and 46–49 years and even fewer in the over-50 age group (Annex 1, table 8).

An airport survey carried out in 1993 and 1994 revealed that the majority of male migrants were in the 25–30 age group, while the female migrants were between the ages of 31–34 (Annex 1, table 9).

Nearly 20 per cent of the workers are from Colombo, with the districts of Kandy and Kurunegala accounting for high numbers over 10'000. An interesting feature in this geographical distribution is that, in varying numbers, migrant workers come from all districts of the country, including the war torn areas of the North and the East (Annex 1, table 10).

Sri Lanka Bureau of Foreign Employment (SLBFE) statistics show that, in 1995, over 70 per cent of migrant workers were female domestic workers (housemaids), with a tremendous increase 131.3 per cent over the previous year. This increase is dramatic compared to 1991 figures, where 53 per cent of migrant workers were female domestic workers, or to 1988's figures, where only 40 per cent of migrant workers were female domestic workers (Annex 1, tables 11 and 12).

In the late 1970s, the increase in demand for labour from the Middle Eastern countries saw Sri Lanka's first women migrant workers leaving the shores of the country. Sri Lanka was one of the first countries to respond by exporting female labour and the only country to export women and domestic workers with no restrictions. The numbers increased rapidly in the following years and, despite traditional family commitments and cultural constraints that hinder women working, let alone working outside the country, women have shown a great willingness to leave the country in search of work overseas.

Sri Lanka's vibrant garment industry, with factories located in a number of districts, also helped, inadvertently, boost the numbers of female migrant workers. Large numbers of women trained in these factories have found jobs in garment factories overseas.

The increase in female migrant labour as housemaids and as unskilled and semi-skilled factory workers (predominantly, garment factory workers) is attributed to a number of social, economic and policy factors. An important factor is the higher-rate of unemployment among females in Sri Lanka, where over 20 percent of the female population in the country is unemployed. Faced with poverty and with few opportunities for employment, women readily responded to the promise of jobs demanding little or no training or experience. Others saw foreign employment as a convenient mechanism to escape from such domestic problems as the alcoholism of male members of the family.

Employment opportunities and their lack are also reflected in the sectoral distribution of migrant women workers. The initial high percentage of urban women seeking work abroad were women from low- income families with low levels of education. In Colombo and its suburbs, migration became a veritable strategy for family survival. In rural areas, fewer women initially opted for jobs abroad. In these areas, state welfare systems provided health and education facilities and the network of roads, transport and communications was satisfactory and accessible to the people. Government policies on agriculture and irrigation

and the decentralization of power also ensured development and the pressure on land and jobs was relatively low in the early period of female migration. On the tea plantations, for example, Tamil women found readily available work and the need for alternatives did not arise.

But with the widening of the labour market in terms of host countries and the growing demand for female labour, the situation has changed. At present, the majority of women working abroad are from rural areas in Sri Lanka, with 34 per cent from urban areas.

Literacy and education have a strong effect on female labour migration. The literacy rate among females is 85.2 per cent which, although lower than for males, is high for a developing country. Free education and educational facilities introduced by the Government in 1949 have resulted in widespread access to education and an increase in educational levels and literacy. However, the distribution of resources and access is not uniform: 1981 statistics revealed that literacy rates were lowest among Indian Tamils (55.1 per cent) working mostly in tea plantations and among Moors (71.5 per cent). Although these disparities have been reduced especially in the plantation sector, these ethnic groups still have a lower literacy rate than in the overall population. The apparent effect is that more Muslim and Tamil women from the plantations as well as internally displaced women from the Eastern Province of the country join the migrant labour force.

An important finding of a countrywide study on “The Decision Making Process of International Labour Migration with special reference to the Sri Lankan Housemaid”⁵ points out that the decision by women to migrate for employment to foreign countries is very much an individual and personal one. Out of 100 women interviewed, Yapa states that none of the women indicated that they had decided to migrate solely because they were compelled to, including two women who said that the decision had been made by someone other than themselves. These women had all been prompted to consider migration by such factors as financial difficulties, the need to build a house, the desire to provide a good education for their children, the need to pay off debts and a need to escape from problems at home, even though they did not have the courage to make their own decision until it was decided for them by others. She concludes that their ultimate acceptance was based on the conviction of the need to migrate.

Little has been documented on the ‘motivation to leave’ of male migrant workers, from unskilled workers to seamen. However, experience with them shows that the strongest force is economic well-being and the lack of lucrative employment opportunities for young men between the ages of 20 and 35.

Trafficking

Trafficking in Sri Lanka differs from in certain South Asian countries. Looking at the limited definition of trafficking made in the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution where trafficking is defined as *the moving, selling or buying of women and children for prostitution within or outside a country for monetary or other considerations, with or without the consent of the person subject to trafficking*, one sees very little documentation of such trafficking of Sri Lankan women out of the country. A broader definition to trafficking is put forward by the United Nations Special Rapporteur on Violence Against Women, Radhika Coomaraswamy, as explained in Article 2(2) of the draft Protocol, “... *it is the non consensual nature of trafficking that distinguishes it from other forms of migration ...*”

⁵ Yapa, Lalana Kanti (1995) *The Decision Making Process of International Labour Migration with special reference to the Sri Lankan Housemaid*. Colombo.

documentation and research show that trafficking occurs for a myriad of exploitative purposes to which trafficking victims have not consented, including but not limited to forced and or bonded labour, including within the sex trade, forced marriage and other slavery-like practices”⁶.

The issue of trafficking in Sri Lanka linked to migration has not been researched and therefore there is very little data and qualitative information. Reports mention trafficking linked with migration, especially to West Asia, but no data is available. The issue of consent is primary in looking at migration of Sri Lankans, men and women, for employment, but consent at times is obtained by fraud and coercion and contributes to placing women in exploitative and vulnerable positions in host countries.

A report lodged by Swedish anthropologists with the European Commission and conveyed to the Ministry of Foreign Affairs in Sri Lanka has been forwarded to the National Committee on Women (NCW) for further investigation that women from an indigenous community in Sri Lanka, namely the Veddhas, are being trafficked to the Kingdom of Saudi Arabia for prostitution. The NCW has directed the Ministry of Women's Affairs to inquire into the complaint and, accordingly, an officer of the Women's Bureau, under the Ministry of Women's Affairs was sent to Mahiyangana, the home of the Veddha community, where inquiries revealed that a local sub-agent was recruiting Veddha women as housemaids for a payment of Rs.25'000. These women were enrolled in a half-day training programme and issued a forged certificate enabling them to travel to the KSA. Many of the women, lacking resources to raise the funds, were indebted to the subagent and were to transfer a year's salary to cover the loan. The women were also compelled to take a Depo-Provera contraceptive injection prior to departure. Sri Lankan authorities are concerned, as the Veddha community is an endangered indigenous group, traditionally engaged in hunting and gathering. Their living standards are low, almost primitive, and it is unimaginable that women from this group will be able to cope with the expected role as housemaids.

Human smuggling primarily concerns male migrant workers, the majority being young, who are transported in horrific conditions to European countries, mainly Italy, Switzerland and Germany and to Australia in search of employment and a better life. Little documentation is available on this, except for occasional news stories in local papers of captured Sri Lankans or of deaths while being transported with other illegal immigrants from Asian countries.

⁶ Abeysekera, Sunila. "Trafficking in Women and Children in the SAARC region" (May 2001).

I. Legislative framework

1.1. Ratified Conventions and bilateral agreements related to migrant workers

Sri Lanka's labour migration policy encourages migration as a method of employment providing higher incomes for poor households and boosting the country's foreign exchange earnings.

The Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (adopted in 1990) is the only international instrument dealing with migrant workers Sri Lanka has signed⁷. However, Sri Lanka has ratified the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and the subsequent formulation of the Sri Lanka Women's Charter in 1993. The Charter, a 'policy document by the Sri Lankan Government regarding the rights of women, expressing the State's commitment to remove all forms of discrimination against women and to address crucial areas relevant to women', makes a commitment at State level to recognize and promote women's right to economic activity and benefits, making special note of women's contribution to one of the country's main areas of foreign exchange earnings, namely migrant labour⁸.

1.2. Legislation related to migration for employment

Migrant workers do not fall into the purview of existing labour laws that govern workers within Sri Lanka. The existing legislation that applies to these workers is the Sri Lanka Bureau of Foreign Employment Act no 21 of 1985 amended by Act No 4 of 1994 which provides for all categories of migrant workers⁹. The Sri Lanka Bureau of Foreign Employment (SLBFE), the lead agency of overseas employment administration is a semi Government body set up in 1986 under the Act, which is the primary legislation that deals with foreign employment¹⁰.

The SLBFE receives its power, duties and obligations from this Act. In addition to providing for the establishment of the SLBFE and for its functions as set out in the detailed objectives (section 15) and general powers (section 16) of the Act, it also provides for the licensing of employment agencies, data collection on migrant workers and the setting up of a Worker's Welfare Fund.

Although and the Act does not provide for contracts or the rights and privileges of migrant workers, the Act itself offers wide scope for safeguarding and improving the situation of migrant workers.

⁷ This was acceded to on 11 March 1996 as per Ministry of Foreign Affairs, information gathered in April 2000.

⁸ Sri Lanka has also ratified ILO Conventions C. 100 on Equal Remuneration, 1951, C.111 on Discrimination (Employment and Occupation), 1958, C.182 on The Worst Forms of Child Labour, 1999, C.138 on Minimum Age for Employment, 1973, and C.97 on Migration for Employment (revised), 1949, but has not ratified Conventions C.143 on Migrant Workers (Supplementary Provisions), 1975, and C.29 on Forced Labour, 1930.

⁹ See Annex 2 for Organizational Chart of the SLBFE.

¹⁰ See Annex 3 for Brochure on the SLBFE.

Section 15 of the Act sets out the objectives of the Bureau, including provisions that relate directly to urgent issues concerning the status of workers, especially unskilled workers including women domestic workers. These provisions include:

- Setting standards for and negotiating contracts of employment.
- Entering into agreements with relevant foreign authorities, employers and employment agencies in order to formalise recruitment agreements.
- Formulating and implementing a model contract of employment which ensures fair wages and standards of employment.
- Examining the authenticity of documentation issued to Sri Lankan recruits outside Sri Lanka going abroad for employment.
- Undertaking the welfare and protection of Sri Lankan employed outside Sri Lanka.
- Providing assistance to Sri Lankans going abroad for employment.

In relation to foreign employment agencies, the Act provides strict rules and regulations in section 24(1) where it sets out a mandatory requirement that “ A person other than the Bureau shall not carry on the business of a foreign employment agency unless he is the holder of a license issued under this Act and otherwise than in accordance with the terms and conditions of that license”. The Act goes on to set out detailed provisions for conditions pertaining to such licenses, renewals and cancellations. It also sets out, in section 37(1), that no licensee shall issue any advertisement or notice calling for applications for employment outside Sri Lanka without the prior approval in writing from the Bureau. Section 40 further sets out detailed provisions with regards to contracts between employees and employers abroad to ensure that the employee is fully aware of the terms and conditions of her service.

In addition to the above provisions, the Act, in section 62, makes the unauthorised recruitment of workers for employment overseas an offence punishable by a fine not less than one thousand rupees and not exceeding one thousand five hundred rupees and imprisonment for a term not less than 12 months and not exceeding two years. This section includes the running of an unlicensed agency as an offence. Section 62(3), however, states that no prosecution shall be instituted without the sanction of the Secretary to the Minister and this raises a question of the actual and independent power of the SLBFE as a body established under the Act to curtail the illegal export of labour.

The Act also places penal liability on licensed agencies not conforming to the requirement of providing valid contracts to employees and on the failure by agencies to furnish prescribed information on Sri Lankans recruited for employment abroad to the SLBFE.

Section 53 sets out provisions for the establishment of a mandatory Information Data Bank of all Sri Lankans employed outside Sri Lanka and of those who return on completion of such employment. All licensed employment agencies must contribute data to this bank and section 53(3) states that “every Sri Lankan leaving for employment outside Sri Lanka shall, prior to such leaving, register with the Bureau”. The Act, however, does not provide further details as to how, and why and who can have easy access to this data bank.

While the Act provides space for the improvement of the status of migrant workers, especially unskilled workers, a serious issue remains in that the Act covers only those workers who are registered with the SLBFE. Undocumented workers or the thousands that

leave the country through unrecorded sources not registered with the SLBFE are thus not being eligible to the provisions and protections set out in the Act.

1.3. Legislation pertaining to trafficking

Sri Lanka has no specific legislation dealing with trafficking due to the relatively low incidence of men and women being trafficked out of the country. However, concern is being expressed over the smuggling or illegal departure of people, but the need to formulate special legislation has not been discussed in any fora.

1.4. Implementation and enforcement

Implementation and enforcement of laws and regulations pertaining to migration for employment is dealt with by the existent justice system of the country. Enforcement of laws and regulations remains unsatisfactory due the difficulty of prosecuting incidents of harassment, abuse and exploitation that do not take place within the country. Records show that the courts have addressed abuse and exploitation by recruiting agents and agencies, although marginally, considering the scale of such abuse. During 2000, the SLBFE received 1261 complaints of fraudulent recruitment agencies and filed 120 new cases against these agencies. Twenty-two of them resulted in convictions, while others are pending; 727 were settled by the SLBFE; and Rs.2.9 million was received by the SLBFE in settlement of cases (Annex 1, table 13).

The Information Data Bank provided for under Section 53 of the SLBFE Act has been converted into the Information Technology Division to provide information on the activities of the SLBFE and employment agencies and functions as a job bank. Any interested person can apply for employment to this job bank and information on applications and procedures is disseminated through Post Offices all over the country. For a fee of Rs.5, an employment application form can be purchased at the Post Office who then mails the application to the General Post Office in Colombo who forwards the application by email to the SLBFE. The Division also manages the SLBFE website (www.slbfe.lk) where information on the SLBFE, employment opportunities and employment agencies (including, blacklisted agencies) can be accessed.

II. Government migration policies and programmes

2.1. Preparing migrants for overseas migration

Preparing the migrant for overseas employment is differentiated from the regulatory measures, as it focuses primarily on protecting the migrant from abuse and exploitation at the scene of employment. An opinion widely expressed by concerned individuals in the Government and NGOs was that a migrant worker should be able to adapt to host country norms and conform to the attitudes expected by the employer. For example, a housemaid in Singapore or Hong Kong is expected to be subservient and, in the Middle East, obedient to the wishes of her employer. Men working in Korea have to abide by the work norms of the employer and, in the Middle East, especially in the Kingdom of Saudi Arabia (KSA) and Qatar, work overtime for no extra payment.

Training the migrant worker in the classroom in new knowledge, skills and attitudes is regarded as a way to protect the worker from abuse and exploitation. The SLBFE organizes training courses in industrial sewing and domestic service. The majority of training programmes are geared to female domestic workers where a compulsory training program for women seeking employment for the first time as housemaids both in the Middle East and non-Middle Eastern countries are provided by the SLBFE. One-day refresher training programmes are organized for the repeat migrant.

In 1996 pre-departure training was made compulsory for domestic workers and a training certificate became a mandatory requirement for registration with the SLBFE. At present, 25 training centres exist throughout Sri Lanka, except in the Northern Province, 21 being run by the SLBFE and three by private recruiting agencies. Nearly 5'000 women are trained every month and a total of 36'841 were trained in 1999.

The training provided to women is diverse, including cooking and using modern equipment, a basic knowledge of English and Arabic, pre-migration arrangements, financial management, including information on banking and savings, as well as strategies to overcome disorientation to core values, emotional pressure, loneliness, culture shock, anxiety and psychological breakdown and re-integration. Originally, the training given to Middle Eastern migrants was for seven days while non-Middle Eastern migrants received a 20-day training. In 1998, the duration was increased to 12 days for Middle Eastern migrants and to 21 days for others.

In addition to training for domestic workers, the SLBFE also provides training for sewing machine operators (for garment factories) within the training centres in Kegalle and Ratnapura. This is the only training programme open to male migrant workers seeking employment in garment factories abroad.

The Sri Lanka Bureau of Foreign Employment Training Centre in Kegalle conducts training courses in operating Juki sewing machines for prospective migrant workers as well as others interested in local employment. Training is provided for thirty persons at a time, both women and men, and the training period is 41 days full-time and free of charge. The trainees are provided residential facilities at the Training Centre free of charge and food is provided at subsidized prices.

The new batch of trainees at the Kegalle Centre began training in May 2001, including six males and 24 females. The trainees are given comprehensive training, including machine operation, block-making and cutting by trained instructors. The Centre is well-equipped with modern machinery and other accessories.

During the training programme, specialist lecturers provide information on relevant matters such as banking, childcare and health. However trainees are not provided with gender sensitisation or information on gender-specific issues. This shortcoming has been

realized and the SLBFE is looking at incorporating gender-specific issues, especially information on issues of violence and protection against violence into the training by way of a Training of Trainers programme for SLBFE trainers. This programme has yet to be initiated.

Male workers are not bound by Government statutory provisions to enroll in any training program and depend on work experience to enable them to perform expected tasks. A typical job advertisement for men would call for staff/personnel who have “on the job experience” or “experienced hands”. The requirements for prospective female migrants are different. An SLBFE advertisement for free training courses called for “untrained lady labourers to protect their foreign employment” with the slogan “our concern today is your benefit tomorrow”.

On observing the training methods and the setting at a typical two-week training program for housemaids, where trainees (35–40) mostly listened to lectures from instructors, one finds that the word training is a misnomer. The course is, more accurately, an orientation to their future life and sensitization to six key issues which commonly provoke harassment at the scene of employment and conflicts with the family left behind. The key problems are:

- Lack of skills in handling modern household gadgets
- Inability to communicate with the employer in a language understood by both
- Inability of the migrant worker to adapt to the social and cultural environment of the host country
- Poor knowledge of migrants’ rights and obligations, i.e. for herself as well as for the family left behind
- Poor management of her earnings.

During the training period, information on how to deal with such issues is provided.

The main problem faced by instructors was the presence of at least 35 women at every training session who were incapable of absorbing much of the content, mainly due to poor educational qualifications. Though Grade V qualification is a requirement for a prospective housemaid, classroom observations at three training centres revealed that at least five trainees did not have the required qualification, the majority had schooling up to grade nine and at least three were illiterate. Other causes cited by the instructors for trainees’ lack of attention were, fatigue, poor absorption skills and in some cases overconfidence, an attitude that they “knew better”.

A functional literacy test for prospective migrants

At a selected SLBFE Training Programme attended by 32 females in the Sinhala language group and 44 females in the Tamil language group, a Functional Literacy Test for Prospective Migrants was administered prior to the start of the programme. The trainees were from different age groups, ethnic backgrounds and educational levels. Many of them were registered with recruiting agencies that were assisting them in the recruitment for employment in the Middle East. The test itself was designed to be easy and at the level of a primary school Standard Five test. The test was to be completed within 10 minutes in a classroom setting.

The results of the test administered to the Sinhala language group in which there were 31 Sinhala trainees and one Tamil trainee were as follows.

Number of trainees	Points
5	100
3	90-100
12	80-90
5	70-80
2	60-70
5	Below 50

The performance of the Tamil language group was below that of the Sinhala language group and in each group there were three women who could not read or write. Educational levels were low and many faced problems analyzing the simple test. The majority was able to write their name, postal address and the name of a contact person. In the Tamil language group, some women from the plantation sector and from the Muslim community were semi-literate and, therefore, unable to comprehend any of the questions.

Despite Government initiatives to prepare the migrant for overseas employment through training, a small proportion of women continue to leave the country with a certificate to which they have no entitlement. The most vulnerable in this category are women who buy their certificates from unscrupulous job agents and those who by-pass all protective barriers imposed by the SLBFE. The excuses given by women who resort to such measures reveal that they remain mere pawns in the hands of unscrupulous job agents and are unaware of the hazards of doing so. It is unlikely that newspaper notices would change their attitude.

Where training of the unskilled female migrant worker is concerned, one may conclude that state policy is now in place and the benefits of the existing programme are recognized by employers as well as the prospective migrant. Not only have these programmes helped to eliminate some of the problems encountered at the scene of employment, more importantly, they have contributed to raising the status and image of Sri Lankan housemaids. Increased awareness of the entire migratory process has, no doubt, built up self-confidence. The shortcomings highlighted could be remedied through more resources for training facilities, bearing in mind that the female prospective housemaid is a capable individual with the potential to achieve an output of work expected by the employer.

Maintaining good mental and physical health during the period of employment is essential for the fulfilment of objectives on both parts — the migrant and the employer. Illness debilitates an individual and in the harsh work conditions of the Middle East, Korea and Malaysia, physical fitness is important. Illness and the inability to work results in loss of income resulting in pay cuts as well as having to pay for medical services. In all labour-receiving countries, only those migrants attached to Government services are eligible for free health services. Unless covered by a health insurance scheme by employers, workers have to pay for hospital services or medical consultations. If the employer feels that the illness is serious, the worker is repatriated. It was observed that employers in Singapore and Hong Kong are extremely particular about the health status of their female recruits and a medical examination at the host country is compulsory. In Singapore, women have to undergo an examination for pregnancy every six months. In the Middle East, employers fear that migrant workers, whether male or female, are carriers of infection and, at the first symptom of a respiratory tract infection or a sexually transmitted disease, the worker is repatriated.

A study of HIV/AIDS reveals that patterns of risk behaviour exist among female migrant workers and some workers do enter into voluntary sexual relationships, mainly with male expatriate workers. In other instances, women are unable to refuse the sexual advances of their employers fearing some form of reprisal, whether violence and/or loss of employment. When sexually molested, women are reluctant to approach those in authority out of fear and embarrassment. A matter of concern was that returnees from the Middle East, especially women, are wrongfully blamed for the spread of the HIV virus. At present, no evidence supports this view.

In March 2000, the SLBFE launched a project with UNAIDS/WHO support to increase awareness of social, economic and health aspects of HIV/Aids among women migrant workers from Sri Lanka. This project looks at the preparation of a Health Manual, training of trainers in the use of the Manual, production of audio-

A medical examination prior to departure is optional, with more men than women being advised to have one, mainly by the recruitment agents. However, the SLBFE has proposed that medical examinations be made mandatory and be performed by a panel of specialist doctors appointed by health authorities in Sri Lanka and the Gulf Country Corporation (GOC). The main objective of issuing medical reports to foreign job seekers under this scheme is to curb illegal recruitment practices and ensure that workers who are recruited are not suffering from any illness, physical or mental. It would also be necessary to extend a special health education program for the migrant worker to increase awareness of the need for good health for individual protection as well as for job security.

Over the last decade the SLBFE introduced significant measures to prepare migrants for overseas labour. Both human and financial resources have been used to facilitate communication between the prospective migrant and the SLBFE and to ensure that a worker does not leave the country unprepared for the tasks ahead. However, there are definite limits to such 'outreach' programs and difficulties in implementation.

2.2. Prevention against exploitation

Safeguarding workers' interest has been a major concern of ministries and departments dealing with international labour migration and the SLBFE has strived to improve conditions for migrant workers, especially housemaids, through a multi-pronged approach targeting workers prior to departure, at the scene of employment and on their return.

However, international labour migration is subject to the laws and regulations on labour not only in the home country but also in the host country. As one reviews the mechanisms that have come into force to guide the movement of these people, one notes that, despite regulations enforced by the home country on the migrants themselves and the agents, exploitative practices persist. Negotiations at national level are heavily loaded in favour of the host country as international labour transactions are mediated at a buyers market with foreign principals always at an advantage. Thus women, especially housemaids, categorized as unskilled workers are generally considered as a commodity to be bought at the lowest price. Whenever a regulation is enforced by the host country it is seen to be discriminatory, e.g. the six-monthly pregnancy test for women workers in Singapore and the ban on marriages between migrant females and indigenous males.

Despite the disadvantaged position of the home country, the SLBFE, the Ministry of Labour and the Ministry of Foreign Affairs have taken concrete measures to ensure better conditions for migrant workers without impinging on their rights and bearing in mind the intense competition that exists between labour exporting countries.

The commitment to protect migrant workers, both men and women, is embodied in two major policy initiatives, namely the registration of all migrant workers at the SLBFE and the licensing of recruitment agencies in terms of the SLBFE Act, as well as in the formulation of model contracts and the negotiation of minimum wages.

Compulsory registration with the SLBFE is the primary requirement of workers leaving Sri Lanka. The SLBFE attempts to enforce this requirement strictly to account for all migrant workers and to monitor the outflow of labour ¹¹.

An estimated 70 per cent of migrant women register with the SLBFE prior to leaving, a satisfactory increase from 40 per cent in 1994. In 1994 60'167 workers registered with the SLBFE, while the number increased to 178'052 in 1999. All migrant workers are required to register with the SLBFE, irrespective of their source of recruitment, and pay a registration fee that is graded according to the promised salary. Migrant workers failing to register are liable to a fine or imprisonment and the SLBFE maintains a 24-hour vigil at the airport where 29 SLBFE officers carry out inspections to detect unregistered workers. Since 1998, a considerable drop in unregistered departures has been recorded. Looking at regularizing departures further, the SLBFE has also instructed airlines to insist on SLBFE registration prior to the issue of air tickets to prospective migrant workers.

The positive aspect of this compulsory registration is that it enables the SLBFE to maintain information not only on the country of employment of each migrant worker but also the name and address of the employer of each migrant worker. If an employer breaks an employment contract with a Sri Lankan migrant worker, the SLBFE is able to blacklist the employer and prevent Sri Lankan workers from being further employed in such a situation ¹².

Although there is reluctance to pay the registration fee (a minimum of Rs.5'200), migrants appear to have come to appreciate the benefits of registration, such as insurance cover. This cover, the Jathika Suraksha Overseas Employment Insurance, implemented with the National Insurance Corporation Limited, pays up to Rs.100'000 on death, Rs.50'000 on permanent total disablement, Rs.10'000 on partial disablement as a consequence of serious illness and Rs.25'000 for transport expenses. Savings Certificates are awarded at a lottery held for every batch of 10'000 migrant workers who register with the SLBFE and the certificates carry values of Rs.50'000, Rs.25'000 and Rs.15'000 and seventeen certificates of Rs.5'000.

As of September 1995, 104'000 insurance policies had been provided and 665 workers were repatriated under the scheme. Five deaths were compensated and Rs.10 million was spent on worker welfare.

Private recruitment agencies play a key role in securing employment opportunities abroad. The Government reports ¹³ that "in 1999, 68 per cent of the placements were arranged by these agents". Government statistics reveal that approximately 570 licensed agents operate in the country, 70 of them set up in 1999. Licensed agencies have spread outside Colombo increasing opportunities for employment seekers in rural areas. In 1995, 70 per cent of the licensed agencies were located in Colombo, but by 1999 the percentage had reduced to 60 per cent and the share of the Colombo district in total departures for foreign employment declined from 20 per cent in 1995 to 12 per cent in 1999.

All recruitment agencies are required to be equipped with an office with a telephone and facsimile machine, and to operate on a license issued by the SLBFE upon the fulfilment of certain conditions. According to SLBFE rules, the employment agency in addition to paying a license fee, must enter into a bond of Rs.100'000 and furnish a bank

¹¹ See Annex 4 for Registration Form (original in Sinhala/Tamil and translation in English).

¹² Information gathered from an interview with Ms. Kanthi Yapa, Director, SLBFE. April 2000.

¹³ Central Bank of Ceylon Annual Report 1999.

guarantee for the same value. In addition the Enforcement and Legal Division of the SLBFE has been strengthened for closer monitoring of recruiting agents including all activities, legal or otherwise.

Despite these mandatory provisions and the existence of a registered Federation of Licensed Foreign Employment Agencies, registered under the Companies Act of Sri Lanka, and despite fines and convictions and even the blacklisting of agencies, a large number of unlicensed employment agencies and agents operate in the country.

In addition to operating without proper licenses and authority, a serious issue is the charging of exorbitant fees and commissions by employment agencies. The practice of local employment agencies charging money to recover commissions and fees charged by their counterpart agencies in labour-importing countries (the rates and figures differ from country to country) is common and accepted. But the amounts so charged are at times inflated and excessive.

A recent statement by the Government notes that employment agencies charge ‘fancy amounts under-hand’ but the Government has been unable to prevent this effectively ¹⁴.

In addition, some employment agents forge passports for prospective workers, an issue the Government has yet to address at any level.

Mohammed (not his real name), a 45-year old male from an urban shanty community, is a sub-agent. Mohammed operates his business from a three-wheeler he parks on the main road by his house. His services range from filling passport applications forms to providing false passports to women migrant workers. His fee from every migrant women is one-month's salary and he is reluctant to disclose payments from his agent. His wife has been in Saudi Arabia for the past 15 years working as a housemaid and he supplies maids to her contacts separate from his regular sub-agency. The fee, once again, is one-month's wages and he lends money at exorbitant rates of interest to cover any prospective migrant worker's registration fees. He also buys original birth certificates and identity cards on the street to use in forging passports.

Nishantha (not his real name) is 24 and wishes to go abroad to work as a labourer. He is from the same shanty community as Mohammed. Nishantha is unable to get a passport as he “sold” his birth certificate to Mohammed for Rs.1'000 five years ago.

The system of licensing recruitment agencies, introduced in 1986 and reassessed and reformulated in recent years, remains the key mechanism for controlling exploitative practices in the recruitment and placement process. The licensing regulations, while imposing a number of rules and regulations on the recruitment process, also ensures that the prospective migrant who secures a job through such an agent will reach his or her destination without hindrance. Many of the licensed agents that operate in all parts of the island depend on sub-agents to attend to “leg-work”, ranging from filling passport application forms to accompanying the prospective migrant to the airport. Though often labelled as “villains” or “sharks”, private recruitment agents remain the most sought-after persons for securing employment abroad.

Yet, this dependency has led to a series of exploitative practices, exorbitant agency fees far in excess of the SLBFE stipulated amounts, job-substitution and non-adherence to advertised benefits such as over-time payments, free medical services and free return tickets. They are also associated with a wide range of other illegal practices ranging from faking documents to the substitution of applicants not approved on contract documents by inter-changing photographs and names. The most common fraudulent practice is the

¹⁴ Perera, Q. (2000). “Women: highest foreign exchange earners in foreign employment” in the Weekend Express (1 April 2000) Sri Lanka.

substitution of Muslim names for Sinhala or Tamil women, thus gaining a concession on the payment for the airline ticket to Middle Eastern destinations.

Though the SLBFE has from time to time attempted to eradicate or curb such malpractice through prosecution in courts of law and cancellation of registration, the reluctance of the aggrieved party to pursue action against the culprits has made enforcement difficult. However, in the first six months of 1999, 31 illegal job agencies and agents were brought before the law and 98 licenses were cancelled.

Looking at the working of the process beyond licensed agents, a recruitment mechanism which provides ample scope for exploitation is the agent or sponsor providing a pre-paid ticket to the prospective migrant. A number of migrant workers, mainly housemaids, reach their destinations through such channels, a minority even evading the compulsory registration with the SLBFE. Such workers are undocumented and as such remain outside the scope of measures enacted to safeguard their interests at the scene of employment.

Since the Sri Lankan migrant worker has the option of evading the recruiting agent and reaching his/her destination through direct negotiations with a sponsor, the SLBFE can only advise them through the mass media about the hazards of ensuring job-placement through private channels. In certain Middle East destinations, the labour attachés have taken the initiative to introduce a registration scheme for Sri Lankan sponsors who engage in direct recruitment, often paying a national to obtain the visa and travel clearance. Through a registration scheme the Sri Lankan embassies have the basic information not only about the person who recommends the worker to a local sponsor, but also that of the migrant.

Such initiatives of embassy staff have, to some extent, controlled malpractice and ensured some form of protection to workers who otherwise would remain undocumented. Many migrants still believe that they get a better deal using unofficial channels to reach their destinations, little realizing that their pre-paid ticket has not come cheaply and that, on arrival, they will have to repay their 'friends', 'relatives' and even siblings for the expenses incurred in arranging this private journey.

The introduction of model contracts between migrant workers and employers is another effort to curb exploitation. In terms of a series of Memorandums of Understanding (MOUs) signed between the SLBFE and recruitment agents in the Middle East, Singapore and Hong Kong, it has become compulsory for employers wishing to hire Sri Lankan housemaids to sign a contract which must be endorsed by the Sri Lankan Embassy before a housemaid may leave the country. This contract registration scheme requires verification of the credibility of prospective employers by missions prior to registration and the foreign sponsor/agent has to sign an agreement, which is authenticated at the embassy concerned. This agreement binds the sponsor/agent to fulfil obligations to domestic workers and helps monitor activities and to hasten grievance settlement. The standard contract contains particulars of the overseas sponsor and the domestic worker, conditions under which the contract is offered, the monthly wage, duties and hours of work, rest days and leave, and details about food, lodging, medical care and transportation to host country, termination of contract and disputation procedure, insurance cover and provision in the event of the employee's death.

This system is operative in ten countries: Kuwait, Saudi Arabia, Oman, Qatar, United Arab Emirates, Lebanon, Bahrain, Jordan, Cyprus and Singapore¹⁵. In its two years of existence, the model contract has been partly successful in that the SLBFE has not faced

¹⁵ See Annex 5 for Model Contracts.

any problems or questions arising out of it. It is said to provide workers with a form of recognition and the SLBFE gathers information on specific locations of all registered workers leaving the country ¹⁶.

However, certain deficiencies persist. As the document is not legally binding on the employer, the stipulated terms relating to work, salary and holidays/leave lack validity. Printed in English, with the onus of filling the blanks left to the employer or agent, the contract has little impact on preventing exploitation of the migrant worker. It has helped the SLBFE to ensure at least a few basic rights for the workers who enter into such contracts, especially in times of crisis such as unfair termination or non-payment of wages. The document is a basis for negotiation between the Sri Lankan Embassy staff and the local agent.

To prevent exploitation, the SLBFE stipulates a monthly minimum wage of an amount between US\$100–150 for unskilled workers, with a minimum of US Dollars 130 for a domestic worker. The employer is expected to provide free food, accommodation, medical facilities and a two-way air ticket to domestic sector workers. In 1999, the minimum wage of US Dollars 100 stipulated by the SLBFE was increased to US\$130 but Sri Lankan domestic workers continue to receive lower wages than domestic workers from other countries.

Another dimension of exploitation faced by migrant workers in the home country is, at departure, when financial demands for registration fees, agents' fees and departure preparations exceed the financial abilities of the prospective migrant.

To overcome the exploitative practices of private money lenders, State banks and financial institutions have initiated schemes to grant credit. The Sri Lanka Export Credit Insurance Corporation (SLECIC), a statutory body of the Ministry of Trade and the Sri Lankan Government, looking at the possibility of providing greater assistance to the export of services, carries out a Bank Guarantee Scheme to cover the cost of passage for Sri Lankans migrating for work. This scheme, started in 1992 has been revised periodically and the scope of the scheme is that SLECIC issues a bank guarantee to a financial institution to grant credit to prospective migrant workers for the cost of a ticket, SLBFE registration fees, visa fees and, prior to May 2001, the embarkation tax. To be eligible, applicants are required to furnish documentary proof of employment and pay an upfront premium based on the cost of the air ticket. An air ticket that costs less than Rs.20'000 requires a premium of Rs.1'000. There is also a requirement for co-guarantors, at least one of whom must be a family member of the applicant and the other acceptable to the bank. However, the scheme's rate of assistance is low and during the period 1997 to 2001, only 798 migrant workers have applied and received benefits from this scheme.

Human smuggling is an extension of this private recruitment mechanism whereby unscrupulous job agents have transported men and women workers to countries such as Italy and Australia in fishing boats from the shores of Sri Lanka. Exorbitant fees are charged and the human 'cargo' transported under appalling and risky conditions to such distant locations. A few are caught, but others manage to bypass immigration formalities at the point of disembarkation, and reach a safe house.

Since shadowy syndicates both in the home country and the host countries are deeply involved in the human smuggling business, it is unlikely that the authorities will succeed in their prosecution and punishment. It is also unlikely that of the illegal flow of illegal migrants from Sri Lanka will cease in the near future.

¹⁶ Information gathered from an interview with Ms. Kanthi Yapa, Director, SLBFE. April 2000.

2.3. Protection and assistance against abuse

Concerns about protection from abuse at every stage of the migratory process have led the Government to introduce safeguards prior to departure, at the scene of employment as well as on return. A number of Government agencies have been mobilized for this task, namely the SLBFE, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Women's Affairs, the Airport and Aviation Authority and the Department of Immigration and Emigration. Within the regulatory framework of the SLBFE are schemes to ensure that the migrant worker is not deceived by recruitment agents, as well as schemes such as compulsory registration, insurance and training and facilities to settle disputes between the migrant and the employer. As the table below reveals the SLBFE records complaints under the headings "harassment", "non-payment of wages", "breach of contract", "lack of communication", "deaths" and being "stranded in a foreign country".

Complaints received by nature and sex, 2000

Nature of Complaints	Sex				Total
	Female	per cent	Male	per cent	
Harassment	1'337	18.1	70	1.0	1'407
Salary	1'437	19.5	342	4.7	1'779
Breach of contract	469	6.4	772	10.5	1'241
Lack of communication (<i>with home country</i>)	4'596	21.7	124	1.9	1'720
Deaths	49	0.8	59	0.7	108
Stranded	33	0.4	03	-	36
Others	880	12.0	182	2.5	1'062
Total	5'811	78.9	1'552	21.1	7'353

Source: Conciliation Division SLBFE, Information Technology Division — SLBFE.

A victim of abuse is expected to complain to the authorities, i.e. the Sri Lankan Embassy, SLBFE or the local Police through any form of communication available, the most used form being complaints in writing submitted by the victim himself/herself or members of the family. During the last decade, the SLBFE has developed a fairly efficient system of inquiring into such complaints and providing redress onsite through welfare officers at the Embassies or through the Reconciliation Division of the SLBFE. In March 2001, the Labour Division of the Sri Lankan Embassy in Oman successfully negotiated for the back payment of wages to over 80 garment workers who found themselves virtually on the street due to the sudden closure of two factories WINGS and EAGLE. Not only did the Embassy staff succeed in prosecuting the industrialists under the Labour Laws of the country and sending them to jail, but also in selling the two factories and using the proceeds to pay back wages to the employees and to repatriate them. However, it must be recorded that such interventions need commitment, as negotiations in any Middle Eastern destination is time-consuming and bureaucratic. In this case the Sri Lankan Embassy had hired a lawyer from Oman to represent the workers with legal fees amounting to Rs.1.5 million. The successful outcome was partly due to the role of the lawyer.

The deaths of migrant workers is a matter of grave concern. Unskilled workers, mainly housemaids, are not eligible for legal redress under the laws of the host country and deaths under suspicious circumstances or reports of rape are merely filed as complaints and their perpetrators rarely brought to justice. There are no records of abusive employers ever being investigated or prosecuted. In the case of sexual abuse, the women domestic workers face many social barriers and other constraints in reporting such incidents. The most common form of escape from situations of abuse and harassment is to runaway and seek refuge in the Embassy.

The SLBFE has launched such initiatives as the opening of a safe house in Kuwait (which provided shelter for 500 women in March 2001), a shelter in Abu Dhabi to provide a safe haven for runaway maids, the use of insurance funds for repatriation as well as for

compensation payments and awareness programmes on the laws and guidelines concerning foreign employment and services available to migrant workers.

The protection and welfare of Sri Lankan migrant workers is the shared responsibility of the Ministry of Foreign Affairs with the Ministry of Labour and the SLBFE. Embassies provide a range of services to migrant workers including shelter and medical services to runaway workers, repatriation of workers and issuing passports to those who have lost their passports or whose passports are held by the employers or agents. The missions also, within the laws applicable in the countries, institute legal action to obtain payment of wages and compensation.

Although these missions have the mandate to serve the interest of the workers, criticism is often aimed at their lack of interest, sensitivity and power in dealing with employer/employee/agent disputes, and employee grievances and in instances where Sri Lankan workers come before the courts of law of these countries. The missions on the other hand are reported to lack staff and financial resources to address issues of large numbers of workers and are also at times curtailed by laws, rules and regulations imposed by importing countries, such as requests to embassies not to harbour runaway workers.

In an attempt to address the widening gap between Sri Lankan foreign missions and Sri Lankan workers and the need to address and meet the workers' urgent needs, the Government has appointed labour attachés in several foreign missions and plans to appoint welfare officers in those countries¹⁷ where over 25,000 Sri Lankans work to follow up complaints or referrals from employment agents. At present, six labour attachés and 13 welfare officers have been appointed to the United Arab Emirates, Saudi Arabia, Kuwait, Oman, Qatar, Lebanon, Jordan and Singapore¹⁸. These labour attachés have proved to be effective in establishing and developing contacts with the Sri Lankan workers in these countries and in providing services to exploited, abused and runaway workers. However, due to financial and other practical constraints, much of their work is confined to workers who establish contacts with the embassies.

2.4. Migrant's assessment of Government initiatives and suggestions for future interventions

Migrant workers (pre-departure, onsite and returnee) share similar views and levels of knowledge of Government initiatives. Many migrant workers are unenthusiastic about the payment of the required registration fee due to lack of finance at the pre-departure stage, but feel that registration is a good and necessary measure to ensure their safety. Workers are also aware and appreciative of those benefits that they see as going beyond the guarantee of State responsibility, such as, insurance schemes, the payment of the embarkation tax of Rs. 1000 and the assistance to families such as scholarships. Even repeat migrants who avoid registration with the SLBFE by reaching host countries through personal contacts opt to insure themselves under the Jathika Suraksha Overseas Employment Insurance scheme.

Despite Governments initiatives on model contracts, ensuring minimum wage, and procedures to regulate recruitment agencies, workers show little concern for these issues and pay little attention to them. Although workers are aware of model contracts, the contracts are often filled out by recruitment agents on their. Exploitation by recruitment agents in charging exorbitant fees, wage differences and the lack of proper working

¹⁷ In selected countries more than one officer has been appointed due to the large numbers of migrant workers.

¹⁸ Information gathered from an interview with Ms. Kanthi Yapa, Director, SLBFE. April 2000.

conditions and employment terms has not been a cause for collective agitation or advocacy among the workers, although they understand the exploitation. There is a level of passive acceptance regarding these issues as being part of the trade.

Another form of abuse that is commonly accepted and resorted to is the forging of documents such as passports, birth certificates and identity cards. Many Sinhala and Tamil women speak casually of travelling as Muslims to be ensured of better work conditions, better salaries and terms and conditions and easy access to employment opportunities. Women returnees speak freely about this deception, known colloquially as 'going abroad as a helmet case' (referring to the dress).

For overt exploitation, however, that is, fraud by recruiting agencies, workers have resorted to legal action by complaining to the SLBFE.

With regard to onsite services, many workers were aware of the assistance provided by the Sri Lankan Embassies in host countries as places of refuge even though most were not familiar with the particular appointment of labour attachés.

W. Sumali left for Saudi Arabia in April 2001 to work as a housemaid. Working in a house with nine children, Sumali accidentally dropped a bucket of boiling water on her leg. No first aid was administered and the burn became infected. Sumali's pleas for medical attention were ignored by her employers who commanded her to continue working. Unable to bear the pain, Sumali escaped from her employer and found her way to the Sri Lankan Embassy. There, she was met by Embassy officials, taken to hospital first for treatment and cared for until she was well enough to travel home in May 2001. At the Embassy, Sumali recounts that she saw of many fellow women workers, all housemaids, some who had been sexually harassed, one pregnant, some with wounds from accidents and beatings, others unpaid or unable to bear the workload streaming into the Embassy and being treated with the same concern as she was.

The greatest concern among migrant workers interviewed was the preparatory training provided by the Government for migrant workers. Most prospective migrants view the training program conducted by the SLBFE as useful and regret that some workers do not appreciate the efforts of the trainers. When questioned on the component most useful to them, they unanimously agreed that it was the information on the expected role at the scene of the employment. The "tips" on protecting themselves not only from "electric shocks" from household appliances, but also from the sexual demands of their employers and other men were appreciated. They remembered their instructor's anecdotes. Many had kept copious notes and were seen to be carrying their exercise books at the airport.

The returnee female migrants from the Middle East, mainly housemaids, however, had mixed feelings on the value of the SLBFE training program. Many of them had their first migration experience prior to the introduction of the compulsory program. They were envious of the protective measures that the prospective migrants enjoyed in terms of training, contracts and financial security. They recalled the first week of their stay abroad with irony, how they communicated with their employers in sign language. None of them felt that the lack of training had been a handicap as the causes of conflict were disputes arising over money and men. The work routine, in their own words, was no different from the hard labour they had been used to in their home country. They had no problems winning over the young children with love and affection and in picking up Arabic within 6-8 weeks. For returnees from Singapore and Hong Kong, however, the lack of skills in handling household equipment and a poor knowledge of English had created problems on the job. They had acquired some skills in time. However, no Government officials had protected them or negotiated on their behalf. They felt that the Government should select honest officers who could empathise with them to manage welfare matters in all destinations, whether they were men or women did not matter as long as they were people capable of winning their rights in a hostile setting.

III. Private initiatives

3.1. Preparing migrants for overseas migration

The ease with which prospective female migrants are manipulated by recruitment agents arises from the fact that a majority are semi-literate, rural women with little or no knowledge of any aspect of the migratory process. Raising awareness is seen as a strategy to counter vulnerability and to enhance their decision-making capabilities.

In 1994 a Migrant Services Centre, formed under the auspices of a trade union, the National Workers Congress (NWC), embarked on a program to solve specific problems confronting women migrant workers. This program uses a series of activities designed to strengthen decision-making and to help migrants obtain their rights in terms of the laws of the land and to build a sense of solidarity with other oppressed and exploited groups.

The Migrant Service Centre is affiliated with the All Ceylon Federation of Free Trade Unions (ACFFTU) which has taken a multi pronged approach to advocate for social justice and to mobilize migrant resources towards economic empowerment. The organizers continuously challenge the root causes of the migrant trade through public discussion, the most recent being a critical analysis of the budget proposals of the Government. The Migrant Service Centre is confident of being able to sustain its activities on a long-term basis owing to its allegiance to ACFFTU at national level and to the World Federation of Labour based in Brussels. They intend to engage in more unionization and grassroots organization and continue to work towards reintegrating the migrants movement to the labour movement, well aware that migrant associations working in isolation are not in a position to assert controls over the political power base to win workers' rights.

The National Workers Congress is now trying to spread a safety net for the benefit of migrant workers through Migrant Worker Associations. To mobilize migrant resources, the Migrant Service Centre has established branch associations in six areas of high migration to build migrant alternatives, mainly in the form of soft loans for entrepreneurship. These bodies operate at grassroots level in six locations, Deniyaya, Matugama, Hatton, Kegalle, Gampaha and Seeduwa) to offer counselling and training activities, encourage alternatives to migration and to set up and monitor self employment projects and skill development programmes.

The Migrant Service Centre provides information to prospective migrant workers to prepare them for migration and to raise their awareness of illegal practices and other hardships they may face. Among the information the Centre provides are health status, age requirements and medical certification needs, preparing forms and documents for passports, passport-renewal, visas, tickets and registration with the SLBFE, including the benefits of registration. The Centre also provides information on pre-departure training, insurance and the personal details workers should provide to the SLBFE or the Sri Lankan Embassy in the host country. The Centre also provides information on remitting money to Sri Lanka. The Centre provides a counselling service at its office near Colombo from 11 a.m. to 4 p.m. daily, on such diverse issues as social and behavioural problems in children, nutritional deficiencies and medical problems in children, educational difficulties, abuse by adults and stresses on the importance of leaving the home in responsible hands.

The Centre also conducts training for self employment projects and encourages self employment in Sri Lanka as opposed to seeking employment overseas.

A few other non-Governmental organizations in Sri Lanka work with migrant women workers in different areas. These organizations deal not only with issues of migrant women workers but include these workers among other disadvantaged people for whom they

provide services. In 2000, these organizations came together to form the Migrant Workers Action Network with other concerned individuals and representatives of State agencies working on the issue of migrant labour.

The intention of the network is to bring together non Governmental organizations with representatives of the SLBFE and other relevant ministries and also to link media personnel with non Governmental organizations and State agencies working on the issue. The aims of ACTFORM are to collect and disseminate information, to monitor the implementation of State policy, to lobby and advocate on policy and policy reform, to offer counselling and outreach programmes to migrant workers, to conduct research and to offer legal assistance.

ACTFORM publishes a trilingual (Sinhala, Tamil and English) newsletter, 'Tharani' edited by the Women and Media Collective, Through this newsletter which has a circulation of 4'000, ACTFORM networks with its members and provides information on activities related to migration. In its April 2000 issue of Tharani, ACTFORM proposed an active campaign to enable migrant workers to exercise their vote by postal vote, by proxy or by any other suitable method at future elections.

The NGO membership of ACTFORM is comprised of the following 23 organisations¹⁹. Much of the services provided by these NGOs for prospective migrant workers focus on awareness-raising as set out briefly below.

Organisation	Areas of work
Worldview Sri Lanka 36, Nawala Road, Nugegoda	Training in personal skills to avoid and counter harassment and pressure for sexual relationships
Women's Development Foundation 22/4, Stoutt Circular Road, Kurunegala	Information, awareness-raising
Movement for Migrant Workers' Rights 52, Anagi Mawatha, Nittambuwa	Training
Centre for Society and Religion 280, Deans Road. Colombo 10	Awareness training through publications
Nirmani Training Centre 7, Moratuwa Road, Makandana, Piliyandala	Information through publications
Women's Development and Counselling Centre New, Town, Ratnapura	Training
Women's Education Centre 540, Walgama, Malwana	Information, training and awareness training through publications
Dabindu Collective 266 A, Weligampitiya, Je-ela	Information and awareness training through publications
ACILS 9, Kinross Avenue, Colombo 6	Training, financial support for publications, advocacy
Women's Centre 56/61, Peiris Gardens, Ekala, Ja-ela	Information through publications
YWCA – Colombo	Training
National Christian Council Women's Division	Information

¹⁹ Extracted from Tharani, newsletter of the Action Network for Migrant Workers, 2000, 1st quarter.

Organisation	Areas of work
368, Buddhaloka Mawatha Colombo 7	
Women and Media Collective 12 1/1 Ascot Avenue, Colombo 5	Awareness training through publications, public seminars and workshops, advocacy and lobbying with relevant authorities, networking, editing Tharani
Sunila Women's Development Centre Sinhapura, Wekande	Information
SEDEC 133, Kynsey Road, Colombo 8	awareness raising workshops
Community Education Centre 117, Talahena, Malabe	Information and workshops
Janasansadaya Panadura	Awareness raising through workshops
Good Sheperd Convent Sea Street, Negombo	Research
Companions on a Journey 40/116, Park Road, Colombo 5	Research and networking
Samata Sarana 531, Aluth Mawatha Road, Modara, Colombo 15.	Training and research

Worldview Sri Lanka's effort at training in personal skills to avoid and counter harassment and pressure for sexual relationships

Worldview Sri Lanka (WSL), with support from UNICEF Sri Lanka carries out a project aimed at reaching 5'000 women workers, migrant workers and those in local employment to provide training in developing personal skills to avoid and counter harassment and pressure for sexual relationships at the work place. WSL has completed one year of the three year project which aims at conducting 200 workshops. The workshops began in early 2000 and 52 one-day workshops have already been conducted, reaching 1'300 women workers.

The workshops include an orientation on migrant service as well as local employment, an understanding of workplace responsibilities, violence against women, counselling on avoiding and countering sexual harassment and pressure for sex, information on sexually transmitted diseases and HIV/AIDS and development of skills for decision making. The workshops have been well received by participants, " I was a victim of sexual harassment when I worked in Lebanon. If I had this training earlier, I would still be working there, quite safely and with confidence," says Roslin Perera, a 38-year old mother of two.

Source: Worldview Sri Lanka News, Newsletter of WSL. January–December 2000.

3.2. Prevention against exploitation

With increased bureaucratisation in all aspects of the international labour market, it is inevitable that a non informal system emerges to facilitate access to the services in demand by the migrant workers. At one end of the scale are recognized private sector initiatives engaged in recruitment and, on the other end, are the numerous agencies offering a package of services to solve problems confronting prospective migrants and returnees. But the relentless growth in the numbers of migrant workers has left national agencies unable to manage such migratory streams. Nor have private initiatives had much success in bringing relief to these problems. In fact, the conclusion of many micro studies is that the most outstanding private initiative, namely the recruitment of over 90 per cent of workers by private recruitment agencies, is exploitative and a large number of men and women are misled about their job placements and over charged for services.

Three leading private sector companies have made a significant contribution to break the cycle of corruption associated with recruitment by a well designed scheme which recruits the prospective migrant in keeping with his/her qualifications for a salary in keeping with such qualification and, most importantly, in keeping with the needs of the employer. In 2000, 700 men and 195 women were recruited to work with small and medium-sized industries in Korea for a monthly salary of US\$400. (MONTLHY?) The recruit is charged a fee of US\$1'280 to cover airfare, SLBFE fees, medical examination fees and the registration fee in Korea. Receipts are issued and the prospective migrant is compelled to obtain a bank guarantee in Sri Lanka for Rs.50'000.00 to safeguard the company against desertion. The recruits' progress is monitored through visits to Korea by a company director and through a company welfare officer (a Sri Lankan) based in Korea. This officer maintains close links with the employers as well as the Sri Lankan Embassy in Korea.

Though prospective recruits felt that the company gives a fair deal in the transactions, they were able to raise the fees with difficulty. Both men and women were aware that they would find placement only in dirty, dangerous and difficult jobs, but were confident that they had the required training and experience to cope. The company had directed the job aspirants in crash training programs at the Government vocational training institutes. They were advised to learn Korean, as most recruits passing through this company already had a basic knowledge of English.

Since the entire migratory process is managed within the regulatory framework instituted by the SLBFE, there is little scope for privately initiated efforts to intervene when a migrant's rights are violated, either in terms of the law of the land or in terms of the 1985 Act. Thus, when a migrant has been deceived by a recruitment agent, his/her only option to seek redress through the law enforcement agencies and the judiciary. A minority of migrants seek assistance from the Migrant Service Centre in drafting their complaints. The majority prefer not to be a subject of a legal dispute as it is expensive, time-consuming and generally of no benefit to the complainant.

3.3. Protection and assistance against abuse

Concern for the protection of migrant workers has become a major issue for a number of non-Governmental organizations. One could conclude that research organizations such as the Centre for Women's Research (CENWOR) and the Marga Institute that first exposed the exploitative work conditions of the migrant worker and the social costs of migration to the worker and the family left behind. Such studies not only focused on the migratory process from the home country to the host country, but suggested policy and program strategies for the benefit of all concerned. It would not be wrong to conclude that their findings and presentations at seminars and workshops helped put the problem on the national agenda.

The Regional Policy Dialogue on International Migration Employment and National Policies organized by the APDC, Kuala Lumpur and co-hosted by CENWOR and the Institute of Policy Studies in 1992 was a significant landmark in establishing a system of collaboration and cooperation with the NGO sector and the Governments of the sending countries and also between NGOs in the sending countries.

CENWOR has maintained dialogue with the Ministry of Labour by having a representative on the Advisory Committee on Migrant Labour, Chaired by the Hon. Minister of Labour. This representative has survived the change of Government and two changes of ministers.

Marga Institute has consistently presented research findings for policy initiatives and highlighted the difficulties and problems encountered by both male and female migrants.

Whilst focusing on the broad developmental aspects of labour migration, Marga Institute has also focused on structures that would ensure a more positive outcome for Sri Lanka, consistent with development theory. Migrant labour problems will not be fully resolved until labour-receiving countries are bound by international conventions. Their Governments will continue to protect the employer and to ignore accepted contractual norms on wages, hours of work and welfare benefits. They will continue to reject the appeals of the labour-sending countries with indifference bordering on contempt.

However, research organizations are well aware of the constraints of implementing recommendations emerging from micro studies.

It is in this context that a few women's groups, church organizations and a trade union in the home country have decided to address specific sets of problems presented in the research studies and to organize support mechanisms mainly for female migrant workers and their families. Whilst attending to urgent demands for help from distressed or duped prospective migrants, over the last five years these organizations have to a limited extent, developed strategies for empowerment relying on face-to-face interaction in community settings.

A Canadian International Development Agency (CIDA)-sponsored project, under the Shakti Gender Equity Project, supports CENVOR's hot-line telephone service, weekly awareness-raising radio programme and island-wide poster campaign to raise awareness about the difficulties and social problems that could be faced by workers abroad and upon their return.

Voting rights for migrant workers

In an attempt to promote Article 14 of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families "migrant workers and their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State in accordance with its legislation" the Migrant Services Centre has launched a campaign in 2001 to secure voting rights for migrant workers and a series of meetings has been convened by the All Ceylon Federation of Free Trade Unions to discuss with stakeholders a proposal to obtain voting rights for migrant workers.

Pension rights for migrant workers

The issue of pension rights for migrant workers as set out in the Budget Proposal of the 2001 Budget is of interest to one community based migrant worker association in Matugama. An animator of this group has submitted a petition to the President of Sri Lanka citing the numerous problems of migrant workers who have return to the country from jobs abroad. The petition urges the President to extend the pension scheme to such returnees.

The weak response, amounting almost to negligence, on the part of NGOs to respond to situations of abuse in the host country must be understood in the context of the restrictive policies in all labour-receiving countries. In the Middle East, a private agency has no authority to intervene in any labour dispute or to bring charges against errant employers. Not even an embassy representative has the right to enter a private residence and any complaint of abuse from a housemaid needs to be inquired into in collaboration with the police. The bureaucratic procedures are drawn-out that housemaids prefer to escape and seek refuge in the embassy or in a safe house.

The situation in non-Middle Eastern countries is more favourable for housemaids and Sri Lankan women have sought assistance of the Coalition for Migrant Rights, a Hong

Kong-based migrant advocacy group in filing cases against employers in the Labour Department. A few Filipino lawyers and expatriate lawyers married to Filipinas are known to provide legal aid to housemaids trapped in situations of conflict. In both Middle East and non-Middle East destinations, migrant workers who suspend work on account of a dispute are not allowed to seek employment with another employer. This is the reason why many prefer to escape from a difficult situation and join the ranks of undocumented workers, instead of trying to obtain a just resolution to their problems.

Though predominantly a Buddhist group, Sri Lankan housemaids have been known to find refuge in safe houses maintained by church groups at times of crisis. Despite the limitations of organizing welfare services, for many years the Middle East Council of Churches (MECC) has provided humanitarian assistance to abused migrant workers. In other destinations, such as Hong Kong, Cyprus and Italy, a number of church-based NGOs have maintained a package of services. The Advisory Committee of the Buddhist Temple of Singapore is also known to act as a support group to stranded Sri Lankan migrant workers. It has been difficult for many of these organizations to change their intervention strategies from welfare to advocacy. The only notable one succeeding to do so being the Hong Kong based Coalition of Migrant Rights.

NGOs do not have resources to repatriate abused migrant workers. Only the private sector recruitment company has introduced a bank guarantee scheme in the name of the migrant worker to be used for repatriation expenses. Documented workers have a right to collect the cost of airfare through the Government-sponsored insurance scheme. But the majority of the abused and the maltreated migrant workers must turn to their families, friends and compatriots for assistance.

3.4. Migrant's assessment of private initiatives and suggestions for future interventions

Strategies used for dissemination of information by NGO and grassroots migrant associations have been ineffective in reaching the most vulnerable groups, poor women in remote rural areas who have no access to information on account of illiteracy or isolation from mainstream activities. Many of them appear not to want to know about the living and working conditions in the host country, as the knowledge would lead to further psychological stress. It is apparent that these women have innate survival skills, specially the capacity to tolerate harsh working conditions, and to stifle emotions.

A group discussion with housemaids and factory workers in Oman revealed the complete lack of preparedness for the role of an Asian migrant worker and housemaid or garment worker. None of the women said they had had any knowledge of the real working conditions, even the garment factory workers who had some experience in the Free Trade Zones in Sri Lanka. These women had not had the opportunity to participate in the SLBFE training programmes as many of them had first migrated in the late 1980s. Their experience had been a learning process from the time they got onto an airplane from Sri Lanka, a process which they had mastered through ingenuity and sometimes with craftiness. Hard work, they felt was well within their abilities, but they resented injustice. However, when the garment workers were questioned on the non-payment of wages for over nine months, the women said "The Sir was kind, so we knew we would ultimately get paid." The irony is that these workers were never paid and their employer, "the Sir", ended up in jail.

The women have no access to any type of information and obtain news about Sri Lanka from CNN or the BBC. They had no contact with any private organization and relied on interpersonal communication to exchange news. They kept in touch with their families by telephone, but relied on friends to carry letters and drafts.

This informal support system is an intrinsic feature of female labour migration, whether on the job or in the home country. When questioned as to whom they would seek help at a time of crisis, they said their family. The women recounted a number of anecdotes about a compatriot or friend who had helped financially to respond to an urgent family need or who had even helped someone escape a violent employer. They felt that neither the Government nor the NGOs could respond to the types of problems they face, the most pressing being to raise funds for the migratory process. Though angrily vocal about the corrupt practices, they had no ideas on how to by-pass the recruitment agents or the middle-men and women engaged in rackets ranging from falsifying passport applications to making available forged documents.

Prospective migrants, both men and women and those in one Middle Eastern destination, were ignorant of any privately initiated activities to protect and assist them. For the prospective migrant the key informant was a returnee, who generally failed to mention difficulties encountered at the scene of employment. The men were skeptical whether any NGO could intervene on their behalf in a labour-receiving country, when at the slightest conflict between employer and employee, they would find their work-visa cancelled and be brought forcibly to the airport for repatriation. They cited a recent case of contract substitution where 30 men sent to Saudi Arabia as drivers by a sub-agent in their district found themselves as street sweepers. A protest campaign by the workers resulted in their immediate repatriation. No one had intervened on their behalf and these men had to raise funds onsite to come home.

One possible course of action for NGOs, suggested by migrant workers, is the welfare of the family left behind, in particular organizing pre-school and day-care for young children and vocational training for the adolescents. Workers believe that community-based organizations fail to target their families for any type of assistance channelled through them. At times, such organizations even obstruct relief measures, such as the entitlements under the “Samurdhi” scheme, the Government poverty-alleviation scheme. They are critical of the attitude of the village-level Government officials. Since most of NGO initiatives are organized with the assistance of such officials, it is necessary to sensitise these officials with regard to their needs, irrespective of whether “mother is earning abroad”.

A hostel for daughters (aged 8 to 18) of migrant mothers was recently opened in a town 60 km from Colombo. The initiative was taken by a Provincial Councillor and financial help obtained from the SLBFE and the Department of Probation and Childcare services to construct the hostel providing accommodation for 35 girls. The management was entrusted to a nationally-based NGO, the Sri Lanka United Nations Friendship Organization (SUNFO), which appointed a local committee to supervise the activities. At present the hostel accommodates only 11 children and is faced with numerous management problems.

No migrant group was aware of this facility.

The focus of existing NGO initiatives has been on women, particularly housemaids, and the major lobby demands have been to respond to their problems. However, it needs to be borne in mind that Sri Lankan male migrants, too, are finding themselves increasingly in exploitative situations, unable to escape from harsh work conditions or other malpractice. Male workers in all labour-receiving countries are targeted for repatriation under the indigenisation programme, a move unacceptable to many of them who then become undocumented and run the risk of heavy fines and a jail sentence. At a time when both the Government and the non Government sector is keen to promote male migration, recognizing and responding to the specific vulnerabilities of male workers as well as prospective male migrants becomes important.

It was the Kuwait crisis in 1990 that provided the impetus to several non Governmental organizations to initiate action programmes for returnee migrants. At the onset of the migratory movements they had focused merely on documenting the situation,

building profiles and providing limited welfare services, but as the crisis revealed the extreme vulnerability of Sri Lankan migrants, these NGOs changed their strategies from welfare to empowerment and their base of operation from the national to the grassroots level. The problems common to returnees, especially housemaids, are well-known. The NGOs had to go beyond a welfare package covering all returnees to a more sophisticated reintegration programme that would promote self-reliance and economic stability.

As recorded earlier, the 1980s was a period devoted to consultations and seminars at the international and national levels for NGOs to share experiences, strategies and approaches in dealing with migrant issues at all three stages of the migratory process, namely prior to departure, at the site of employment and upon return home. Thereafter, dissemination of information on the outcomes of these meetings was undertaken through the national media and privately published reports. It was only in the late 90s that private initiatives were directed to build local associations of returnee women, as an additional function of existing organizations. These migrant groups are few and the number of their beneficiaries remains miniscule in comparison to the almost one thousand returnees per day.

No privately initiated repatriation programme operate in Sri Lanka, but information is available on one initiative sponsored by a Sri Lankan entrepreneur in Oman. This entrepreneur provided financial assistance to repatriate a group of garment factory workers stranded on account of the sudden closure of a factory. Not only did this man purchase air tickets, he also provided an *ex gratia* payment to the workers to return home.

Undocumented workers both men and women, some languishing in foreign jails and camps, are known to be totally dependent on private welfare organizations for repatriation and to meet the costs of deportation. In such circumstances, Sri Lankan expatriate social and cultural associations and the Association of Sri Lankan workers pool resources to help compatriots in distress by purchasing air tickets and meeting other travel expenses. Given the high number of over-stayers and undocumented workers in Korea, a private sector recruitment agency compels prospective migrants to open a bank guarantee for a sum of Rs.50'000 to ensure funds for repatriation in the event of the worker is forced to leave.

IV. Government initiatives related to returnees

4.1 Social and economic reintegration

The concern over the prospective migrant has overshadowed the needs of the returnee and to date there is no Government-sponsored programme for migrant re-integration. As micro-studies have revealed, the male returnee arrives in his place of origin and quietly reintegrates himself to its social life. His re-integration is not visible, many men joining the ranks of the unemployed and underemployed (Dias 1983). The returnee housemaid too re-integrates smoothly into her role as wife, mother or daughter and resumes household duties without major problems of readjustment (Dias and Weerakone 1991). Returnees have acquired no special skills to vie for jobs in the local labour market. They are not motivated to join in Government-sponsored technical training programmes, as such programmes are perceived as beyond their capacity due to their low level of education.

Although the Kuwait crisis highlighted the need for a comprehensive reintegration programme, the SLBFE recognizes its limitation to do so and has shifted the responsibility to migrant support groups.

In an effort to encourage investment, the People's Bank working with UNICEF in 1992 launched the Rehabilitation of the Gulf Returnee Project. In terms of its agreement with UNICEF, the People's Bank granted loans for self-employment and small-enterprise projects to returnees from Kuwait, the majority of whom were domestic workers. This scheme was also available to the families of the returnees and loans were provided on a low interest rate of 11 per cent per annum on amounts ranging from Rs. 10,000 to Rs. 50,000.²⁰ The scheme was a complete failure for a number of reasons. One reason was that it was not a state-sponsored strategy for reintegration and future sustainability and, thus, received low respect and support. But the main reason was the fact that the returnees lacked motivation and skills to engage in longterm entrepreneurial activities which, in any case, would never provide incomes equal to the salaries of unskilled domestic workers. Both the bank and the returnees failed to consider basic factors essential for success in a commercial venture, such as market realities, competitiveness and management and the Bank failed to monitor projects effectively. Many migrants obtained the loans and used them to pay agency fees for a return stint abroad or used the credit to meet consumption or emergency needs.

An inter-ministerial discussion held in April 2001 was yet another effort to formulate a policy for re-integrating the returnee. Though certain recommendations emerged focusing on skills development, family welfare and remittance management through an informal network at Divisional Level, no work plan was formulated. No analysis was made on the weakness of the current situation where the returnee, unless facing a crisis, slips in quietly to the home country through the regular channels of entry. The only information available about the returnee is through an analysis of the "Disembarkation Cards", a tedious procedure which no Government agency would undertake without special provisions.

Although the Government has no specific reintegration policy, it encourages the returnees to join mainstream empowerment, skills-training, credit and entrepreneurship programmes. This encouragement is visible in programmes extended by the Women's Bureau where economically disadvantaged women are provided with opportunities to participate in extension programmes for income generation, health and nutrition and child care organized through the Kantha Karya Samithis. The Ministry of Vocational Training, presently engaged in a skills and language development programme for prospective male

²⁰ Dias, M. and Shanmugam T.(1993) A Credit Programme for Kuwaiti Returnees, An Evaluation Report, Centre for Women's Research, Sri Lanka.

migrants, also holds the view that returnees could enrol in a wide variety of technical training programmes available in all parts of the country free of charge. However, no records are maintained on the profile of the trainees.

Given the negative impact of migration and the need for support services for migrant female workers, the SLBFE has launched a project to encourage children to continue their education. This scholarship scheme makes financial awards in fixed bank deposits to children excelling in examinations. School requisites and an award of Rs 15'000 are given to children passing the year five scholarship examination, while Rs.20'000 is awarded to those successful at the Advanced Level examination.

The SLBFE has also commenced three pilot projects to provide a social security network for families of migrant workers. Projects have been initiated in the District Secretary's Divisions of Mawathagama, Borella and Weligama to identify services needed by families (e.g., health services, educational facilities and advisory services) and to ascertain ways and means of providing these services through Governmental and non-Governmental organisations. In addition, the projects are looking at collecting data for initiating self-employment projects and setting up counselling centres in schools.

A SLBFE proposal is looking at setting up day-care centres for children of migrant women during the period they are out of the country. Along the same lines, the Department of Child Care and Probation has received a grant of Rs.1.5 million to construct a house in Kuliypitiya to provide shelter to children of migrants.

4.2. Remittance management

The Government maintains an almost laissez-faire attitude in dealing with the remittances of migrant workers, realizing that workers have their own ideas about the use of their savings. All micro-studies show that earnings are used mostly for consumption, while a minority invest in housing. Very few migrant workers are left with savings to invest in entrepreneurial activities.

In the past few years, the State has attempted to encourage investment and long-term financial planning among returnee migrant workers by offering an array of credit schemes. The viability and success of these has not yet been documented. The credit schemes do not focus solely on investment, but also meet other identified needs of migrant workers making them more realistic in application. The People's Bank offers two low-interest loan schemes. One, called Siyatha, offers credit at an interest rate of 16 per cent to sudden returnees from war-torn Gulf countries of up to Rs.250'000 for purchasing land, building a house or for investing in self-employment activities. The second scheme, called Videshika, provides credit to all migrant workers to meet costs of employment or to purchase assets. This scheme also offers a credit ceiling of Rs. 250,000 at an interest rate of 16 per cent. Both credit schemes are subsidized by the SLBFE with the SLBFE paying 9 per cent of the interest on Siyatha loans and 7 per cent on Videshika loans.

In addition, the Bank of Ceylon offers two credit programmes to migrant workers, one known as the Ransaviya I to set up self employment projects at an interest rate of 16 per cent - of which the SLBFE pays 8 per cent - and Ransaviya II where Non-Resident Foreign Currency account holders are able to obtain credit to improve their standard of living at an interest rate of 16 per cent - of which the SLBFE pays 7 per cent.

As recorded earlier, State banks have taken the initiative to encourage savings with enhanced interest rates for foreign currency accounts and other loan benefits. However, such institutions have failed to provide the necessary support systems such as skills in financial management. The reality is that neither the Government nor financial institutions have perceived the returnee migrant worker, especially the housemaid, as a potential

investor as he/she does not have the financial resources to engage in an investment scheme deemed profitable to any financial institution. At present, there is no interest free loans or low-interest loans available through Government sources to any disadvantaged group and the Government is yet to devise a scheme to alleviate the problems associated with indebtedness among the majority of migrant workers. It is for this reason that most migrants feel the necessity for repeat migration.

4.3. Support and counselling for victims of exploitation

The Government's initiatives to bring redress to the exploited and abused focuses on crisis intervention rather than on long-term measures for social and economic integration. In addition to the regular repatriation of abused housemaids from Embassy premises and the safe house in Kuwait, utilizing monies from the Welfare Fund of the SLBFE, ministerial delegations regularly negotiate for the release of undocumented over-stayers, both male and female, of workers languishing in jail and others stranded in the embassies. In 1999, the then Ministry of Labour was instrumental in obtaining the release of over 300 Sri Lankan workers in police custody in Lebanon. Many of these workers had been duped by recruitment agents to travel to Lebanon without valid documents, especially contracts.

The Government's sustained advocacy to obtain a better deal for abused migrant workers has resulted in a series of progressive measures for ensuring their safe return home. When the migrant wants to remain, the Government intervenes to renegotiate a contract with the assistance of the Embassy Welfare Officers. The establishment of the Migrant Assistance Centre (MAC) at Seeduwa by the SLBFE within close proximity to the Katunayake International Airport is an innovative measure to help the returnee in crisis situations from being forcibly repatriated, sick, injured or without money. The staff at the MAC are constantly faced with complex problems for which solutions are found with patience, ingenuity and collaboration with other Government colleagues.

Yogeswary, 24 years of age, a Sri Lankan Tamil woman, was a returnee observed to be mentally deranged upon her arrival at the Katunayake International Airport (IN COLOMBO?). With the assistance of the MAC Duty Officer, she was transported in an ambulance to the Seeduwa Centre, given accommodation for a day and then transferred to the mental hospital after MAC staff contacted the medical authorities. Under medical care, she soon recovered from her depression but presented innumerable problems to the MAC and hospital staff as an undocumented worker on a forged passport bearing a Muslim woman's name. She had been a resident in a refugee camp in India and had arrived in Sri Lanka illegally. Through a combined effort of MAC and hospital staff, the agent that organized her employment was found, threatened with prosecution and forced to obtain an Indian visa to dispatch the woman to her family in Madras, at his cost. A copy of the Indian visa and the return ticket was demanded by the hospital PSW and the agent was severely reprimanded for his actions. Prosecuting him was deemed too complicated and the staff directed their efforts towards reconciliation of the situation.

Government policy to support victims of exploitation focuses mainly on the pre-departure stage, where the SLBFE, through its welfare, training, legal and enforcement divisions, provide available services for counselling and redress. Reports of harassment and exploitation are received directly from the migrant or from members of the family and all cases are reviewed by the SLBFE staff who take action to redress the situation. As the Table of Complaints (see section 3.c) received by the SLBFE reveals, non-payment of wages is a frequent complaint at the scene of employment, while others, such as lack of communication with the family left behind are sorted out through personal contacts by the SLBFE staff. Legal support is extended to victims of exploitation in the industrial sector, where prosecutions are possible through the labour laws of the host countries. In the home country, when cases of exploitation are brought to the notice of the SLBFE, if sufficient evidence of fraud or deception is available, the SLBFE Legal Division initiates action in terms of the Foreign Employment Act.

4.4. Migrant's assessment of Government initiatives for returnees and suggestions for future initiatives

The concept of reintegration as a process where the returnee can assert some degree of control over their lives through their earnings is unimaginable to both male and female returnees. They express the view that the Government has failed to extend any kind of support to change the circumstances which drove them to work abroad and, therefore, they do not expect the Government to help them on their return. For many of them, the return process is traumatic, subject to harassment by officials at immigration and customs and by extortionists freely roaming around the airport premises. However, they are aware of some of the recent protective measures introduced at the airport to safeguard returnees.

Compensation payments for Kuwaiti returnees, a project handled by the SLBFE over a period of seven years, is an issue that evokes considerable discussion. Although most persons eligible for compensation payments have received their due, returnees are critical of the procedures which are time-consuming and entail travel costs.

While acknowledging the recent initiatives of the Government to protect migrant workers, especially women, from going into exploitative situations, both male and female returnees felt that the Sri Lankan authorities could be more assertive in negotiating with host countries on worker's rights for a minimum wage and more conducive work conditions. Male workers found living conditions in labour camps appalling and they had suffered many hardships during the summer months in the Middle East. That the Sri Lankan housemaid is advertised as the cheapest in the market creates a false image, detrimental to the workers. They can not overcome this low-status image as Government authorities have failed to negotiate for a higher minimum wage.

A majority of male returnees feel that the Government may need to consider restrictive measures to prevent certain categories of females seeking employment abroad, namely uneducated, unmarried females below 20 years of age. Such women are more susceptible to abuse, especially sexual harassment. Well-aware of the factors which motivate a woman to consider foreign employment, both groups reject the idea of a total ban on female labour migration. A ban, they feel, would result, in complete chaos for the economy as well as Sri Lankan society and make life even more miserable for the poorest people.

As long as the recruiting process is monopolized by the private sector, benefits from foreign employment will remain minimal, earnings sufficient only to meet the basic needs of the family left behind. The men believe they will never raise the increased fee for finding jobs, even in the Middle East, which is now estimated to be around Rs.100'000. As for the women, new welfare schemes and the insurance cover would guarantee a fair degree of protection, but they know that, ultimately, they will be at the mercy of their employer, usually, the female head of the household who has no qualms about exploiting hired labour. It is impossible to reach out to embassy welfare officers, short of running away from the workplace.

Male returnees and even workers onsite feel isolated from Government mainstream programmes for reintegration. They are not aware of economic reintegration and are frustrated with the difficulties in finding suitable employment. Some of them do possess skills that would be useful in a self-employment venture but not the finances for investment in machinery, etc. A duty-free concession to import machines and tools for workshops, they believe, would be helpful. If foreign employment recruiters are given concessions to import duty-free vehicles, the Government could recognize the migrant workers' contribution to the economy by extending similar concessions. The women participants were more subdued. Only a few aligned to the migrant welfare groups were

able to express views on measures to protect the female workers and to ensure that she does not become a repeat migrant. They were appreciative of the on going Government efforts to raise consciousness of all women workers through numerous training and awareness programmes and felt that it was the duty of the women to mobilize themselves with their new self-confidence and reach out for the benefits available at local level. Ignorance, not only of what is available through Government sources but also on the realities of working abroad is instrumental in bringing about the initial exploitative situations, while failure to capitalize on their experience of working abroad, even in domestic service, is seen as the reason for their inability to enhance family well-being upon their return.

V. Private initiatives related to returnees

5.1. Social and economic reintegration

As described in section 4, the Migrant Service Centre is the main non Governmental organization involved in providing assistance and services to migrant workers, prospective and returnee. One of its main activities concerning returnee migrant workers is the setting up of migrant worker associations at the district level around the country.

Migrant worker associations set up by the Migrant Services Centre function in several parts of the country and serve to organize migrant returnees. Migrant worker associations are a social safety network designed to provide answers to questions and issues that confront migrant women workers. These grassroots-level associations have a wide mandate, including providing an opportunity for migrant returnees to meet and socialize, implementing small-scale savings and credit schemes to assist returnees in various income-generating activities, advocacy and lobbying at the community level to provide first-hand information to prospective migrant workers on workplace situations, benefits and hardships and coping mechanisms.

These associations are voluntary bodies and the Migrant Service Centre introduces the mechanism to communities only if women migrants, returnees and their families wish to come together to set up such an association and they are sponsored by a trade union or a non-profit-making organizations/non Governmental organisations. At present, five associations have been formed, two in Matugama and Deniyaya sponsored by trade unions, one in Kegalle with an NGO, the Forum on Development, one in Hatton with the plantation community and one in Seeduwa with the Katunayake Export Processing Zone workers.

The Kegalle Migrant Worker Centre is supported by the Forum on Development, a Kegalle-based NGO which focuses on community development, small scale savings and credit and providing community development education and leadership skills to community leaders. The Kegalle Migrant Worker Centre was set up in 1998 and operates two branch associations at the village level in the district of Kegalle, in Nelundeniya and Siyambalapatiya. Each village association has a membership of 20 women, migrant workers as well as other women from the village. The main aim of the association is to foster alternative income-generating programmes to motivate women in the village to look for income avenues locally without resorting to migration. The returnees advocate against migrating due to the hardships faced at the workplace and at home. These returnees include women who have benefited economically from migration as well as those who have not.

The associations carry out small-scale savings and credit schemes providing loans for a range of income-generating activities such as preparing food (e.g., cooked food, yoghurt, snacks, drinks), the packaging of spices, sewing, operating a beauty salon, raising poultry, and manufacturing furniture. All initiatives have been successful.

These associations have motivated several migrant aspirants to look at alternatives to leaving family and home in search of an income. The associations also use a popular method of street theatre to take their message to a wider audience. The street dramas on the advantages and disadvantages of migration (weighing heavily towards disadvantages) are written and produced by the women who themselves act in the dramas. Another major concern of the associations addressed by the street theatre troops is the negative image of migrant women workers whose own communities consider as women of loose morals or untrustworthy (see *article on the Image of the Sri Lankan Housemaid*).

Many religious institutions provide counselling and care for abused and exploited migrant workers. The Mosque provides a high degree of protection to Muslim migrant workers by organizing returnee workers and providing opportunities for workers with experience in the Middle East to join Hadj pilgrims to work on a short-term basis at the worship sites in Mecca.

Image of the Sri Lankan Housemaid*

"Fakir!" "Sri Lankan Fakir!"

The basic image of the Sri Lankan housemaid as a beggar from a poor country, an ill paid drudge, a coolie to wash lavatories, a maid of all work and a victim of her employer, still remains over twenty years since the exodus began.

She has low status because of her gender, class and job, in addition to being a foreigner from a poor country.

She is a symbol of sexual degradation to her employers. Raped and forced into sexual slavery by the men, ill-used by the women, she has little recourse to help, no agents to report to, no "hot-lines". safe houses, half-way houses and no official assigned to help her. This vulnerability further deteriorates her image - to the employer "she is a fakir; we can do what we like with her."

The image goes beyond the household. Sexual liaisons formed with male expatriate workers from Asian countries end in tragedy and unwanted babies. The housemaid gets no sympathy from the employers, the perpetrators and certainly not from the law.

Thirty year-old R. Wijayalakshmi complained to the police in her home town in Deraniyagala that her employers in Jordan refused to pay her salary and that the recruiting agent in that country assaulted her when she demanded her salary. Hers is not a remarkable tale. There are hundreds of such victims. Women who run away from employers and are in the "custody " of agents, who are assaulted and sexually harassed before they are sent back, penniless, sad and sick.

Back home, her image is not much better. After the money she has brought is spent, she becomes a cipher in her circle. Unable to fit into domestic service, coping with a changed lifestyle and accepting the degrading role the family assigns to her, some even take refuge in prostitution.

From the moment they step into the arrivals lounge on their way home, they are the butt of crude remarks, salacious comments, lewd glances.

They are victims of taxi drivers who fleece them or of hangers-on who befriend them and steal their goods and money.

As a woman, wife and mother, she has made many sacrifices, often lost what she has treasured most in a lifetime. But at no time is her image that of a woman with courage and fortitude, traversing the unknown for her family's sake

* Written by Vijita Fernando, Journalist.

5.2. Remittance management

Private banks have ventured into migrant-destination countries and opened branches to assist Sri Lankan nationals remitting their earnings. Over the last five years, these branch offices have managed to attract a fair number of clients with a personalized service. Due to the constraints of their work conditions, housemaids still prefer to use informal channels to remit their earnings. With the fluctuation of the dollar, many of these women are unaware that their informal contacts do not give them a fair exchange rate and that they are losing on the transaction. Women prefer informal remittance as it is convenient and, recently, the bank service has provided an acceptable scheme to get their earnings to the family left behind.

5.3. Support and counselling for victims of exploitation

The Migrant Service Centre, as part of its activities for prospective and returnee migrant workers administers a telephone hotline for complaints and provides legal advice to returnees.

Women In Need, a Colombo-based private voluntary organization offers counselling services to women subject to harassment and abuse in the family or at the workplace.

Though special programmes are not offered to migrant women, WIN extends its support services in instances where women are referred to them from the SLBFE. The organization has the capacity to give short- term refuge to pregnant migrant returnees at their shelter and the SLBFE has been informed accordingly. To date no returnee has sought admission. WIN organizers feel that failure is due to poor communications between SLBFE and the NGO sector and the lack of awareness among women victims of abuse.

With regard to church-based organizations, the Roman Catholic Church, specifically the Good Shepherd Nuns, provide child-care facilities and shelter for pregnant returnee migrant workers.

A few other non-Governmental organizations in Sri Lanka are concerned and work with migrant women workers in different areas. The main characteristic of these organizations is that they not only deal with issues of migrant women workers, but include these workers among other disadvantaged people for whom they provide services. As mentioned above, in 2000, these organizations came together to form the Migrant Workers Action Network.

Organisation	Areas of work
Women's Development Foundation 22/4, Stoutt Circular Road, Kurunegala	Dealing with relevant authorities in cases of abuse
Movement for Migrant Workers' Rights 52, Anagi Mawatha, Nittambuwa	Assistance to returnees, assistance in bringing home dead bodies and obtaining compensation
Centre for Society and Religion 280, Deans Road. Colombo 10	Assistance in obtaining compensation
Women's Development and Counselling Centre New, Town, Ratnapura	Counselling
Good Shepherd Centre Amandoluwa, Seeduwa	Accommodation for detainees, assistance in bringing home dead bodies and counselling
ACILS 9, Kinross Avenue, Colombo 6	Advocacy
SLNAC 19, Havelock Road, Colombo 5	Counselling
YWCA – Colombo	Welfare services
National Christian Council Women's Division 368, Baudhaloka Mawatha Colombo 7	Information, dealing with problems faced by workers, advocacy and lobbying with relevant authorities
SEDEC 133, Kynsey Road, Colombo 8	Assists and mediates in solving problems faced by workers, awareness raising workshops, assistance in bringing home dead bodies
Good Shepherd Convent Sea Street, Negombo	Assists and mediates in solving problems faced by workers, research and counselling
Companions on a Journey	Research and networking

5.4. Migrant's assessment of private initiatives for returnees and suggestions for future interventions

Migrant groups, other than those aligned to MAC, were unaware of any private initiatives for returnees. When asked for suggestions, they found it difficult to imagine the type of programme private organizations would be willing to extend to address their problems such as unemployment, poor income, the inability to obtain credit at low-interest or to find financial support for training in such new fields as computers, repair of electronic equipment and other higher technical skills. Such training was available only on the payment of fees, which they could not afford. The female returnees, who had received small loans ranging from Rs.5'000 to 15'000 were appreciative of the interest taken by the Migrant Associations but felt that these small loans could never uplift their families from poverty. They realized that private organizations could not embark on extensive reintegration programmes due to the lack of resources.

VI. Institutional framework

6.1. Bodies to promote, enforce and supervise policy and legislation

In addition to the SLBFE (described earlier), in 1995 the Government appointed a Presidential Task Force on Policy Formation for Migrant Workers to recommend a five-year plan for improving the status of migrant workers. The recommendations included the introduction of a contract-registration scheme for migrant women workers in the domestic and garment factory sector; imposing conditions on airlines when issuing air tickets to migrant workers; offsetting up a special airport monitoring unit to curb illegal migration; enhancing training programmes along guidelines set by the Task Force; facilitating the final registration process by opening additional centres; raising salary levels of overseas garment factory workers and housemaids up to US\$130; providing free air tickets to housemaids and garment factory workers; initiating low-interest housing loans schemes (9 per cent interest rate) for migrant workers through the People's Bank (Videshika and Siyatha); initiating low-interest (8 per cent interest rate) self-employment loans for migrants workers through the Bank of Ceylon; the establishment of a Workers' Welfare Funds (WWF) generated through the contract-registration scheme; distribution of funds under the WWF to overseas missions for the welfare of migrant workers; visits to labour-receiving countries and enhanced bilateral relationships; implementation of a pilot programme for students of migrant families by increasing the value of awards from Rs.10'000 to Rs.20'000; implementation of a pilot programme of safety network projects for family members of migrant workers and the increase in the rate of maximum awards under the Suraksha Insurance Scheme from Rs.190'000 to Rs.275'000.

Some of these recommendations were implemented during 1999, namely, two million rupees allocated to the WWF for the welfare of foreign employees by the SLBFE. The money was given to 10 embassies to use for measures such as providing shelter for displaced workers and air tickets for repatriation; the Ransaviya loan scheme was initiated; the Ministry of Youth Affairs and Samurdhi launched a project to train returnees from foreign employment to assist self employment; medical clinics were set up in Divisional Secretaries divisions of the SLBFE to provide medical treatment free of charge to the spouses, children and dependents of workers and, at the Bandaranaike International Airport, Katunayake, a new security scheme to protect women returning from employment in West Asian countries has been established.

It is important to look at the focus of the Government where preference is given to exporting male labour. "The high social cost of women migrating for work has caused the Government to launch a drive towards encouraging more men to seek employment abroad. One of the incentives offered by the Government to labour agencies are tax concessions on car import if more men are sent for foreign employment than are women. To qualify for a tax-free car, an agency has to send a minimum of 500 workers of whom 300 must be men. According to migration statistics the female to male migration ratio is 1:4 and the Government wants this reduced to 2:5"²¹.

6.2. National and international co ordination efforts

Sri Lanka has seen little effort by international NGOs or inter-Governmental agencies working on migrant worker issues. The International Organisation for Migrants is the only

²¹ Sthree Prabodha, Newsletter of the Centre for Women's Research, June 1999, Vol. 11, No.1.

international organization that has links with the SLBFE due to coordination efforts during the handling of the Kuwait compensation programme. The NGO community in Sri Lanka has attempted to maintain coordination and networking connections with the Migrant Forum in Asia, since 1994 when a representative of the Centre for Women's Research participated at its first meeting. NGOs also network with the Asia Migrant Centre. Sri Lanka also participated through Government and NGO representatives in the drafting of the Convention Against Trafficking by countries of the South Asian Association for Regional Cooperation (SAARC).

In Sri Lanka, donor aid for migrant workers issues is channelled through the Canadian International Development Agency (CIDA) under its Shakti Gender Equity Project and the American Centre for International Labour Solidarity (ACILS).

Conclusions and recommendations

Conclusions

Over the past decade, the Sri Lankan Government has increasingly focused on migrant workers issues, especially those of unskilled workers. A number of Government agencies have initiated welfare measures to safeguard migrant workers. These initiatives, as described in the preceding sections have included services and schemes at all three stages of the migratory process, pre-migration, onsite and post-migration. Pre-migration training, compulsory registration, insurance schemes, the appointment of labour attachés and welfare officers at Sri Lankan missions in host countries, the setting up of the Migrant Assistance Centre, programmes at the airport to assist returnee migrants, and assistance schemes for the families of migrant workers are some of the important initiatives undertaken by the Government.

While these initiatives are, a downside to some welfare measures is the “bureaucratic blanket” of extensive paperwork that causes delays. This problem is unlikely to be resolved in the near future, as bureaucracy is part of the Government structure

Welfare and protective programmes have not, however, been able to stem the ten percent of workers facing abusive and exploitative situations. Several reasons are attributed to this; the primary being the inability to account for undocumented migrant workers who evade the compulsory registration requirement or through personal contacts. Another reason for the continuous exploitation and abuse of migrant workers stems from the inability to put into effect provisions set out in international conventions to safeguard migrant workers in the host countries. As a result, host countries continue to violate the rights of Sri Lankan (and other) migrant workers. A third reason stems from the lack of control over private recruiting agencies in Sri Lanka where much of the exploitation arises.

Looking at NGO initiatives, one notes that many are carried out as a segment of an organization’s objectives and that no NGO serves and is committed exclusively to issues of migrant workers. As a result, the work of NGOs is marginal and does not reach structural issues faced by migrant workers. Minimum action on the part of NGOs contributes to the low status and low image of unskilled migrant workers, especially housemaids within Sri Lanka and abroad. Their lack of concrete advocacy efforts contributes to the lack of specific laws covering migrant workers. Their lack of proper networking results in networks and coordination efforts not being developed among NGOs in Sri Lanka and the host countries. NGOs could play a crucial role in reducing exploitation and abuse of migrant workers and their commitment is urgently need.

Much has been documented and programmes and schemes initiated on improving the status of women migrant workers. But the status and problems faced by non-skilled male migrant workers receives little attention although it is an issue that threatens to become, if not already is, grave.

The lack of awareness among migrant workers (stemming mostly from a lack of interest) about services and programme initiated for their protection and welfare is a notable finding. Prospective migrant workers apparently prefer to rely on personal support mechanisms, e.g., the family, little knowing that this support will not suffice to meet abusive or exploitative situations abroad.

This point also leads to a closer look at the risky behaviour displayed by migrant workers. While the motivation to migrate has been documented extensively by researchers, little information is available about the psyche of the unskilled or semi-skilled migrant

worker who takes alarming risks in migrating. Whether this behaviour is an established pattern of poor people in Sri Lanka is a question that needs answering. (CUT??)

Recommendations

Ratify the ILO Convention No. 143 'Concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers' of June 1975. It is imperative that Sri Lanka ratifies this Convention to receive international recognition and to be in a position to negotiate with and influence labour-importing countries.

Look at the need for Sri Lanka to enter into bilateral agreements with the national Governments of host countries. Such agreements would entail detailed negotiations between the Sri Lankan Government represented by the Ministries of Labour and Foreign Affairs and the Governments of labour importing countries.

Strengthen the implementation and enforcement of the provisions in the Sri Lankan Bureau of Foreign Employment Act pertaining to regulating, monitoring and supervising the labour recruitment trade. State mechanisms must be strengthened to enable the SLBFE to address and remedy the issue of unauthorised recruitment agents and agencies.

Review support services provided to migrant workers in the following;

Support services to prevent abuse and exploitation of migrant workers, which can be implemented for potential migrant workers and workers onsite.

Training programmes provided to prospective female migrant workers and those available to prospective male migrant workers. The training should necessarily be holistic to impart self-confidence, discipline and negotiating skills to workers. The essentials for achieving this are to provide sound language training (English and Arabic), negotiation skills and to instill confidence in trainees to assert their rights. The training setting needs to be changed possibly to a residential training campus, where prospective migrants are subject to intensive training programmes using modern training techniques.

Establish a complete, comprehensive and gender-sensitive database on international labour migration from Sri Lanka, including statistics and information on male migrant workers and case studies of abused and exploited migrant workers from which programmes for safeguarding can be formulated.

Promote NGO initiatives and the formation of migrant worker groups to build an active and recognised movement for effective awareness-raising, networking, advocacy and lobbying roles to prevent abuse and exploitation of migrant workers. NGO representatives could be encouraged to visit Hong Kong to observe the functioning of the AMC and the Philippines where the Secretariat for the Coalition of Migrant Rights has its Secretariat. As an alternative, representatives of international advocacy groups could be invited to conduct workshops on all aspects of campaigning.

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Appendix

ANNEX 1

Table 1 Labour Force participation

Year	Total Labour Force ('000 persons)	Labour Force Participation Rate (%) (a)		
		Total	Male	Female
1990	6001	51.9	67.7	36.2
1995	6106	47.9	64.4	31.7
1998 ^(b)	6634	51.5	67.3	36.4
1999 ^(c)	6646	50.8	-	-

(a) Labour force as a percentage of household population aged 10 years and above

(b) Average of four quarters

(c) Average of three quarters

source: Central Bank of Sri Lanka Annual Report 1999

Table 2 Unemployment Rate

Year	Percentage of Labour Force		
	Male	Female	Total
1990	11.8	23.4	15.9
1995	8.8	18.8	12.3
1998 ^(a)	6.6	14.6	9.5
1999 ^(b)	6.8	12.5	8.8

(a) average for four quarters

(b) average for three quarters

Source: Central Bank of Sri Lanka Annual Report 1999

Table 3 Migrant Workers by skill levels (in thousands)

Year	Professional		Middle Level		Clerical & related		Skilled		Unskilled		House maid Total No	Men: women ratio of migrants
	Total No	Women %	Total No	Women %	Total No	Women %	Total No	Women %	Total No	Women %		
1988	65	4.6	368	8.7	907	9.7	5058	38.9	4657	14.1	7373	1:1.22
1889	122	4.1	631	6.5	835	18.2	6849	42.7	4647	27.6	11640	1:1.85
1990	121	5.8	848	11.3	828	12.6	11143	40.8	8862	18.9	20823	1:1.77
1991	157	4.5	963	8.4	1400	7.3	16282	36.8	11436	22.2	34890	1:2.03
1992	271	3.7	947	8.5	1528	22.9	11348	39.9	8466	24.8	22092	1:1.88
1993	479	2.9	1030	7.5	1813	11.4	12364	37.6	8827	27.3	24240	1:1.84
1994	266	6.8	833	5.5	1561	9.7	12582	43.3	8820	22.9	36105	1:2.68
1995	278	6.5	1048	17.5	1832	12.8	18652	38.1	12617	25.0	83512	1:3.98

Adapted from source: Sri Lanka Bureau of Foreign Employment

Table 4

	1995	1998	1999 ^(a)
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Employment Placements	172,489	159,816	178,052
<u>By source</u>			
Licensed Agents	118,692	112,539	120,218
Other	53,797	47,277	57,834
<u>By sex</u>			
Males	46,021	53,867	62,949
Females	126,468	105,949	115,103
<u>By manpower category</u>			
Housemaids	113,860	85,349	87,191
Skilled labour	27,165	31,787	37,145
Unskilled labour	23,497	34,109	43,153
Other	7,967	8,571	10,563

(a) Provisional

source: The Annual Report 1999, Central Bank of Sri Lanka

Table 5 **Sri Lanka labour outflows by occupation 1975-1995**

Year	Professional	Middle Level	Clerical & related	Skilled	Unskilled	Other	Total
1975	568	288	Na	-	-	165	1,039
1985	121	1,061	Na	1,913	9,204	75	12,374
1988	65	368	907	5058	12030	Na	18,428
1889	122	631	835	6849	16287	Na	24,724
1990	121	848	828	11143	29685	Na	42,625
1991	157	963	1400	16282	46326	Na	65,128
1992	271	947	1528	11348	30,558	Na	44,652
1993	479	1030	1813	12364	33,067	Na	48,753
1994	266	833	1561	12582	44925	Na	60,167
1995	278	1048	1832	18652	96129	Na	117,939

Adapted from source: Sri Lanka Bureau of Foreign Employment

Table 6 Nationals Leaving for Employment Abroad through all sources (excluding migrants on vacation)

Country	1992	%	1993	%	1994	%
Saudi Arabia	41,083	33	51,413	40	45,005	34.6
Kuwait	32,368	26	30,362	24	33,273	25.5
U.A.E	22,409	18	19,901	15	17,982	13.8
Lebanon	3,145	3	4,389	3	7953	6.1
Oman	8,715	7	5,520	4	4523	3.4
Bahrain	6,225	5	5,684	4	5624	4.3
Jordan	3,511	3	3,329	3	4830	3.7
Qatar	1,655	1	3,114	2	4121	3.1
Maldives	2,490	2	2,309	2	2391	1.8
Singapore	1,775	1	2,065	2	1975	1.5
Cyprus	-	-	608	0.5	894	0.6
Greece	-	-	132	0.1	61	0.04
Pakistan	-	-	-	-	41	0.03
Libya	-	-	-	-	4	-
Hong Kong	-	-	-	-	124	0.09
Syria	-	-	-	-	16	0.01
Italy	-	-	-	-	118	0.09
Brunei	-	-	-	-	9	-
UK	-	-	-	-	12	-
Canada	-	-	-	-	8	-
Algeria	-	-	-	-	60	0.05
Turkey	-	-	-	-	42	0.03
Australia	-	-	-	-	5	-
Bangladesh	-	-	-	-	5	-
Germany	-	-	-	-	4	-
Russia	-	-	-	-	13	0.01
Tanzania	-	-	-	-	6	-
Iran	-	-	-	-	5	-
Egypt	-	-	-	-	21	0.01
South Korea	-	-	-	-	674	0.51
North Yemen	-	-	-	-	3	-
Nigeria	-	-	-	-	1	-
India	-	-	-	-	4	-
Thailand	-	-	-	-	4	-
Holland	-	-	-	-	1	-
France	-	-	-	-	6	-
Iraq	-	-	-	-	5	-
Malaysia	-	-	-	-	5	-
Mauritius	-	-	-	-	15	0.01
China	-	-	-	-	1	-
USA	-	-	-	-	18	0.01
Japan	-	-	-	-	6	-
New Zealand	-	-	-	-	1	-
Zambia	-	-	-	-	2	-
Fiji	-	-	-	-	1	-
Papua New Guinea	-	-	-	-	1	-
Others	1118	1	250	0.2	154	0.11
Total	124,494		129,076		130,027	

Table 7 Estimated stock of countries importing – 1996

Country	Sex		Total
	Females%	Males%	

Saudi Arabia	55	45	200,000
Kuwait	82.4	17.6	85,000
UAE	80	20	75,000
Lebanon	96	4	25,000
Oman	80	20	25,000
Jordan	75	25	20,000
Qatar	75	75	15,000
Other Middle Eastern countries	66.7	33.3	15,000
Italy	66.7	33.3	15,000
Far east countries	66.7	33.3	25,000
African countries	80	20	15,000
Asian countries	16.7	83.3	15,000
Total	100	100	550,000

Source: Sri Lanka Bureau of Foreign Employment

Table 8 Migrant workers by marital status – 1994

Marital status	Total	Female		Male	
		No	%	No	%
Single	29677	22922	21.1	6755	31.7
Married	100350	85776	78.9	14574	68.3
Total	130027	108698	100	21329	100

Source: Sri Lanka Foreign Employment Bureau

Table 9 Sri Lanka migrant worker labour participation by age –1994

Age group	Total		Female		Male	
	No	%	No	%	No	%
20-24	29996	27.06	24554	22.58	5442	25.51
25-30	27636	21.25	22208	20.43	5428	25.44
31-34	34258	26.38	29959	27.56	4299	20.15
35-39	25426	19.55	22066	20.3	3360	15.75
40-45	10361	7.96	8407	7.73	1954	9.16
46-49	2168	1.67	1419	1.3	749	3.51
Over 50	182	0.13	85	0.11	97	0.48
Total	130027	100	108698	100	21329	100

Source: Sri Lanka Foreign Employment Bureau

Table 10 Place of origin of migrant workers- 1994 (based on airport survey excluding vacation holders)

District	Total	Females%	Males%
Colombo	25930	18.4	27.4
Gampaha	9064	6.8	7.8
Kalutara	7668	6.0	5.5
Kandy	12261	9.7	8.3
Matale	3716	3.1	1.7
Nuwara Eliya	1653	1.3	0.9

Galle	2914	7.0	5.9
Matara	3348	2.6	2.5
Hambantota	1975	1.5	0.9
Jaffna	1252	0.4	3.8
Mannar	441	0.3	0.4
Vavuniya	334	0.2	0.3
Mullativu	33	0	0
Batticaloa	5118	3.7	5.2
Ampara	5532	3.7	6.8
Trincomalee	3465	2.8	1.9
Kurunegala	13505	11.2	6.4
Puttalam	6084	4.7	4.8
Anuradhapura	5141	4.3	2.2
Polonnaruwa	2179	1.9	0.7
Badulla	2479	2.0	1.4
Moneragala	358	0.3	0.1
Ratnapura	2069	1.7	1.0
Kegalle	7608	6.3	3.9
Total	130027	100	100

Table 11 *Housemaid population as a proportion of migrant workers (in thousands)*

Year	Total	Women		Men		Housemaids			
		No	% increase	No	% increase	No	% increase	% out of total	% out of women
1988	18428	10119		8309		7373	45.7	40.0	72.9
1989	24724	16044	58.6	8680	4.5	11640	57.6	47.1	72.6
1990	42625	27248	69.8	15377	77.2	20823	78.9	48.9	76.4
1991	65128	43612	60.1	21456	39.5	34890	67.6	53.6	80.0
1992	44652	29159	-33.1	15493	-27.8	22092	-36.7	49.5	75.8
1993	48753	31600	8.4	17153	10.7	24240	9.7	49.7	76.7
1994	60167	43796	38.6	16371	-4.6	36105	48.9	60.0	82.4
1995	117939	94214	115.1	23725	44.9	83512	131.3	70.8	88.6

Source: Sri Lanka Bureau of Foreign Employment

Table 12 **Complaints received by SLBFE in 2000 (of registered workers)**

Nature of complaint	Workers by sex		Total
	female	Male	
Harassment	1337	70	1407
Non payment of salary	1437	342	1779
Breach of contract	469	772	1241
Lack of communication	1596	124	1720
Deaths	49	59	108
Stranded	33	03	36
Other	880	182	1062
Total	5801	1552	7353

Source: SLBFE

Table 13 **Complaints on recruitment agencies received in 2000**

No of complaints received	1261
Number of cases filed	120
Number of cases settled by the SLBFE	727
Number of convictions	22
Backlog of cases	382
Recoveries made from agencies	Rs. 2.9 million

Source: SLBFE Data Bank

ANNEX 2

**Sri Lanka Bureau of Foreign Employment
Registration for Employment Overseas**

1. **Full Name:**
2. **Address in Sri Lanka:**
3. **District**
4. **Telephone Number (if available)**
5. **Sex**
6. **Passport Number**
7. **Identity Card Number:**
8. **Employment:**
9. **Country:**
10. **Address abroad:**
11. **Date of departure:**
12. **i. Have you signed a contract of employment: (yes/No)**
ii. Is a copy of it attached hereto (yes/no)
iii. If a copy has been handed over previously, the address of such office

Date:

signature

.....
.....

For official use only

Insurance Cover No

Stamp Number

Bank Draft Number

Amount

Date