



## COVID-19 AND ITS IMPLICATIONS ON HUMAN TRAFFICKING IN SRI LANKA

### WHAT IS HUMAN TRAFFICKING?

Human Trafficking is a serious organized crime that often extends across international borders and jurisdictions. Men, women and children can be trafficked for a wider range of exploitative purposes such as forced labour, sexual exploitation, domestic servitude and removal of organs.

As outlined in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000 (commonly referred to as the **Palermo Protocol**): "Trafficking in persons" means "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." In the case of children, even if none of the means described above are being used in the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation, it will be considered as trafficking.

As a country of origin, Sri Lankan women and men migrate primarily to the Middle East and certain Asian countries for employment as domestic workers, or to work in garment factories, or on construction sites. Some migrant workers are subjected to unreasonably long hours for little to no pay in situations they are unable to leave. As a destination country for migrants, there are reports of women being trafficked to Sri Lanka for sexual exploitation. Within the country, there are incidents of women deceived into accepting jobs in the main cities to work in the garment and hospitality sectors, beauty salons/ spas, or as domestic workers who are subjected to forced labour or exploitation in prostitution.

The Government of Sri Lanka (GoSL) has taken steps to combat the crime. GoSL ratified the Palermo protocol in 2015. The Penal Code (Amendment) Act No. 16 of 2006 was enacted by the Parliament of Sri Lanka in line with the Palermo protocol. Further, the Victim and Witness Protection Act was enacted in 2015 with its subsequent amendment in 2017. The establishment of the 'National Anti-Human Trafficking Task Force' and the development of the Standard Operating Procedures (SOP) on the effective identification, protection and referral of victims of human trafficking are some of the key measures taken by the Government to combat human trafficking.

### IMPACT ON MIGRANT WORKERS AND THE RISK OF EXTERNAL HUMAN TRAFFICKING

The COVID-19 pandemic affects all segments of the population and is having a particularly devastating impact on migrants. Far removed from family support systems and often employed in low-paid and insecure jobs with few benefits, vulnerable migrant workers are often the first to bear the full brunt of disruptions caused by the pandemic.

Approximately 1.7 million Sri Lankan migrant workers are employed in the Middle East, Europe, Africa, and elsewhere in Asia. Sri Lanka Bureau of Foreign Employment (SLBFE) statistics indicate that in 2018, low-skilled and domestic worker categories represented 55.2 percent of the total departures for foreign employment. The Middle Eastern region continues to be the main destination for Sri Lankan migrant workers. Approximately 97.4 percent of domestic workers and 78 percent of low-skilled category workers are concentrated in Kuwait, the Kingdom of Saudi Arabia, Qatar, and the United Arab Emirates.

As a result of the COVID-19 pandemic, Sri Lankan migrant workers in the Middle East, Italy, and South Korea have reported finding themselves without employment or with continued employment but no pay during the lockdown. Given that the Middle East and the European Union (EU) are the main sources of foreign remittances to Sri Lanka, the loss of employment or wage cuts have substantial implications for the economic security of the migrant workers and their families in Sri Lanka and the loss of salary and remittances expose them to further vulnerabilities.

## **The following groups of migrant workers can be particularly vulnerable to human trafficking:**

**Domestic workers:** As a group, migrant domestic workers are often required to live in the homes of their employers. They are also rarely covered by the national labour laws and social protection schemes in most countries of destination, leaving them without the associated assistance and protection mechanisms. These conditions place migrant domestic workers in highly vulnerable positions where they may be unable to leave an abusive employer or to even seek help.

Since the outbreak of the COVID-19 pandemic, working and living conditions have reportedly taken an extra toll on domestic workers. They are unable to refuse increased workloads or additional caregiving for elders/differently abled or childcare responsibilities. Migrant domestic workers in the Middle East are typically not allowed to leave their employer's home. The pandemic related mobility restrictions can further worsen the situation. The restricted mobility renders homebound migrants unable to reach out to any supportive social networks, or embassies in countries of destination for information and assistance. Some domestic workers are not allowed to use mobile phones and their communication with their families is restricted by the employer. Along with increased workloads, they are also at risk of reduced breaks, poor working conditions, non-payment of wages, threats, limited access to healthcare systems, physical and psychological abuse. Female migrant workers are disproportionately affected by the pandemic facing an increased risk of exploitation.

Under the kafala (sponsorship) system, which exists across the Gulf Cooperation Countries to varying degrees, migrant workers' visas are tied to specific employers. Migrants are not permitted to leave or change employers without the explicit permission of their employer. In some cases, domestic workers who escaped abusive employers have been arrested and returned to the same abusive employers or imprisoned for "absconding". Domestic workers will find it even more difficult to escape from abusive work environments particularly during the ongoing

pandemic due to lock down situations, challenges in accessing shelters, supportive networks and other services. Even if they manage to escape, they may not be able to immediately receive repatriation assistance due to airport closures and countries' exit and entry restrictions.

**Migrant workers in semi-skilled or other low skilled categories:** Non-payment or late payment of wages was a common complaint among the migrant workers in the Middle East even prior to the outbreak of COVID-19. Many migrant workers take out loans to migrate which can trap them for several years in cycles of debt and exploitation. With a predicted global recession associated with COVID-19, affecting businesses, manufacturing, industries and in all sectors, employers in countries of destination will take measures to downsize operations, which would include termination of employment contracts, wage-cuts, or business closures altogether. As a result of the pandemic and the economic downturn, migrant workers are particularly at risk of losing their jobs and are often not in a position to oppose unfavourable work conditions. Such precarious situations can compel them to accept such conditions out of sheer desperation to keep their jobs.

**Undocumented / irregular migrants:** In the same way as for formally employed migrant workers, irregular migrants are also at risk of losing their employment due to COVID-19. Their precarious legal status makes them even more vulnerable to forced labour or other forms of exploitation because they are more reluctant to report abuse through official channels due to the risks of detention and deportation.

**Aspirant migrant workers:** Migrant workers' vulnerability often begins prior to the commencement of their employment, typically when unscrupulous labour recruiters or intermediaries charge exorbitant fees, provide misleading information about the nature of job with unclear terms and conditions. The economic downturn is also likely to create a growing amount of bogus employment opportunities where fraudulent advertisements will be promoted through social media and other platforms. It is imperative

that measures are in place to ensure the ethical recruitment of migrant workers to prevent potential trafficking schemes.

With the national border closures causing delays or travel cancellations, there will also be an impact on aspirant migrant workers whose recruitment process has commenced through recruitment agents but not yet in the country of destination. Some may even be in transit countries on their way to the intended country of destination. At this point, workers would have already paid recruitment fees placing them in a situation of indebtedness, forcing them to find alternative solutions to repay the debts and to make their way back home.

## **IMPACT ON INTERNAL HUMAN TRAFFICKING**

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- As a result of the pandemic, the Sri Lankan economy is expected to be affected both at the macro-level, including global recession, global trade and tourism slowing down and at the micro-level with specific industries affected including Small and Medium Enterprises(SMEs), start-ups, small businesses, day wage earners at the domestic level. With the economy coming to a near standstill, the vulnerabilities of individuals will also increase. Those struggling with debt and other economic hardships can become easy targets for human traffickers. Women may be promised false employment opportunities in the main cities and can be trafficked from rural areas to the cities for a wide range of exploitative purposes including sexual exploitation in prostitution and forced labour. With Government resources being diverted to responding to the ongoing pandemic, there is a higher probability that this crime may go undetected.
- Child labour is often associated with economic hardships experienced by a family. Many families do not have savings to withstand financial setbacks, including income loss. Consequently, in the aftermath of COVID-19, children from these families may drop out of schools and will be at higher risk of entering the workforce to help their

families survive.

- Due to the COVID-19 related shutdowns / school closures, many children are increasingly online for learning and socializing. This may make them more vulnerable to online predators. Traffickers can use online platforms to engage with children whom they expect to be more vulnerable due to isolation, less supervision and greater online exposure during the lockdown period. Child rights groups report of a greater risk for online sexual abuse.

## RESPONDING TO HUMAN TRAFFICKING DURING COVID-19 AND ITS AFTERMATH

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Targeted interventions are needed to respond to human trafficking during and in the aftermath of the COVID-19.

### Prevention:

Although the *modus operandi* of many traffickers is likely to be disrupted by the pandemic, in the aftermath of the crisis, with the economic downturn, loss of employment/ self-reliance opportunities and dire financial straits, vulnerable individuals can fall prey to traffickers who appear to offer life-saving access to lucrative employment opportunities. They can ultimately be subjected to human trafficking and the related forms of exploitation.

Further, due to forecasted recession, industries, manufacturing plants, garment factories will aim to keep the production costs to a minimum and those who are employed in these sectors are at risk of exposure to exploitative working conditions.

Due to dire economic hardships, individuals may be tempted to apply for micro credit schemes with higher interest rates and can further fall into indebtedness which increases their vulnerabilities.

Under the current circumstances, the following interventions are recommended to prevent human trafficking:

- Raise awareness on potential trafficking schemes and the risks of both internal and external human trafficking involving women, children and men.
- Provide livelihood assistance and relief packages to vulnerable communities. This will help prevent those affected by the economic impact of the crisis from falling into the hands of traffickers.
- Strengthen law enforcement and labour inspector capacities to detect exploitation at the workplace and borders and along migration corridors.
- Strengthen monitoring of labour supply and recruitment chains by the Government.
- Companies should be supported to establish a mechanism to identify risks, sustain commitments to human rights, and address the unique vulnerabilities of workers who are employed at the bottom of supply chains.

### Protection

Due to the underground criminal nature of human trafficking, identification of victims is challenging even under non-crisis circumstances. The effects of and response to the pandemic further curtail identification efforts of both internal and external victims of human trafficking. Notably, the confinement and movement restrictions, shifting priorities of law enforcement from the apprehension of traffickers to the monitoring of confinement and other COVID-19 response and mitigation measures, hinder victim identification measures and have slowed the pace of referral mechanisms.

The support services also play an important role in identifying victims of trafficking. Due to temporary closures of shelters and other service providers, victims encounter challenges in accessing support services such as counselling, medical care, psychosocial support, legal aid, and shelter assistance. Many shelters have reduced capacity and many are fully occupied. Some shelters have restricted access due to COVID-19 safety measures. Many NGOs / service providers have been compelled to pause operations, presenting negative trickledown effects for survivors

of trafficking. Despite the temporary halt of services due to COVID-19, it is observed that some NGOs and service providers operate hotlines and offer virtual counselling support.

Following interventions can be made in order to continue to effectively identify and protect victims of human trafficking.

- Ensure access to services offered to victims by both Government and non-government stakeholders to ensure continuity in their social inclusion.
- Support shelters to be equipped with adequate resources. Further, funding may be required for shelters to operate with full capacity.
- Increase information sharing on referral and other support services available for children, women and men at risk of exploitation.
- Increase efficiency of the referral mechanisms and compliance with the Standard Operating Procedures (SOP) in place for the effective identification, referral and protection of victims of human trafficking.
- Strengthen coordination between Sri Lankan embassies, government and non-government stakeholders in Sri Lanka and in countries of destination to provide enhanced services and protection to victims.
- Continue to operate hotlines to provide information, referrals and services to victims of trafficking and broadly promote the services offered as a tool for the identification of presumed cases of human trafficking.
- Continue to provide sustainable reintegration support to victims and prevent them from falling into the cycle of re-trafficking.

### **Prosecution**

With GoSL resources being diverted to respond to the ongoing pandemic, trafficking related arrests, securing evidence, investigations and prosecutions will be affected. Movement restrictions and other measures taken to limit the spread of the virus,

will further result in delays in adjudication of cases and court proceedings. As public resources shift to addressing urgent health needs, allocation of adequate law enforcement efforts to suppress human trafficking is challenging.

Effective prosecutions and penalization are necessary to deter the crime of trafficking. With the socio-economic impact resulting from COVID-19, vulnerable individuals will be increasingly susceptible to deception/false promises regarding employment which will result in human trafficking / exploitation. If sustained measures are not taken, the cycle of re-trafficking and re-victimization will continue.

In the current circumstances, the following interventions are necessary.

- Ensure the continuity of the justice system to investigate and prosecute traffickers amidst the ongoing lockdowns and restrictions.
- Once lockdown measures are lifted, maintain a high law enforcement alert on forms of trafficking that are likely to increase (Eg: Online exploitation, bogus employment opportunities promoted via social media).

### **Partnership**

Strengthened collaboration among the GoSL, first line responders, and civil society is needed more than ever when responding to the crime of human trafficking during the pandemic. The contribution of civil society, non-government and faith-based organizations in assisting the work of national authorities, particularly in terms of preventing the crime and protecting victims, is of utmost importance.

Further, continued national, regional and international cooperation will be necessary particularly in the aftermath of COVID-19 to prevent transnational trafficking.

As the pandemic deepens, IOM Sri Lanka is constantly monitoring the situation together with its field offices, network of local partner NGOs, IOM missions abroad and government stakeholders. IOM will continue to innovate in its programmatic work during the COVID-19 crisis to reach the most vulnerable communities and work with them to prevent exploitation, protect victims and restore lives. IOM continues to extend support to victims of human trafficking through hotline operation, advice, referrals, counselling/psychosocial support and sustainable reintegration.

For further information or assistance:  
Contact IOM Sri Lanka  
Counter Trafficking Hotline

**0766 588 688**

*\*This document reflects the situation as of 8 May 2020. Information was gathered through telephonic/virtual discussions with migrants, returnees, survivors of trafficking, IOM field offices and missions abroad, NGOs and other relevant stakeholders.*

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