

REPORT OF THE COMMITTEE ON THE RIGHTS OF WOMEN MIGRANT WORKERS



HUMAN RIGHTS COMMISSION OF SRI LANKA
August - 2005

**REPORT OF THE COMMITTEE
ON THE RIGHTS OF
WOMEN MIGRANT WORKERS**

**HUMAN RIGHTS COMMISSION OF SRI LANKA
August 2005**

Title : REPORT OF THE COMMITTEE
ON THE RIGHTS OF
WOMEN MIGRANT WORKERS

Author : Human Rights Commission of Sri Lanka

First Edition : August 2005

Published by : Human Rights Commission of Sri Lanka
No. 36, Kynsey Road, Colombo 08.
Tele : 0094 -011 2694925, 2685980, 2685981.
Fax : 0094-011 2694924
Hot Line : 0094-011 2689064
E-mail: sechrc@sltnet.lk
Web : www.hrc-srilanka.org

Printed by : E-Kwality Graphics (Pvt) Limited.
315, Jampettah Street,
Colombo 13.
Tel : 0094 11 2389848

REPORT OF THE COMMITTEE ON THE RIGHTS OF WOMEN MIGRANT WORKERS

COMMITTEE MEMBERS

Dr. Hiranthi Wijemanne	Chairperson of Committee & Chairperson, National Child Protection Authority
Ms. Cressida Senanayake	Commissioner, Human Rights Commission
Ms. Shiranthi Ekanayake	Country Co-ordinator, Sri Lanka Bureau of Foreign Employment (SLBFE)
Mr. W.M.V. Wansekara	Deputy General Manager (Training and Research), SLBFE
Mr. R.K.K.M.P. Randeniya	Sociologist, SLBFE
Ms. Silhara Khan	Assistant Director, Ministry of Foreign Affairs
Mr. Sumedha Ekanayake	Assistant Director, Ministry of Foreign Affairs
Ms. S. Nishadini Gunaratne	Secretary to Committee & Rapporteur

CONTENTS

1.	Introduction	1
2.	Situational analysis	4
2.1	Trends in female migration for foreign employment as housemaids or domestic workers and their profile	4
2.2	Institutions involved in facilitation of migration and protection of migrants' rights	10
2.2.1	Sri Lanka Bureau of Foreign Employment	
a)	Dissemination of information	11
b)	Supervision and regulation of registered agencies	12
c)	Training programmes conducted for prospective domestic workers	13
d)	Implementation of a model employment contract	15
e)	Provision of loan schemes and insurance schemes for the benefit of migrant workers	16
f)	Appointment of welfare officers/counsellors	18
g)	Negotiation of bilateral agreements	19
h)	Assistance provided to families of migrant workers	19
i)	Facilities offered for re-integration	22
j)	Maintenance of a database	24

2.2.2	Ministry of Foreign Affairs/Sri Lankan Embassies	25
2.2.3	Non-state sector agencies	26
2.2.3.4	Licenced Agents/ sub-agents	26
2.2.3.5	International agencies	26
2.2.3.6	Non-governmental organisations	27
3.	International instruments	28
3.1	The main instruments that specifically deal with the rights of migrant workers	28
3.1.1	Trafficking Protocol	30
3.2	Monitoring mechanisms	31
3.3	Status of ratification of international instruments	34
4.	Issues	35
4.1	Pre-departure Issues	
a)	Difficulties in obtaining accurate information relevant to migration from a reliable source located within a convenient distance	35
b)	Problems caused by registered agents/sub-agents at the stage of recruitment and job placement	35
c)	Debt bondage	37
d)	Re-issue of passport	37
e)	Absence of provisions in training programmes to benefit housemaids with specific problems	38

	f) Inadequacy of insurance scheme to benefit migrant workers who seek repatriation	38
	g) Problems caused by the falsification of documents	39
4.2	Post –departure Issues	
	a) Implementation of the model employment contract	40
	b) Investigation of complaints received from migrants in host country	40
	c) Change of employer by housemaid once in host country	43
	d) Visa formalities in Middle East countries	44
	e) Voting rights	45
4.3	Returnees-related Issues	
	a) Management of remittances	45
	b) Skills development programmes	46
	c) Low degree of utilisation of loan schemes	46
	d) Psychosocial aspects of family problems	49
	e) Health problems of returnees	49
	f) Maintenance of a database relevant to returnee migrant workers	49
5	Lacunae in the SLBFE Act	49
6	Recommendations	51

6.1	Recommendations indicative of short-term & medium-term measures	52
I)	Recommendations relevant to pre-departure issues	52
II)	Recommendations relevant to post-departure issues	57
III)	Returnees-related issues	59
IV)	Amendments to the SLBFE Act	61
V)	Strengthening the capacity of relevant state institutions	64
VI)	International instruments and domestic law	65
6.2	Long-term measures	66
Annex 1	Participants in Workshop on Women Migrant Workers	68
Annex 2	Model Employment Contract	72
Annex 3	Eligibility Criteria for Obtaining Ransaviya 1 and Ransaviya 11 loans	77
Annex 4	Insurance Scheme Offered to Registered Migrant Workers	78

1. Introduction

The magnitude of out-migration of Sri Lankan labour as well as its composition is primarily determined by the demand for expatriate manpower in the labour receiving countries and by the socio-economic conditions prevailing in our country. A significant development in the manpower outflow over the years has been the change in the composition of migrant labour in the direction of increased participation of females as domestic workers or housemaids in the Middle East countries. The earnings of female migrants have contributed towards improvement of the balance of payments of the country and thereby they have played an important role in economic development¹. In such a context, reported incidents of violations of human rights of some migrant women workers as well as the difficulties they experience in the migration process both here and in the Middle East countries are a cause for concern.

Unskilled potential domestic migrant workers face exploitation at the hands of unscrupulous agents and their sub-agents in the home country. They are often misled by false promises and inaccurate information. In the host country, the problems faced by migrant domestic workers have their origins in a multiplicity of factors. The employer may violate the provisions of the contract and thereby leave the domestic worker in an unforeseen situation. A minority of domestic workers are victims of physical violence which in extreme cases result in death; some fall prey to sexual abuse. Further, unfavourable conditions under which the domestic workers have to perform their duties are inimical to their well-being. The unfavourable conditions are accentuated by the lack of access to health care facilities, restrictions on movements outside the work environment and the lack of access to

Private remittances received from Middle East countries constituted approximately 56.9 per cent (Rs 77,584 million) of the total remittances (136,446) for the year 2003. See Statistical Handbook on Migration, (Sri Lanka Bureau of Foreign Employment, 2003) p 42

communication facilities. More often than not, women domestic workers find it difficult to obtain redress for grievances as they are often excluded from the ambit of protection of labour laws in the Middle East countries. Hence, the cumulative effect of the unfavourable circumstances is that the female domestic worker is virtually under the custody of her individual employer.

Trafficking in persons for exploitative employment is a hidden feature of the migration process. Because of the very nature of trafficking, precise data on the incidence of trafficking in the country is not available. Trafficked persons, particularly women and girls are at a greater risk of being subject to HIV transmission and sexual health problems due to the nature of their confined and controlled situation, lack of financial resources and fear of discovery². Undocumented migrant workers are more vulnerable to trafficking and are, therefore, at greater risk of their human rights being violated.

On return to Sri Lanka after the expiry of their contracts/ termination of contracts, domestic workers may have to face problems of reintegration. The problems they face include family break-ups or exacerbated family problems. Women who had left their children in the custody of their spouses or relatives may find on their return that some children have dropped out from school or have been sexually abused or have developed anti-social attitudes. Further, a minority of the ex-domestic workers could suffer from sexually transmitted diseases and may have contracted AIDS.

The lack of knowledge to utilise savings in the most profitable manner is another problem that confronts female domestic workers. Most of their savings are used for meeting consumption needs and they are usually not in a position to utilise the remainder of the savings in a profitable manner as they lack the necessary entrepreneurial skills. Some fritter way

² An Information Guide, Booklet 6: Trafficking of Women and Girls (ILO, Geneva) p14.

their savings and some are forced to seek foreign employment once again as a way out of financial difficulties.

The preceding sections highlight the problems and difficulties faced by some of the women domestic workers who seek employment in the Middle East. Therefore, it should be noted that it is not the out-migration of workers seeking employment abroad that should be restricted. It is the exploitation and violation of human rights that should be addressed. Moreover, due to the numerous potential economic and social benefits accruing to the individual woman migrant worker, her family and the country as a whole, it is important to promote safe migration. In order to achieve the above objectives, the Human Rights Commission set up a Committee in February, 2005 to review procedures for the protection of women migrant workers. The terms of reference of the Committee were :

- (i) to consider the possibility of enacting domestic legislation to protect the rights of women migrant workers;
- (ii) to review the procedures and practices with regard to women migrant workers at the Foreign Employment Bureau;
- (iii) to review the procedures and practices with regard to women migrants at Sri Lankan embassies abroad;
- (iv) to make recommendations to the Human Rights Commission, Foreign Employment Bureau and the Foreign Ministry on how to better protect the rights of women migrant workers.

The Committee's methodological approach included such modalities as identification of issues, review of available literature, interviews with relevant personnel and visits to relevant organisations. The Committee prepared a draft report and formulated a set of recommendations for consideration and review by a group of stakeholders at a workshop organised

for the purpose in August, 2005 (See Annex 1). The Committee's Report was finalised by incorporating the modifications suggested by the participants in the above workshop.

The Committee's report is presented in six sections. These sections focus on such dimensions as (1) trends in migration, (2) institutional and legislative frameworks, (3) international instruments (4) pre-departure issues, post-departure issues, returnees - related issues (5) Lacunae in the present legislative framework and (6) recommendations.

2. Situational Analysis

The situation analysis is focussed on the identification of issues and problems that adversely affect the migrant housemaids. In this context, trends in migration, the background characteristics of migrants, operational modes of state-sector institutions responsible for implementing measures designed to benefit female migrants who seek foreign employment as housemaids as well as the roles played by non-state sector agencies and international agencies in complementing or facilitating state efforts have been examined.

2.1 Trends in Female Migration for Foreign Employment as Housemaids or Domestic Workers and Their Profile

Sri Lanka's migrant housemaid population increased from nearly 88000 in 1999 to nearly 108500 in 2002 and then dropped to about 101400 in 2003. (See Table 1). Housemaids leaving the country for foreign employment constituted over 75% of all female departures during the period under consideration. The proportion of females seeking foreign employment as housemaids increased from 75.91% in 1999 to 82.81% in 2001 and dropped to 81.45% and 75.28% in 2002 and 2003 respectively.

Sri Lankan females seek foreign employment mainly through registered agencies. However, unregistered agencies still operate illegally. Female departures through registered sources as a percentage of departures through all sources has increased over the years (See Table 2). The departures through registered sources accounted for nearly 74% of all departures in 1999. This percentage increased over the years to reach a level of nearly 84 in 2003. Available data do not indicate the number of housemaid departures through Registered Sources. However, as housemaid departures account for nearly 80 % of female departures during 1999-2003, it may be assumed that 80 % or more of the housemaid departures are mediated by Registered Sources.

The outflow of housemaids towards four countries in the Middle East is very conspicuous. Saudi Arabia, Kuwait, UAE and Lebanon are the main destinations, in a descending order, for the Sri Lankan housemaids and their relative positions in this order have remained unchanged between 1999 and 2003. The percentage of Sri Lankan housemaids migrating to Saudi Arabia increased from nearly 30.6 in 1999 to nearly 40.2 in 2003 while the corresponding percentage relevant to Kuwait decreased from 29.6 to nearly 25.8 during the same period. UAE's share in the outflow of Sri Lankan housemaids also decreased while the corresponding share of Lebanon increased. (See Table 3). The outflow to any other single country amounted to less than 6% of the total outflow of housemaids during 1999-2003 and the summation of percentage flows to all the other countries amounted to 18.7 in 1999 and dropped to 12.78 in 2003.

Recorded data indicate that 78.9 per cent of the women workers are married³. In a study undertaken by the ILO in Kuwait, it was found that Sri Lankan migrant domestic workers had the lowest educational qualifications as compared to their Filipino counterparts who had the highest educational

³ Migrant Workers and Human Rights: Out-migration from South Asia (ILO, 2004) p 166

qualifications¹. Analysis of data relevant to the distribution of migrant domestic workers by age group/age span indicates that the highest concentration of housemaids was in the age-span 25-39 which embraced 54% of the housemaids in 2001 and nearly 59% of the housemaids in 2003. Housemaids in the age-group "19 and less" constituted less than 1% of the total number of migrants during 2001-2002; this percentage increased to about 1.8 in 2003. (See Table 4)

Table 1

Housemaid Departures for Foreign Employment Expressed as a Percentage of all Female Departures for Foreign Employment 1999 – 2003

(1) Year	(2) All female departures including housemaids	(3) Housemaids departures only	(4) (3) as Percentage of (2)
1999	116015	88063	75.91
2000	122395	99413	81.22
2001	124200	102850	82.81
2002	133251	108535	81.45
2003*	134714	101414	75.28

Analysis is based on data presented in Statistical Handbook On Migration 2003, SLBFE page 10;

* Provisional

¹ 46 per cent of Filipino women migrant domestic workers had high school qualifications whereas only 13 per cent of the Sri Lankan women migrant domestic workers had comparable educational qualifications. See Gender and Migration in Arab States: The case of Domestic Workers (ILO, 2004) P19. It should be noted that approximately 26 per cent of Sri Lankan women work as housemaids in Kuwait which ranks as the second largest destination country for Sri Lankan domestic workers.

Table 2

Female Departures for Foreign Employment through Registered Sources

Expressed as a percentage of Female Departures through All Sources

(1) Year	(2) Departures through all sources including registered sources	(3) Departures through registered Sources only	(4) (3) as Percentage of (2)
1999	116015	86030	74.15
2000	122395	94979	77.60
2001	124200	99280	79.94
2002	133251	110482	82.91
2003*	134714	112673	83.64

Analysis is based on data presented in Statistical Handbook On Migration 2003, SLBFE page 9

* Provisional

Table 3

Female Departures as Housemaids by Specified Countries 1999 – 2003

Country	1999		2000		2001		2002		2003 *	
	No.	%	No.	%	No.	%	No.	%	No.	%
Saudi Arabia	26961	30.62	32794	32.99	37483	36.44	41423	38.17	40728	40.16
UAE	13369	15.18	13131	13.21	11211	10.90	10474	9.65	8762	8.64
Kuwait	26068	29.60	26467	26.62	26327	25.60	30329	27.94	26178	25.81
Lebanon	5194	5.90	10237	10.30	12077	11.74	12216	11.26	12787	12.61
Others	16471	18.70	16784	16.88	15752	15.32	14093	12.98	12959	12.78
Total	88063	100.00	99413	100.00	102850	100.00	108535	100.00	101414	100.00

Analysis is based on data presented in Statistical Handbook On Migration 2003, SLBFE page 22;

*Provisional

Table 4

Female Departures for Domestic Sector Employment by Age Groups 2001 – 2003

Age Group	2001		2002		2003 *	
	No.	%	No.	%	No.	%
19 & below	47	0.05	795	0.73	1786	1.76
20 – 24	10065	9.79	16777	15.46	13640	13.45
25 – 39	55570	54.03	65299	60.16	60205	59.37
40 – 44	16243	15.79	15119	13.93	15383	15.17
45 & above and those in unspecified groups	20925	20.34	10545	9.72	10400	10.25
Total	102850	100.00	108535	100.00	101414	100.00

Analysis is based on data presented in Statistical Handbook On Migration 2003, SLBFF, page 40

* Provisional

2.2 Institutions Involved in the Facilitation of Migration and Protection of Migrants' Rights

Two government institutions, namely the Foreign Employment Bureau (SLBFE) and the Ministry of Foreign Affairs play predominant roles in facilitating migration and in protecting migrants' rights. Further, a number of NGOs and international agencies also carry out activities that impact positively on migrants.

2.2.1 Sri Lanka Bureau of Foreign Employment

The Sri Lanka Bureau of Foreign Employment Act No 21 of 1985 provided for the establishment of the Sri Lanka Bureau of Foreign Employment (SLBFE). Accordingly, the SLBFE was set up to regulate the recruitment of Sri Lankans for employment outside Sri Lanka. The important functions performed by the Bureau in fulfilment of objectives laid down in the SLBFE Act are :

- a) Dissemination of information and conduct of awareness raising programmes
- b) Supervision and regulation of registered agencies
- c) Training programmes conducted for prospective domestic workers
- d) Implementation of a model employment contract
- e) Design and initiation of pre-departure loan schemes and insurance schemes for the benefit of migrant workers
- f) Appointment of welfare officers
- g) Negotiation of bilateral agreements
- h) Provision of assistance to families of migrant workers
- i) Provision of facilities for re-integration
- j) Maintenance of a database

a) **Dissemination of Information**

The SLBFE conducts decentralised programmes for information dissemination. Under this programme, 120 graduates attached to the Divisional Secretariats play an important part in providing information to prospective migrant workers. They also maintain a register of prospective migrants with a view to facilitating their departures through registered agencies.

The SLBFE has produced posters on the issue of safe migration for display at health clinics, training centres and at offices of private recruitment agencies.

The following publications are made available to registered female migrants:

(i) **Booklets**

Country specific booklets provide information on airport procedures and contact details of Sri Lankan Missions. The booklets also include information on the following countries :Saudi Arabia, Lebanon, Qatar, Jordan, Oman, Bahrain, UAE, Singapore, Cyprus. These booklets were produced in 2004 with financial assistance from the IOM.

(ii) **Leaflets**

Two types of information leaflets are available. The first titled "Read carefully before you migrate" provides information (in the local languages) on the available services of the SLBFE and the importance of registration. The second titled "Things you should know when you go abroad " offers prospective migrants advice on such matters as how a migrant should change local currency into foreign currency and vice versa and how to

purchase duty free goods. The above leaflets have been made available since 2001⁵.

Awareness Raising Programmes ⁶

The SLBFE together with the IOM and external specialists conducted a series of safe migration outreach workshops in Matara, Tangalle, Hambantota, Gampaha, Kandy and Colombo. Twenty five such workshops with an attendance of approximately 2555 participants were held in the above mentioned areas. In each district, the workshops targeted government officers, police and community leaders who in turn were expected to organise similar programme to reach the grassroots level. The workshops provided information on human smuggling, trafficking, migrants' rights and legal migration options.

b) Supervision and Regulation of Licenced Foreign Employment Agencies

In terms of Section 24 of the SLBFE Act, only a holder of a licence issued under the Act is permitted to carry on the business of a foreign employment agency. Sections 26-28 lay down criteria for the granting of a license. The license, which is valid for a period of twelve months from the date of issue unless it is cancelled before the specified date, is subject to renewal each year.⁷ Prior to the renewal of a license, the Investigation Division of the SLBFE carries out an investigation.

In terms of section 44 (1) when the Bureau receives a complaint from or on behalf of any person recruited for employment outside Sri Lanka or employed outside Sri Lanka, or a report from one of its representatives abroad to the effect that :

⁵ Regional Mass Awareness Toolkit on Safe Migration (SARIQ, June 2005)

⁶ Information for the above section was obtained from the IOM in July, 2005

⁷ Sections 26 and 28

- (a) the terms and conditions imposed on an employer by the contract of employment in relation to that person have not been observed by the employer; and
- (b) the licensee who recruited him/her for employment outside Sri Lanka has in breach of the agreement entered into by the licensee with the Bureau under section 28(1a) failed to take such steps as are reasonably possible to ensure that those terms and conditions are observed by the employer;

an officer authorized by the Bureau is required, after an inquiry, to make the licensee responsible to pay the cost of money sufficient to defray the cost of unpaid wages, payments in lieu of holiday, leave and terminal benefits due to such person and other expenses including the cost of passage to Sri Lanka, incurred by such person as a result of the breach of relevant conditions by the employer.

c) **Training Programmes Conducted by the SLBFE**

Since 1996, pre-departure training has been made compulsory for domestic workers and a training certificate has been made a mandatory requirement for registration with the SLBFE ⁵. Presently, the Bureau operates 22 training centres in all provinces except Sabaragamuwa and the Northern provinces. The distribution of training centres by province is indicated in Table 5.

⁵ Migrant Workers and Human Rights: Out Migration from South Asia (ILO, 2004) p 162

Table 5

Distribution of SLBFE Training Centres by Province

Province	Bureau Centres
Central	2
Eastern	1
North Central	2
North Western	2
Southern	4
Uva	3
Western	8
Total	22

Source : Pre-departure Orientation Programme : Study of Good Practices in Asia: A Comparative Study of Bangladesh, The Philippines and Sri Lanka (IOM, 2005)p 110 Paper presented at the Second Meeting of the Regional Action Forum on Fostering Safe Migration, Colombo May 31- June 1, 2005

Course Structure⁹

The duration of the course for female domestic workers who leave for Middle East countries covers a period of 120 hours or 12 days of residential training. The course syllabus consists of eight sections, namely (i) counselling and guidance (20 hours) ,(ii) vocational training (45 hours), (iii) travel documents and procedures (10 hours), (iv) personal development (12 hours), (v) management of finances and banking affairs (8 hours), (vi) identifying cultural problems and solving them (8 hours), (vii) social relations and family welfare (5 hours), (viii) foreign language training which includes Arabic (15 hours) and English (90 hours).

⁹ As indicated in the course syllabus provided by the SLBFE

In an attempt to improve the quality of the training content, the SLBFE has introduced, on a pilot basis, a component on the prevention of transmission of HIV/ AIDS at the Anuradhapura Training Centre¹⁰. At the aforementioned centre, the duration of the programme has been extended to cover a period of thirteen days. The additional day is devoted to training prospective migrant workers on how to prevent the contracting of HIV/ AIDS. The training includes, inter alia, role play sessions in which the Arabic language is used so as to enable prospective migrants identify potential situations that could arise in the host country and how best they should tackle such situations. It should be noted that the teaching methodology also includes a module on educating the spouses of prospective migrant workers on their role as parents/ caregivers while their wives are employed overseas¹¹.

d) Implementation of a Model Employment Contract

A model employment contract to be signed between a domestic worker and the employer has been introduced in an effort to curb the exploitation of the migrant. The contract is operative in the Middle East countries of Kuwait, Saudi Arabia, Oman, Qatar, the UAE, Lebanon, Baharain and Jordan¹². Through a series of memorandums of understanding signed between the SLBFE and the recruitment agents in the Middle East, it has become compulsory for employers wishing to hire Sri Lankan housemaids to sign a contract which has to be endorsed by the Sri Lankan Embassy prior to obtaining the seal of approval for a housemaid to leave the country. The Sri Lankan embassies also check on the credibility of

¹⁰ The module on HIV/ Aids prevention was introduced in July 2005.

¹¹ Information obtained from Sociologist of the SLBFE in August, 2005.

¹² Migrant Workers and Human Rights: Out Migration in South Asia, (ILO, 2004) , p. 165

prospective employers. Further, the foreign sponsor/ Agent has to sign the model employment contract which is authenticated by the relevant embassy concerned¹³. The contract contains the conditions under which the contract is offered (See Annex 2 for Model Employment Contract).

Under Section 40 (2) of the SLBFE Act, after the contract is signed by the relevant parties, two copies of the contract should be forwarded to the Foreign Employment Bureau by the agent to be certified by the Bureau prior to the departure from Sri Lanka of the person recruited for employment. Under section 40 (3) of the SLBFE Act, one certified copy of the contract will be forwarded for registration to the Ministry of Labour of the country in which the contract of employment is to be enforced.

c) **Provision of Loan schemes and Insurance Schemes for the Benefit of Migrant Workers**

Loan Schemes in Operation for the Benefit of Migrant Workers¹⁴

Special loan schemes designed by the SLBFE are presently implemented in collaboration with two state banks, namely the People's Bank and the Bank of Ceylon. Negotiations with the National Savings Bank are now underway to launch a loan scheme in the near future¹⁵. The People's Bank and the Bank of Ceylon loan schemes were introduced in 1999. The loans schemes provide financial assistance to meet pre-migration and post -

¹³ Ibid. at p 164-165

¹⁴ Information relevant to this section was obtained from an SLBFE officer and through perusal of three publications, namely Wansundera, S. Jayasinghe, *Utilisation of Special Loan Schemes for Self-Employment by Returnee Migrant Women Workers* (CENWOR, 2004); Chunnelling and *Utilisation of Remittances of Migrant Women Domestic Workers* (CENWOR, 2001); S. Jayaweera, M. Dias, L. Wansundera, *Returnee Migrant Women in Two Locations in Sri Lanka* (CENWOR, 2002).

¹⁵ According to information obtained from an official of SLBFE in July, 2005.

migration expenses which include housing loans and loans for commencing self-employment vocations. Further, in order to relieve the burden of costs on the migrant worker, the SLBFE has subsidized the interests payable on the loans. The Workers Welfare Fund of the SLBFE is used to meet the cost of subsidies.

Pre- departure Loans

Presently, a loan scheme is operated by the People's Bank. Under the " Videshika" loan scheme, the People's bank offers loans, subject to a ceiling of Rs 50,000, at an interest rate of 20 per cent to meet pre-departure expenses of first time migrant workers. The eligibility criteria are as follows.

- The applicant should be a first time migrant
- The monthly salary should be less than US \$ 400
- Twenty per cent of the loan proceeds should be deposited in a savings account
- The authority to open an NRFC account should be indicated

Securities required by the bank for pre-migration loans include two guarantors and any other security acceptable to the bank. The borrower has to pay an interest of 9 per cent. The SLBFE subsidises interest up to 8 per cent. The number of loans outstanding as at 30th November, 2003 was 21, 900¹⁶.

The National Savings Bank has a tentative plan to commence a loan scheme under which prospective migrants can obtain credit up to Rs 50,000.

¹⁶ Utilisation of special loan schemes for self –employment by returnee migrant workers women workers (CENWOR, 2004) p 8,9,11 &53

Insurance Benefits Offered to Migrant Workers

All registered migrant workers are entitled to insurance benefits provided by the Sri Lanka Insurance Co-operation Ltd. Payments are made in relation to death, permanent disability, partial disability, illness and transport expenses under specified conditions. The amounts paid under the different categories are indicated in Annex 4.

f) Appointment of Labour Welfare Officers/Counsellors¹⁷

Section 21 of the SLBFE Act provides for the appointment of selected persons as representatives of the Bureau in any foreign country in which jobs are available for expatriates. Officers appointed in terms of section 21 are designated as labour welfare officers/ counsellors. Labour welfare officers are attached to the Sri Lankan Missions in the following countries : Qatar, Jeddah, Kuwait, Abu Dhabi, Riyadh, Maldives and Korea. Officers of a more senior ranking called counsellors (Employment and Welfare) are attached to the Sri Lankan Missions in Oman, Jordan, Lebanon, Dubai, Cyprus, Italy, Singapore and Malaysia . The officers serve for a term of two years . The SLBFE and the Ministry of Foreign Affairs conduct training programmes for the welfare officers/counsellors before they assume duties in the foreign missions. These programmes deal mainly with complaints handling and consular related matters. The duties of the representatives of the Bureau, which are spelt out in Section 22 of the Act, include safeguarding the interests of Sri Lankans employed in a host country, settlement of disputes with employers and finding suitable remedies to complaints . The SLBEF monitors and reviews the activities of the above officers on the basis of monthly reports received from them.

¹⁷ Information for this section was provided by the Country Co-ordinator, SLBFE

g) Negotiation of Bilateral Agreements

Signing of bilateral agreements between the home country and the relevant host countries constitutes one of the best ways of safeguarding the rights of migrant workers as relevant international instruments on migration have not been ratified by countries in the Middle East. Sri Lanka has already taken steps to sign Memoranda of Understanding/ Agreements in the near future with two countries, namely Lebanon and Jordan . These MOUs / Agreements seek to develop ways and means of finding solutions to problems related to export and import of labour and the placement of such labour on contractual employment.

h) Assistance Provided to Families of Migrant Workers

The majority of women migrant workers are married women who have young children. Since many of them were not employed prior to migration and were full time housewives, their departures have created difficulties for the families left behind¹⁸. One adverse consequence of female migration is the negative impact on children which could range from lack of care, to physical and mental abuse. In extreme cases, children are subject to incest. Further, the spouses of female migrant workers also have to adapt to cope with the new responsibilities. The government has introduced the following measures in an attempt to create a social protection network to safeguard the rights of the families of migrant workers.

¹⁸ See Migrant Workers and Human Rights : Out Migration from South Asia (ILO, 2004) p175

(i) Scholarship Scheme for Children of Migrant Workers

The SLBFE has launched a project to encourage children of migrant workers to continue their education by granting them scholarships. Financial awards are provided to children who excel at public examinations. An award of Rs 15,000 is given to each child passing the Year Five Scholarship Examination while Rs 20,000 is given to each of those who excel at the Advanced Level Examination¹⁹. From 1996 to 2003, the SLBFE has granted a total of 8379 scholarships to the value of Rs 156,380,000²⁰.

(ii) Training of School Principals and Teachers in Selected Schools

The SLBFE launched an awareness -creation programme for principals and teachers in schools in the districts of Kurunagala, Kegalle, Galle and Anuradhapura. They were educated on selected aspects of migration. This programme was funded by UNICEF and the ILO. It is expected that these educators will be able to carry the message of safe migration to the grass roots.

(iii) Mobilisation of Selected Personnel of the Public Health Network

The SLBFE has utilised the services of public health midwives (PHMs) to identify families of migrant workers and provide assistance to young children under 5 years of age with regard to immunisation

¹⁹ Ibid at p 176-177

²⁰ Statistical Handbook on Migration 2003 (SLBFE) p 53

and other health issues. Presently, this is being done on a pilot basis in the district of Kandy ²¹.

(iv) Awareness Raising Among Families of Migrant Workers ²²

Since July 2005, the SLBFE has commenced three programmes to raise awareness among families of migrant workers. They are:

- Village level awareness raising programme of half day's duration for the families of migrant workers
- programme for the spouses of migrant workers
- programme for the children of migrant workers

The village level awareness programme are held in the districts of Anuradhapura, Kurunagala, Kegalle and Galle. The programme for the spouses of migrant workers is presently conducted at the Anuradhapura Training Centre on a pilot basis. The programme for the children of migrant workers is conducted in the districts of Kegalle, Anuradhapura, Kalutara and Kurunagala. Topics covered under the above programmes include child protection and education, remittance management, empowerment strategies and teaching of life skills. Under life skills, topics such as the cultivation of attitudinal changes, adaptation techniques and the evil effects of alcoholism and tobacco addiction are covered. The SLBFE has received financial assistance from the World Bank, UNICEF and the ILO for the conduct of the above programmes.

²¹ Information received from UNICEF and the Sociologist of the SLBFE in August, 2005

²² Information was provided by the Sociologist and the Country Co-ordinator of SLBFE in August, 2005

(v) Recruitment of Graduates to Identify Families of Migrant Workers²³

The Ministry of Labour has engaged the services of 400 graduates in order to better look after the interests of families of migrant workers as well as the returnee migrants. With the assistance of officers working at the village level, problems facing the families of migrant workers will be brought into focus for the purpose of categorisation of problems in order to design appropriate remedial interventions as components of a long-term strategy.

i) Facilities Offered for Reintegration

i) Support and Counselling for Victims of Exploitation

The government has established a Migrant Assistance Centre (MAC) at Seeduwa within close proximity to the Airport to help returnee migrants in crisis situations arising from forcible repatriation, sickness, injury etc²⁴.

ii) Education of Returnee Migrant Workers on Health Issues

Under the National HIV/AIDS Prevention Project, the SLBE has launched a programme in Anuradhapura to educate returnee migrant workers on relevant health issues. Under the programme, the SLBE has enlisted the assistance of public health volunteers to visit the homes of returnee migrant workers and enlighten them on

²³ Information obtained from the Sociologist and the Country-Coordinator of the SLBE in August, 2005.

²⁴ Sri Lanka Case Study on Good Practices to prevent women migrant workers from going into exploitative forms of labour (ILO, Geneva, 2001) p 59

health issues which include discussions on HIV/AIDS and available facilities for voluntary testing of HIV/AIDS²⁵.

iii) Skills Development Programmes

Returnees are encouraged to join existing mainstream empowerment programmes involving skills training and entrepreneurship development. The Women's Bureau provides assistance to economically disadvantaged women by conducting programmes with components on income generation activities, health, nutrition and child care. These programmes are organized by the Kantha Karya Samithis²⁶.

iv) Post-departure Loans

Loan schemes are operated by the Bank of Ceylon and the People's Bank:

Bank of Ceylon Loan Scheme

The loan scheme has two components, namely Ransaviya 1 and Ransaviya 11.

Ransaviya 1 provides loan assistance up to Rs 300,000 for commencing or improving existing self-employment projects. The loan granted will not exceed twice the Sri Lankan rupee equivalent of the NREFC account balance. The applicant for the loan is also required to bear one third of the cost of the particular project²⁷.

²⁵ Information was provided by the Sociologist attached to the SLBFE in July 2005

²⁶ Sri Lanka Case Study on Good Practices to prevent women migrant workers from going into exploitative forms of labour (ILO, Geneva, 2001) p 56

²⁷ Utilisation of Special Loan Schemes for Self-employment by Returnee Migrant Women Workers (CENWOR Study Series No 32, 2004) p 7

Ransaviya 11 provides loan funds up to Rs 50,000 to install basic amenities such as supply of pipe borne water, electricity or to purchase household goods. The loan granted does not exceed three times the Sri Lankan rupee equivalent of the amount in the NRFC account. Further, the applicant is required to bear 25 % of the cost of amenities.

The rate of interest applicable to both these loans is 16 % per annum. The Bureau provides an interest rate subsidy of 8 % for Ransaviya 1 loans and a subsidy of 7 % per annum for Ransaviya 11 loans. (Eligibility criteria for obtaining Ransaviya 1 and Ransaviya 11 loans are given in Annex 3).

People's Bank Videshika Loan Scheme

The Videshika loan scheme provides two categories of loans, namely housing loans and self-employment project loans. Credit up to Rs 500,000 is provided under the Videshika loan scheme²⁸. Further, the SLBFE grants an interest subsidy of 7 per cent²⁹.

National Savings Bank (NSB) Loan Scheme

The loan scheme of the NSB is still not operative. However, it is envisaged that credit up to Rs 300,000 will be made available under the above scheme³⁰.

j) Maintenance of Database

Section 53 of the SLBFE Act makes provision for the establishment of an Information Data Bank. The SLBFE is required to maintain a data bank in respect of all Sri Lankans employed outside Sri Lanka and of those who return on completion of such employment³¹.

²⁸ Utilisation of Special Loan Schemes for Self-employment by Returnee Migrant Women Workers (CENWOR Study Series No 32, 2004) p 30

²⁹ Migrant Workers and Human Rights (ILO, Geneva 2004) p 170

³⁰ Information obtained from an SLBFE officer

³¹ Under section 53(2) all licensed agencies are required to provide information on Sri Lankans who are recruited for employment outside Sri Lanka by such agency and under section 53 (3) all Sri Lankans leaving for employment outside Sri Lanka should register with the SLBFE.

2.2.2 Ministry of Foreign Affairs/ Sri Lankan Embassies

The Consular Division of the Ministry of Foreign Affairs offers its services to migrant workers mainly in relation to authentication of documents³² and repatriation issues. Further, labour counsellors/ welfare officers who are appointed to serve at selected missions come under the supervision of the relevant Heads of Mission³³.

Services Offered by the Sri Lankan Embassies

Embassies provide a range of services to migrant workers. These include providing shelter and medical services to runaway workers, repatriation of workers and issuing passports to those who have lost their passports or whose passports are retained by errant employers/agents.

Safe Houses

The SLBFE has established safe houses for runaway or stranded Sri Lankan migrant workers in Dubai, Abu Dhabi, Kuwait, Lebanon, Jordan, Jeddah, Riyadh, Oman, Quarter and Cyprus. The safe houses are maintained by the Sri Lankan Embassies in the relevant countries. Facilities offered include provision of shelter, food and medical facilities. Presently, there is no hotline to contact a safe house. However, prospective migrant workers are given the telephone number of the relevant embassy and the mobile telephone number of the representative of the Bureau during the training programme conducted for them prior to departure.

Repatriation of Workers/Mortal Remains

The first point of contact for both registered and unregistered workers who face difficulties and who wish to return home is the Sri Lankan Embassy in the relevant

³² See section 3(i) of the Consular Functions Act No 4 of 1981

³³ Labour welfare officers are required to send periodical reports to the SLBFE

labour receiving country. In the case of death of a worker (registered/unregistered), the relevant officer of the Sri Lankan Embassy will inform the Director General of the Consular Division in Sri Lanka by fax with a copy addressed to the Chairman of the Foreign Employment Bureau. If the SLBFE receives a complaint of death of a migrant worker from his/her next-of-kin in Sri Lanka, the Bureau will also inform the relevant Embassy in the labour receiving country. With regard to an unregistered worker who faced death, the relevant Embassy will get in touch with the next-of-kin who will have to bear the cost of sending the mortal remains home³⁴.

2.2.3 Non -state Sector Agencies

2.2.3.4 Licensed Agents/ Sub-agents

They are approximately 700 licensed agencies that are operative in the country³⁵. Private recruitment agencies and their sub-agents play a key role in securing job opportunities abroad.

2.2.3.5 International Agencies

International Organisation for Migration (IOM)

The IOM has been working in collaboration with the Ministry of Labour Relations and Foreign Employment and the Sri Lanka Bureau of Foreign Employment in order to strengthen the services provided by the above institutions. Activities carried out include: conducting awareness and outreach programmes on relevant aspects of safe migration for senior government officers and community leaders; providing financial/technical assistance for strengthening the institutional framework of the SLBFE; providing financial and technical

³⁴ The Embassy has no separate fund to meet the above cost if a next-of-kin does not have financial resources

³⁵ Information was provided by the Country Co-ordinator of the SLBFE

assistance to the SLBFE for the development of printed material on different aspects of safe migration for prospective migrant workers; organising workshops to strengthen regional co-operation and share good practices in relation to the promotion of safe migration.

International Labour Organisation (ILO)

The ILO has conducted workshops to enhance awareness and understanding of the UN and ILO Conventions on migrant workers and to identify steps Sri Lanka needs to take to implement relevant Conventions . In this connection, a Working Group was set up for designing an action plan for the implementation of the UN Convention on Migrant Workers. The ILO has produced booklets on different aspects of migration which aim at sensitising relevant stakeholders. Further, technical as well as financial assistance has been provided for the conduct of research studies on selected aspects of migration.

2.2.3.6 Non- governmental Organisations

In 1994, a Migrant Services Centre was established to solve specific problems that confront women migrant workers. The Migrant Services Centre is affiliated to the All Ceylon Federation of Free Trade Unions (ACFFTU). The services offered include provision of pre-departure information to prospective migrant workers, counselling services and training for self-employment projects ³⁹. Further, in 2000 the Action Network for Migrant Workers (ACTFORM) was established to actively address migrant workers' issues and study the positive elements of migrant labour. The network consists of NGOs and individuals concerned with and/or working on migrant workers' issues. The network brings together

³⁹ Sri Lanka Case Study on Good Practices to Prevent Women Migrant Workers From Going into Exploitative Forms of Labour (ILO, Geneva, 2001) p 40-41

representatives of NGOs, the SLBFE, other relevant government ministries and the media. Members of the network collect and disseminate information, monitor the implementation of state policy, lobby for and advocate policy reform. They also conduct counselling and outreach programs for migrant workers, provide legal assistance and research on the situation of migrants, their families and returnees³⁷.

3. International Instruments

This section focuses on the relevant international instruments that are available for protecting the rights of migrant workers, the monitoring mechanisms that are in place and the status of ratification of relevant instruments.

3.1 The Main Instruments that Specifically Deal with the Rights of Migrant Workers

The ILO Conventions – Migration for Employment Convention No. 97 and the Migrant Workers Convention No 143 together with the International Convention on the Protection of the Rights of all Migrant Workers and their Families provide a comprehensive rights-based framework of principles and legal norms for governance of international labour migration covering most issues of protection, regulation and inter- state co-operation.

ILO Convention on Migration for Employment (No. 97) of 1945

The Convention provides the foundation for equal treatment between nationals and regular migrants in areas such as recruitment procedures, living and working conditions, access to justice, tax and social security regulations.

³⁷ Sri Lanka: State of Human Rights 2001 (Law and Society Trust, 2001) p215

ILO Convention on Migrant Workers (Supplementary Provisions)
(No 143) of 1975

The two main objectives of the above Convention are : to regulate migration flows, eliminate clandestine migration and combat trafficking and smuggling activities and to facilitate integration of migrants in host societies. This instrument provides specific guidance for the treatment of irregular migration.

International Convention on the Protection of the Rights of all Migrant Workers and their Families ('1990')³⁸

The Convention came in to force on 1st July, 2003³⁹. The main thrust of the Convention is to ensure that persons who qualify as migrant workers under its provisions are entitled to enjoy their human rights regardless of their legal status. Under Part III of the Convention, basic human rights are granted to all migrant workers irrespective of whether they are legal or illegal migrant workers. These rights include the right to life, the right to liberty and security, freedom from torture and forced labour, freedom of thought, religion and opinion and freedom from arbitrary arrest and detention.

Part VI of the Convention imposes a series of obligations on States Parties in the interest of promoting "sound, equitable, humane and lawful conditions" for the international migration of workers and members of their families. These requirements include: the establishment of policies on migration; the exchange of information with other State Parties; the provision of information to employers, workers and their organisations on policies, laws and regulations; assistance to migrant workers and their families.

³⁸ Fact Sheet No 24, the Rights of Migrant Workers ;
<http://www.ohchr.org/english/about/publications/docs/fs24.htm>, Accessed on 9.7.2005

³⁹ See E/CN.4/2004/73 at para 2

The Convention establishes rules for the recruitment of migrant workers and for their return to their States of origin. It also details the steps to be taken to combat illegal or clandestine migration.

3.1.1 Trafficking Protocol

Though trafficking in persons had been described as a modern form of slavery, it was only in November 2000, that an international definition of trafficking was agreed to under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), supplementing the United Nations Convention Against Transnational Organized Crime, 2000⁴⁰.

Trafficking has been defined in Article 3 as:

"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 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." Further, According to Article 3 subparagraph(a) 'exploitation' signifies, among others, the exploitation of the prostitution of others and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Under Article 3(b), the consent of a victim of trafficking to the intended exploitation is deemed to be irrelevant where any of the means set forth in subparagraph (a) have been used⁴¹.

⁴⁰ Sri Lanka became a signatory to the above Protocol on 13 December, 2000. It may be noted that the above Protocol entered into force on 25 December 2003; http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html Accessed on 25.8.2005

⁴¹ Under Article 3 (c) the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in subparagraph (a) . A child is defined as person under the age of eighteen years in Article 3 (d).

3.2 Monitoring Mechanisms

(a) International Instruments

ILO Conventions No 97 & 143

Under Article 1 of Convention No 97, a member state is required upon request by the ILO to provide, inter alia, information on national policies, laws and regulations relating to emigration and immigration and other general agreements and special arrangements on migration issues.

Even where a state has not ratified a particular ILO Convention, Article 19 of the Constitution of the International Labour Organisation obliges Member States of the ILO to report to the International Labour Office at appropriate intervals on the status of the member state's law and practice in relation to the Conventions which the State has not ratified. It may be noted that though the ILO Conventions in relation to migration have not been ratified by Sri Lanka, the Sri Lankan government has submitted reports under the above mentioned instruments on direct requests by the ILO⁴².

*Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*⁴³

Under article 72 of the Convention, a Committee on the Protection of the Rights of all Migrant Workers and Members of their Families will be established to review the application of the Convention.

State Parties accept the obligation to report on the steps they have taken to implement the Convention within a year of its entry into force for the State concerned⁴⁴, and thereafter every five years. The reports are expected to indicate problems

⁴² S.Gomez, "Her Opportunities and Her Rights: The Dilemma of the Migrant Worker". A Paper presented at the Conference on "50 Years of Law, Justice and Governance in Sri Lanka," organized by the Law & Society Trust, Colombo, November, 2000 p 5

⁴³ Supra n 37

⁴⁴ Sri Lanka is yet to submit her initial report.

encountered in implementing the Convention, and to provide information on migration flows. After examining the reports, the Committee will transmit such comments as it may consider appropriate to the State Party concerned.

Under article 76, a State Party may recognise the competence of the Committee to receive and consider communications from one State Party alleging that another State Party is not fulfilling its obligations under the Convention. Such communications may be received only if: State Parties have so recognised the competence of the Committee; all domestic remedies have been exhausted.

Under article 77, an aggrieved individual may bring to the notice of the Committee that his or her rights under the Convention have been violated provided that: the individual is within the jurisdiction of the State which has recognised the competence of the Committee; all domestic remedies have been exhausted.

(b) Special Rapporteur on the Human Rights of Migrants⁴⁵

A recent mechanism created by the UN to deal with issues of migrant labour was the appointment of a Special Rapporteur on Migrants in 1999. The Special Rapporteur is required to examine ways and means to overcome obstacles existing to the full and effective protection of the human rights of migrants.

In the performance of his/her duties, the Special Rapporteur has the authority to request, receive and exchange information on violations of the human rights of migrants from relevant sources wherever they may occur and to respond effectively to such information.

The communications received by the Special Rapporteur can be divided into two main categories:

⁴⁵ <http://www.ohchr.org/english/issues/migration/rapporteur/complaints.htm>
; Accessed on 8.7.2005

- information regarding individual cases of alleged violations of the human rights of migrants;
- information regarding general situations concerning the human rights of migrants in a specific country.

Communications with Governments could involve requests for information, cooperation and/ or urgent action depending on the exigency of the situation. An urgent appeal is sent directly to the relevant country's Minister of Foreign Affairs where a gross violation of the human rights of one or more migrants is alleged to be imminent or is actually taking place. It contains a request from the Special Rapporteur for the Government in question to investigate the facts and take steps to safeguard the rights of the migrant worker/s in accordance with international human rights law. The communications sent and the replies received from the Governments concerned are brought to the attention of the Commission on Human Rights in the Special Rapporteur's annual reports⁴⁶.

The Report of the Special Rapporteur that was submitted to the Commission on Human Rights at its 61st session⁴⁷ highlighted the fact that women migrants suffered double discrimination as women and as foreigners. The Special Rapporteur stressed the importance of improvements in the collection, dissemination and analysis of data that can explain the causes and consequences of violations of rights of migrant women workers and thus provide a firm basis for appropriate policies and programmes. Further, the Special Rapporteur drew attention to the recommendations enunciated in the Fourth World Survey on the Role of Women in Development for strengthening the role of migrant women⁴⁸ where it was recommended, *inter alia*, that Governments should develop

⁴⁶ E/CN.4.2005/85 para 59,64

⁴⁷ E/CN.4.2005/85 at para 76

⁴⁸ The Fourth World Survey on the Role of Women in Development, submitted to the General Assembly at its 59th Session in 2004; E/CN.4.2005/85 at para 40

educational and communication programmes to inform migrant women of their rights and responsibilities under international and national laws taking into consideration their cultural and linguistic backgrounds. At the end of her report, the Special Rapporteur expressed her confidence that the General Assembly's high level dialogue on international migration and development scheduled for 2006 would provide an opportunity to consider strategies for addressing different aspects of migration⁴⁹.

3.3 Status of Ratification of the International Instruments

To date, the labour receiving countries of the Middle East have not ratified either the ILO Conventions (No 97 & 143) or the UN Convention on the Protection of the Rights of all Migrant Workers and their Families. Sri Lanka has not ratified the two ILO Conventions. The State has, however, acceded to the UN Convention on the Protection of the Rights of all Migrant Workers and their Families⁵⁰. It may be noted that if labour receiving countries of the Middle East fail to ratify the international instruments, labour sending states like Sri Lanka cannot compel the states to abide by the standards laid down in the instruments. Therefore, the challenge before Sri Lanka is to implement and monitor the ratified UN Convention and influence more governments in the Middle East to ratify and enforce the substance of the relevant instruments. As stated by the Special Rapporteur in her annual report, the gap separating recognition of migrants rights in international law from reality is one of the biggest challenges thrown up by international migration⁵¹.

⁴⁹ E/CN.4.2005/85 at para 82.

⁵⁰ Acceded on 11.3.1996

⁵¹ *Supra* n.47.

4 Issues

Issues considered in this Report are the problems faced and the difficulties experienced by female domestic workers before departure for host country, while in the host country and on return to the home country. Therefore, these issues have been categorised under pre-departure issues, post-departure issues and returnees- related issues.

4.1 Pre- Departure Issues

a) **Difficulties in Obtaining Accurate Information Relevant to Migration from a Reliable Source Located Within a Convenient Distance**

The measures taken by the SLBFE to attach SLBFE officers to the Divisional Secretariats are intended to assist prospective migrant workers living in peripheral areas. However, there still remains the question as to whether the majority of prospective migrants actually visit the regional centres. For reasons of convenience a person may choose to go to a nearby privately maintained office rather than to a Centre maintained by the SLBFE which is not located in close proximity. Therefore, the success of the peripheral programme for providing assistance to prospective migrant workers would depend on the SLBFE officers' attitude and their capacity to reach out to prospective migrants.

b) **Problems Caused by Registered Agencies and Sub-agents at the Stage of Recruitment and Job Placement**

Prospective migrant women workers are often charged excessive fees for services provided by recruitment agencies. Some recruitment agencies take advantage of the fact that the women do not have access to accurate information and/or they are desperate to obtain foreign jobs.

Pre-departure complaints made to the SLBFE by prospective migrant workers against recruitment agencies during the period 1999-2004 are as follows⁵².

Year	No of ComplaintsReceived
1999	1042
2000	1261
2001	1103
2002	1276
2003	1451
2004	1112

When complaints are received, the SLBFE carries out investigations and appropriate directions are communicated to offending agencies. In the event of non-compliance with the directions issued or when requests are received from agencies themselves for the revocation of licences or when licenses are obtained by producing forged documents, the SLBFE has no option other than the cancellation of licences issued to the relevant agencies. The number of licences that were revoked during the period from 1999 to 2004 was 83⁵³.

Sub-agents play an important role in obtaining contracts for the agent especially at the peripheral level. There have been many anecdotal and reported instances where the sub-agent has duped prospective migrant workers. Since it is not a legal requirement for the agent to submit to the SLBFE a list of sub-agents working for him/her, it is

⁵² Information provided on request by the SLBFE in May 2005. It should be noted that the data do not indicate the number of cases actually settled in each year.

⁵³ Information provided by the SLBFE. The reasons for revocation include forging documents, contravening relevant provisions of the SLBFE Act and on direct requests by the licensee.

difficult for the SLBFE to trace the sub-agent and hold the agent liable for the defaults of the sub-agent ⁵⁴.

c) Debt Bondage

To pay the various fees and expenses incurred in securing employment abroad, many women get into serious debt, often to the recruitment agent or unscrupulous moneylenders. The loan is taken on the understanding that the women will pay off the loan when they start working. Often a worker may find that the debt is much larger than expected, because extra charges and interest have been added. And because she is indebted to the recruitment agent/ moneylender, the migrant worker could be forced to work for a particular employer even though she is subject to exploitation and abuse ⁵⁵.

d) Re-issue of Passports

Presently, the Immigration Department charges a fee for issuing new passports to those who have their original passports. This is an additional burden on migrant workers who have lost their passports under circumstances which are beyond their control.

⁵⁴ According to the law of agency, sub-agents are permitted to work for the agent under the following specified conditions:

- (i) where the principal is aware at the time of the creation of agency relationship that the agent intends to delegate his authority and the principal does not object to this;
- (ii) where the circumstances are such that it can be presumed that the agent was intended to have power to delegate his authority;
- (iii) where the agent's authority is such as to necessitate its execution with the assistance of other persons;
- (iv) where the act delegated is purely ministerial and one which does not require or involve confidence or discretion.

The agent remains liable for the defaults of the sub-agent. The sub-agent will generally be liable to the agent (not the principal) who in turn will be accountable to the principal.

⁵⁵ An Information Guide: Booklet 3: Recruitment and the Journey for Employment Abroad (ILO, Geneva) p 29

e) Absence of Provisions /Specific Components in Training Programmes to Benefit Housemaids with Specific Problems

A minority of housemaids who attend the training programmes conducted by the SLBFE find it difficult to absorb much of the course content mainly due to poor educational qualifications and the lack of capacity to absorb new knowledge. Though education up to grade V is a requirement for a prospective housemaid, class room observations at training centres reveal that at least 5 trainees in each batch do not have the required educational qualifications and at least three are illiterate⁵⁶. Even in the case of other trainees, the capacity to absorb knowledge may be below the desired level.

f) Inadequacy of Existing Insurance Scheme to Benefit Migrant Workers Who Seek Repatriation

The existing insurance scheme meets the cost of the air ticket if a migrant worker is forced to return home, before the expiry of the contract, by an illness or accident. The insurance scheme also covers the cost of the air ticket under two other conditions, namely physical harassment caused by an overseas employer within the first six months and pregnancy detected within 3 months after arrival in host country. Hence, it does not protect those migrants who wish to return home after the elapse of six months for reasons such as harassment by the employer or natural disasters in the home country and host country.

⁵⁶ Sri Lanka Case Study on Good Practices to Prevent Women Migrant Workers from Going into exploitative Forms of Labour (ILO, Geneva, June 2001) p 21

g) Problems Caused by Falsification of Documents

The documents that a person should have to be a documented migrant worker include a valid passport, a visa, medical reports (if necessary) and a work permit. Prospective housemaids, particularly from the rural areas, may rely on the recruitment agent for obtaining the various documents needed. Unscrupulous agents could falsify any one of the above documents. Some prospective housemaids may not even be aware that their documents are forged. There are instances where certain documents have been falsified by the prospective migrant workers themselves. Some prospective migrant workers forge their birth certificates and identity cards when they submit their application for obtaining a passport. When the Department of Immigration and Emigration suspects the documents to be false, it liaises with the Department of Registrar General and the Department of Registration of Persons⁵⁷.

Housemaids with forged documents who are able to escape detection in Sri Lanka still face the danger of being caught by the authorities in the host country. If detected they could be deported or even imprisoned prior to deportation⁵⁸.

⁵⁷ Information obtained from Additional Controller of the Department of Immigration and Emigration in June 2005.

It should be noted that during the period 2002- 2004 , 48 housemaids were found to have forged SLBFE documents prior to departure. Information received from Country Co-ordinator of the SLBFE in July, 2005

⁵⁸ According to a senior officer at the SLBFE, no statistics are maintained by the SLBFE with regard to the number of housemaids who were deported due to the falsification of documents.

4.2 Post- departure Issues

a) Implementation of the Model Employment Contract

The main shortcoming of the Model Employment Contract is that it is not legally binding on the employer though it has helped in securing a few basic rights for the workers ⁵⁹.

b) Investigation of Complaints Received from Migrants in Host Countries

The existing legislative and institutional frameworks of Middle East countries afford expatriate workers little or no protection against violation of their human and labour rights. Aggrieved Sri Lankan housemaids in such countries are, therefore, compelled to lodge complaints with the relevant Sri Lankan authorities (SLBFE Consular Division of Foreign Ministry and Sri Lankan Missions) However, accurate information on the incidence of abuse of rights is not available as all instances of violation of rights are not brought to the notice of the authorities referred to either by the affected housemaids or by their next of kin.

Housemaids who lodge complaints amount to less than 5.4% of the housemaid departures (See Table 5). However, their complaints amount to more than 80% of the complaints made by female migrant workers (in all levels of manpower) and to more than 68% of the complaints made by both male and female migrant workers (in all manpower levels) ⁶⁰. The complaints, which fall into nearly seventeen categories tend to be concentrated in a few categories. (See Table 6). Nearly

⁵⁹ Migrant Workers and Human Rights : Out-migration from South Asia.
(ILO, 2004) p165

⁶⁰ Indicated by data on p 29 of the Statistical Handbook on Migration, 2003 (SLBFE)

71% of the complaints made during 2001 -2004 relate to non-payment of salary, harassment and lack of communication. Over 25% of the housemaids complain that they do not have access to communication facilities. It may be assumed, that the lack of communication facilities is a major factor that precludes timely interventions for redressing grievances. The percentage of complaints against non-repatriation on completion/ termination of contract has diminished from 19.5 in 2001 to 2.33 in 2003. Though the incidents of death is comparatively small, death from whatever cause is a matter for concern.

The complaints received from migrant workers as well as the complaints settled as a percentage of complaints received are set out in Table 7. The value of this parameter

Table 5

Complaints Received from Housemaids as a Percentage of Housemaid Departures

Incidence of Complaints	2000	2001	2002	2003*
No. of housemaid departures	99413	102850	108535	101413
No. of housemaid complaints	5116	5417	5667	5537
Complaints as % of departures	5.20	5.30	5.12	5.34

Analysis is based on data presented in Statistical Handbook on Migration.

Page 29, SLBFE

Table 6

Complaints Received from Female Migrants in All Levels of Manpower According to Nature of Grievance 2001 – 2004

Nature of Complaint	2001		2002		2003*		2004 *	
	No.	%	No.	%	No.	%	No.	%
Non-payment of agreed wages	1042	16.06	1839	28.44	1498	23.14	1476	21.27
Lack of communication	1808	24.78	1756	26.86	2064	31.88	2078	29.95
Harassment (physical and sexual)	1164	17.94	1411	21.58	1358	20.98	1465	21.11
Not sent back after completion of contract	1265	19.49	441	6.75	151	2.33	+	+
Death (Natural)	17	0.26	55	0.84	78	1.20	+	+
Death (Accidental)	84	1.29	40	0.61	23	0.36	+	+
Death (Homicide)	2	0.03	5	0.08	3	0.05	+	-
Death (Suicide)	10	0.15	10	0.15	19	0.29	+	+
Others (9 categories)	1297	20.00	960	14.69	1280	19.77	1920	27.67
Total	6489	100.00	6537	100.00	6474	100.00	6939	100.00

Analysis is based on data presented in Statistical Handbook On Migration, Page 28, SLBFE and on data relevant to 2004 provided on request by SLBFE

* Provisional

+ not available

has diminished from nearly 91 in 2000 to nearly 71 in 2003. The low value of 25.5 in 2004 may be indicative of the provisioned nature of the data available for 2004 or of temporary breakdowns in settlement procedures or of both.

c) Change of Employer by Housemaid Once in Host Country

Details of each registered migrant worker and their sponsor/ agent are maintained by the SLBFE. When migrant workers changed their sponsors without

Table 7

Comparison of Complaints Settled with Complaints
Received from All Migrant Workers 2000 - 2004

(1) Year	(2) Complaints received	(3) Complaints settled	(4) (3) as percentage of (2)
2000	7284	6620	90.88
2001	7718	6736	87.28
2002	7706	6541	84.88
2003	7756	5523	71.20
*2004	8107	2069	25.52

Analysis is based on data provided on request by the SLBFE

* Provisional

informing either the Embassy or the SLBFE, the SLBFE would not be in a position to keep track of the relevant sponsor and it would be difficult to intervene on behalf of such a migrant worker.

d) Visa Formalities in Middle East Countries

The entry visa that a housemaid can obtain when she first proceeds to the Middle East is valid for only a short period. As discussed in the situational analysis, the majority of housemaids proceed to Saudi Arabia, Kuwait, UAE and Lebanon. In the above mentioned countries the entry visa is valid for either 3 months or 2 months. It is the responsibility of the sponsor in the host country to obtain a residence visa/work permit. In terms of labour laws, the sponsor is liable to punishment if a resident visa is not obtained within the stipulated time period. Further, in Lebanon and UAE, penalties in the form of a fine or imprisonment are imposed on a housemaid who overstays her visa. The numbers of housemaids who were deported for overstaying their visas in 2003 - 2004 are as follows: Saudi Arabia 4663, Kuwait 2282, Lebanon 1128⁶¹.

As can be seen, a relatively large number of housemaids have been deported during the past two years. It has to be determined whether housemaids were deported solely due to the negligence of the sponsors. However, given that the housemaid has very little clout to enforce her rights, it may be assumed that the sponsors have defaulted on their obligations. Though the labour laws in these Middle East countries hold the sponsor liable to punishment for failing to obtain a residence visa/work permit, the effectiveness of meting out justice to errant sponsors has to be evaluated.

⁶¹ The information was provided by the Director General of the Consular Division of the Ministry of Foreign Affairs in July 2005.

e) Voting Rights

The Constitution of Sri Lanka guarantees voting rights for the citizens of the country under Articles 3 and 4. Further, Sri Lanka has ratified the International Convention on Civil and Political Rights⁶² and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families⁶³ which guarantee the right of franchise to a country's citizens. However, voting rights have still not been accorded to Sri Lankan migrant workers.

4.3 Returnees- related Issues

a) Management of Remittances

Remittances have helped the receiving households to improve their standard of living and to acquire household assets. Yet in an unacceptable high percentage of cases, the improvements have been transitory as a substantial proportion of funds have been used for meeting consumption needs and yet a larger proportion on acquiring unproductive assets⁶⁴. Further, there have been many instances where the housemaid arrived home only to find that her hard money had been squandered away by her husband⁶⁵. Such instances highlight the fact that spouses play a major role in the management of remittances sent by the housemaid. There have been a few reported instances where housemaids have been robbed of their possessions through deceit after arrival. The cumulative effect is that though the income levels of migrant families have increased from pre-migration

⁶² Article 25

⁶³ See Article 41

⁶⁴ Channelling and Utilisation of Remittances of Migrant Women Domestic Workers: Report of Discussion Meeting (CENWOR, 5th April 2001) p 22

⁶⁵ Study on Migrant Workers: A literature Survey and Identification of Data needs and Policy Actions (Department of National Planning, Ministry of Finance and Planning, 1996) p 59 at para 24

levels, the sustainability of the new standard of living is relatively short lived and thus a factor that often compels a housemaid to seek further employment in the Middle East⁶⁶.

b) Skills Development Programmes

Women domestic workers have a low socio-economic background and their educational level is also low. Therefore, they have limited opportunities for economic reintegration. Some go into self-employment by setting up small enterprises with their savings. However, the failure rate of such businesses is high due to the lack of adequate training in business management and the lack of access to mentoring and support⁶⁷. Others who cannot establish themselves in self-employment, seek and accept whatever jobs available. Presently, the State does not have specific programmes to meet the needs of returnee housemaids and they have to join either mainstream skills training programmes conducted by government institutions or seek NGO assistance.

c) Low Degree of Utilisation of Loan Schemes⁶⁸

The special loan schemes designed by the Bureau are the result of an effort to provide assistance to migrant workers for improving and stabilising their financial status on their return to the country. However, the numbers of migrant workers who borrowed from the banks under the special loan schemes have been negligible. As at 30th

⁶⁶ See Supra n. 64

⁶⁷ An Information Guide: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers ; Booklet 5 Back Home: Return and Reintegration (ILO, Geneva) p 21

⁶⁸ See Utilisation of Special Loan Schemes for Self – employment by Returnee Women Migrant Workers (CENWOR, 2004) p 47,53

September 2002, only 408 had borrowed under the self-employment loan schemes offered by the Peoples Bank and the Bank of Ceylon⁶⁹. Women accounted for only 14.5 per cent of the total number of borrowers⁷⁰.

As at 30th November, 2003 the total number of loans comprising housing loans (3,500) and self-employment loans under the People's Bank scheme (1100) totalled 4,600. At the end of October 2003, the total number of loans under the Bank of Ceylon's loan scheme was 398. It may be commented that in comparison with the previous year, there has been a positive increase though the number still represents only a small proportion of the total migrant population.

It is said that the low utilisation is not due to the lack of loanable funds but due to the lack of demand. Reasons cited for low utilization of credit facilities are:

- Lack of awareness of the schemes among migrant workers
- Lack of planning for the post- migration phase by the workers prior to or during migration
- Lack of entrepreneurial skills
- The requirement of being an NRFC account holder to obtain credit
- The requirement for the pledging of additional collateral acceptable to the bank

⁶⁹ The number of loans granted under Videshika loan scheme stood at 100 and the loans granted under Ransaviya loan scheme stood at 308. See: Utilisation of Special Loan Schemes for Self – employment by Returnee Migrant Women Workers (CENWOR, 2004) p 11-12 & p 53

⁷⁰ It should be noted that women do not include only housemaids but include all other categories of migrant workers

A sample study undertaken by CENWOR indicates ⁷¹ that the majority of both men and women had borrowed between Rs 100,000 and 250,000 each. Further, a gender breakdown shows that only men had borrowed the maximum amount of Rs 500,000 available under the loan schemes⁷². None of the respondents had an NRFC account that exceeded US\$1500 ⁷³. It may be assumed that women did not have the capacity to borrow larger amounts. Further, having little experience in transacting business with banks, unskilled workers found it difficult to understand the instructions given by banks with regard to such matters as how interests rates applied, how the loan instalments were calculated and the difficulties that had to be faced if a particular enterprise undertaken by them was not successful⁷⁴. Some borrowers repaid the loan by closing the NRFC account and later regretted the action as they did not understand the advantage of maintaining such an account.

With regard to the loan schemes itself, several anomalies exist which in actual practice benefit higher income workers. The interest rate subsidy given by the SLBFE is applicable to high income earners as well as low income earners such as housemaids. The Workers Welfare Fund (WWF) receives credit from a portion of the registration fees paid by migrant workers of whom the majority are women who account for nearly 65 per cent of the migrant workforce. However, women migrant workers form only a small percentage of the total number of applicants seeking loan assistance ⁷⁵.

⁷¹ A sample study of 29 women and 59 men. Refer Wansundara, S. Jayasinghe, *Utilisation of Special Loan schemes for Self – employment by Returnee Women Migrant Workers* (CENWOR, 2004) p 31

⁷² Ibid

⁷³ Ibid p 53

⁷⁴ Ibid p 49

⁷⁵ Ibid at p 47

d) Psychosocial Aspects of Family Problems

Migration involves uprooting and displacement of many returnees who are unprepared for dealing with a multitude of changes that have taken place in their absence. The changes include changes in the relationship with their children and husbands, changes in decision-making power in households and changes in their own sense of identity⁷⁶. What they urgently need is assistance to solve their family problems.

e) Health Problems of Returnees

Some of the returnees have contracted STDs, or have become HIV Positive. However, there are only a few programmes available for addressing returnee migrant workers' health problems.

f) Maintenance of a Database Relevant to Returnee Migrant Workers

The SLBFE has not yet established a database on returnee migrant workers.

5. Lacunae in the SLBFE Act

Significant changes have taken place during the last two decades in the gender-wise composition of migrant labour. In 1986, the total migrant population seeking foreign employment was 16,456 and by 2003 this number had risen to 208,803⁷⁷. Women who constituted merely 33.02 per cent of the migrant worker population 1986, accounted for 64.52 per cent of the migrant workers in 2003.

⁷⁶ An Information Guide: Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers
Booklet 3 (ILO, Geneva) p 13

⁷⁷ Statistical Handbook on Migration 2003, p 1

Over the years, the number of private recruitment agencies have substantially increased and presently they play a pivotal role in securing job employment opportunities for migrant workers⁷⁸. Sub-agents too are involved to a great extent in the process of procuring employment opportunities for migrant workers. The increase in the number of agents and sub-agents is paralleled by an increase in the instances of exploitation of prospective migrant workers to varying degrees by the agencies. The most vulnerable of all migrants are the undocumented workers who are usually trafficked for exploitative employment.

In order to protect migrant workers, the Sri Lanka Bureau of Foreign Employment Act was enacted in 1985 and the Act was further amended in 1994. The growth in the size of the migrant population, changes in its gender-wise composition, the large increase in the number of private recruitment agencies and sub-agents have brought into focus inadequacies in the existing legislation for dealing with the issues discussed below.

a) Non- recognition of Gender Concerns

The present Act lacks provisions to address specific needs and issues of female migrant workers. The absence of specific provisions to deal with issues relevant to female migrant workers is sharply brought into focus by the fact that Sri Lanka is presently the only Asian country where female workers outnumber male migrant workers⁷⁹.

⁷⁸ It has been reported that in 1999 approximately 68 per cent of the jobs were secured by private agents; See Sri Lanka Case Study on Good Practices to Prevent Women Migrant Workers From Going into Exploitative Forms of Labour (ILO, June 2001) p 27

⁷⁹ Reforming the Sri Lankan Foreign Employment Act: Increasing Protection for Migrant Workers and Employing Lessons from the Philippines (LST Review, Volume 14 Issue 201, July 2004) p14-15

b) Lack of Accountability on the Part of Sub-agents

Presently, there is no legal requirement to compel a licensed agent to register all sub-agents working for him/her with the SLBFE. Therefore, it is a difficult task for the SLBFE to trace the sub-agent and hold the agent responsible for the defaults of the former.

c) Absence of Specific Provisions to Address Different Manifestations of Trafficking in Migrant Workers

Section 63(b) of the SLBFE Act refers to the use of such methods as intoxication, coercion, fraud or wilful misrepresentation of facts as offences in the recruitment process. However, this provision does not specifically address the issue of trafficking. Further, the Act does not specifically provide for the rendering of assistance to victims of trafficking.

d) Lack of a Defined Role for NGOs and Trade Unions

The SLBFE Act does not provide for a role for Trade Unions and NGOs in the protection of rights of migrant workers.

6. Recommendations

The legislative and institutional frameworks should be viewed as constituents of a system which seek to protect the rights of women domestic workers and promote their welfare. Towards this end, recommendations are made to reduce or eliminate the lacunae in the law and strengthen institutional frameworks, namely the SLBFE and Ministry of Foreign Affairs. Further, recommendations are made for enhancing the contribution that the Human Rights Commission and other agencies can make to reinforce the efforts of the SLBFE and the Ministry of Foreign Affairs. The

recommendations presented in Section 6.1 are indicative of short-term and medium-term measures for addressing specific issues. The recommendations made in Section 6.2 refer to long-term measures that are needed for: empowering women; addressing causes which render women migrant workers particularly vulnerable to abuse; enhancing their employability by diversifying avenues of employment.

6.1 Recommendations Indicative of Short-term and Medium-term Measures

Recommendations in this section address the following issues.

- I) Pre-departure issues
 - II) Post-departure issues
 - III) Returnees- related issues
 - IV) Amendments to the SLBFE Act
 - V) Strengthening the capacity of relevant state institutions
 - VI) Modes of utilising international instruments and mechanisms to best protect the rights of migrant workers
- I) Recommendations Relevant to Pre-departure Issues**
- a) Dissemination of Information to Prospective Migrant Workers**

As prospective migrant workers have difficulties in obtaining accurate information from sources located within a convenient distance of their homes, it is recommended that :

- i) The SLBFE take appropriate steps to secure the collaboration of relevant government organisations in the districts, NGOs, workers' unions, employers' organisations and the media in order to ensure that information dissemination has the widest and the most effective outreach possible to benefit all prospective migrant workers.
- ii) The SLBFE publicise widely the list of registered employment/recruitment agencies so that potential migrants are encouraged to go through registered agencies.

b) Regulation and Supervision of Licensed Agencies

The majority of job opportunities are presently offered by licensed agencies. Hence, it is crucial to effectively monitor the role they play in the migration process. Therefore, it is recommended that :

- i) The SLBFE publish data to indicate the number of complaints settled in each year according to the category of complaints.
- ii) The SLBFE have a system of regular supervision in order to ensure that private agencies conduct their business in accordance with the laws and regulations applicable to them.
- iii) The SLBFE have a programme for the evaluation of agencies and ranking them in a merit order.

c) Debt Bondage

Many women migrant workers often get into serious debt to the recruitment agents/ unscrupulous moneylenders as they have to pay various fees and meet other expenses connected with the process of securing employment abroad. The Ministry of Justice has taken steps to deal with this matter by introducing a Bill to amend the Penal Code. According to the Amendment it is an offence to subject any person to debt bondage or serfdom⁴⁹. It is recommended that (once the Bill is passed into Law by Parliament):

- (i) The SLBFE play a proactive role in order to bring perpetrators to the notice of the relevant authorities.
- (ii) The SLBFE monitor the implementation of the law in order to prevent women migrant workers from exploitation.

d) Re-issue of Passports

As the Department of Immigration and Emigration charges a fee for the re-issue of a new passport to those who have lost their original passports, **it is recommended that:**

A migrant worker proceeding to the Middle East who has lost his/her passport in circumstances beyond their control be exempted from the payment of the full amount of the fee referred to.

⁴⁹ The Bill to amend the Penal Code contains, inter alia, the following provisions under Section 358A (1) :

Any person who-

- a) subjects or causes any person to be subjected to debt bondage or serfdom;
- b) subjects or causes any person to be subjected to forced or compulsory labour;
- c) subjects or causes any person to be subjected to slavery

shall be guilty of an offence punishable by imprisonment of either description for a term not exceeding twenty years and to a fine.

e) **Training Programmes**

As training programmes make a significant contribution to safeguard the rights of prospective female domestic workers, **it is recommended that:**

- i) The components of the course dealing with reproductive health, stress management, types of abuse, redress mechanisms and remittance management be elaborated and strengthened.
- ii) A new component be introduced into the training course to educate the trainees on the undesirable consequences of changing the employer in the host country without the prior approval of the Sri Lankan Embassy in the host country.
- iii) The component for educating spouses of migrant workers on their role as parents/ caregivers which is presently implemented on a pilot basis at the Anuradhapura Training Centre be evaluated and extended to other training centres of the country.
- iv) The duration of the training period be extended to one month in order to effectively accommodate the suggested new areas.

As some trainees find it difficult to follow the training course due to their lack of language competency and limited capacity to acquire new knowledge, **it is recommended that:**

- i) A test be administered at the beginning of the course to identify the level of language skills/ knowledge and capacity of the trainees.
- ii) The trainees be divided into two or more groups according to their level of language skills/ knowledge and capacity.
- iii) Training be imparted separately to the groups identified under (ii).

- iv) At the end of the training course, an evaluation test be administered to the trainees to find out to what extent they have profited by participation in the course.
- v) The trainees who perform badly on the evaluation test be retrained.

f) **Amendment to Existing Insurance Scheme to Benefit Migrant Workers Who Seek Repatriation**

The period of validity of the insurance cover for the reimbursement of the cost of the air ticket, due to physical harassment by the overseas employer, is limited to six months. Further, the insurance policy does not cover those migrant workers who wish to return home due to natural disasters either in the home country or host country. Therefore, **it is recommended that:**

- (i) The period of validity of the insurance cover be extended to cover the entire period of the contract in order to benefit every migrant worker who is forced to return home because of harassment caused by the overseas employer.
- (ii) The insurance cover be extended to cover natural disasters either in the home country or host country during the term of contract.

g) **Falsification of Documents**

The Department of Immigration and Emigration, the Department of the Registrar General and the Department of Registration of Persons play an important role in the prevention of falsification of documents by prospective migrant workers. **It is recommended that:**

- i) The three institutions referred to work out a mechanism to expedite the verification of documents.

- ii) The SLBFE consider the feasibility of issuing an E-card to indicate that the migrant worker has gone through the selection, contract signing, and pre-departure orientation processes⁸¹.

II) Recommendations Relevant to Post-departure Issues

a) Implementation of Model Employment Contract

As the model employment contract is not legally enforceable against the employer in the host country, it is recommended that :

- (i) The SLBFE initiate action leading to the signing of bilateral agreements with host countries in order to ensure that the conditions laid down in the model employment contract are observed by the employer and other relevant authorities in the host country.
- (ii) All bilateral agreements signed with host countries be given media publicity in order to maintain transparency.

b) Role Played by Counsellors (Employment and Welfare) / Labour Welfare Officers

The Counsellors/ labour welfare officers play a crucial role in protecting the rights of migrant workers in host countries. In discharging their duties they need to play a proactive role. Further, it is important that the above officers pay particular attention to gender related problems of women migrant workers. Therefore, it is recommended that:

⁸¹ The Philippine Overseas Employment Administration (POEA) issues an Overseas Employment Certificate in the form of an E card to prospective migrant workers who have undergone all the processes of selection, contract signing, pre-departure orientation, medical examination and visa issuance.

- (i) The SLBFE/Ministry of Foreign Affairs design a system to enable the counsellors/welfare officers to check periodically on the well-being of housemaids.
- (ii) Counsellors/ labour welfare officers be given adequate resources for the performance of all required activities for protecting the rights of migrant workers and for organising cultural events for the migrant workers to maintain their cultural links with Sri Lanka.
- (iii) The SLBFE and the Ministry of Foreign Affairs reassess the criteria for the selection of Counsellors/ Welfare Officers to ensure that only those officers who display leadership qualities and initiative are stationed overseas.
- (iv) A female labour welfare officer be appointed to serve in every mission in order to address gender related problems of women migrant workers who are relatively at ease in communicating with a female officer.
- (v) The SLBFE and the Ministry of Foreign Affairs evaluate the current training programme in order to ensure the adequacy of the training provided for the Counsellors/ Welfare Officers before they are posted overseas⁸².

c) **Visa Formalities in Middle East Countries**

As migrant workers proceeding for employment have to obtain a residence visa or work permit after arrival in the host country, it is recommended that :

⁸² It should be noted that the IOM employed a consultant to analyse existing training curricula and draft a comprehensive training manual for representatives of the Bureau attached to Sri Lankan Missions.

The Government of Sri Lanka negotiate with labour receiving countries of the Middle East to make the agent in host country responsible for obtaining a residence visa/work permit for the expatriate housemaid before the expiry of the entry/temporary visa.

d) **Voting Rights**

Specific provisions in the Constitution and international instruments to which Sri Lanka is a signatory guarantee voting rights to all citizens of the country. Therefore, **it is recommended that:**

Arrangements be made to grant migrant workers an opportunity to exercise their right of franchise.

III) Returnees- related Issues

a) **Skills Development Programmes**

As returnee women migrant workers who invest their savings in small enterprises need entrepreneurial skills to successfully run their businesses, **it is recommended that the SLBE take appropriate steps to :**

- i) Co-ordinate the activities of government and NGOs involved in entrepreneurial skills development.
- i) Ascertain which of the returnees wish to invest their savings in small businesses.
- ii) Direct such returnees to government and NGO centres which offer entrepreneurial- skills-development programmes.

b) **Loan Schemes**

As only a small percentage of returnee- women migrant workers have benefited significantly from the loan

schemes, it is recommended that the SLBFE in collaboration with the relevant bank authorities :

- i) Launch a publicity campaign to make the migrants aware of the details of the available loan schemes.
- ii) Take steps without delay to reduce the rate of interest payable on loans borrowed by housemaids and other unskilled workers.
- iii) Take steps without delay to extend the period of repayment of loans borrowed by housemaids and unskilled workers.
- iv) Make services more user friendly to migrant workers with special reference to housemaids and unskilled workers.

c) Psychosocial Aspects of Family and Health Problems

Many returnee migrants confront problems which relate to their families and their own health. These problems leave them in distressing situations. In order to enable them to cope with their problems, it is recommended that:

The SLBFE take steps to distribute leaflets containing information on the existing institutions and programmes which provide the needed counselling services/health care and make these leaflets available to the returnees at the airport, at Divisional Secretariats and at other relevant venues.

d) Maintenance of a Database Relevant to Returnee Migrant Workers

As the present database does not provide the necessary information on returnee migrants for effectively designing reintegration programmes, it is recommended that:

The existing database of the SLBFE be expanded to include the data necessary for the design, implementation and monitoring of reintegration programmes

e) Reinforcement of Reintegration Programmes

The government should play a major role in the implementation of reintegration programmes since any reintegration programme, if it is to be successful, needs to reach out to the mass of returnee migrant workers. Therefore, it is recommended that :

The government examine good practices of other labour exporting countries such as the Philippines and adopt good practices which are appropriate to the local context and which can be adapted for reinforcing reintegration programmes⁸³.

IV) Amendments to the SLBFE Act

SLBFE Act

a) Recognition of Gender Concerns

As the present Act lacks specific provisions to address the needs and issues of female migrant workers it is recommended that:

⁸³ The Philippines has an Overseas Workers Welfare Administration Fund which is sourced from mandatory contributions of overseas contract workers and their employers. The fund is governed by an independent board of trustees which is attached to the Department of Labour and Employment. It is primarily responsible for the organized return and productive reintegration or redeployment of migrant workers. Through the Fund, migrant workers are provided economic and social assistance and benefits upon return. Further, the Replacement and Monitoring Centre provides training and retraining in preparation for re-deployment or reintegration of return migrant workers. The Centre refers returnees to institutions that provide specific courses in vocational skills and entrepreneurship. (See An Information Guide : Preventing Discrimination, Exploitation and Abuse of Women Migrant Worker; Booklet 5 (ILO-Geneva) p 29

The SLBFE Act be amended to include provisions that require the State to apply gender sensitive criteria in the formulation and implementation of policies and programmes affecting migrant workers and the composition of bodies set up for the welfare of migrant workers.³⁴

b) Accountability of Sub-agents

As the present Act does not make it mandatory for the Agent to register his/her sub-agents with the SLBFE, there is scope for both the agent and his/her sub-agents for duping prospective migrant workers and escape with impunity due to lack of evidence. Therefore, it is recommended that:

The present Act be amended to make it obligatory for the Agent to register his/her Sub-agents with the SLBFE in order to make the Agent responsible for the defaults of the Sub-agents.

c) Establishment of Standing Advisory Committee

As a number of agencies are involved in the protection of migrant workers, it is recommended that:

The SLBFE establish a Standing Advisory Committee consisting of representatives of key stakeholders such as NGOs, international agencies and Trade Unions to advise the SLBFE on the formulation of policies for the settlement of grievances of migrant workers, meeting training

³⁴ It should be noted that section 2(d) of the Migrant Workers and Overseas Filipinos Act of 1995 (REPUBLIC ACT NO. 8042) confirms the government's policy to take cognizance of the particular vulnerabilities of women migrant workers and requires the State to apply gender sensitive criteria in the formulation and implementation of policies and programmes affecting migrant workers and the composition of bodies set up for the welfare of migrant workers.

needs of migrant workers, conduct of reintegration programmes and conclusion of bilateral agreements.

d) Offence of Trafficking

The SLBFE Act is silent on the issue of trafficking in migrant workers for exploitative employment. The Penal Code criminalizes many aspects of trafficking. However, the Penal Code does not address all manifestations of trafficking included in the definition of trafficking as given in the UN Trafficking Protocol. The Ministry of Justice has now taken steps to introduce a Bill to amend the Penal Code in order to bring the relevant provisions (Section 360 C) of the Penal Code into conformity with the Trafficking Protocol⁸⁵. Therefore, no recommendation is made in this Report for amending the existing legislation.

e) Assistance to Persons Trafficked in Host Country

Some women who are induced by false promises to migrate to host countries are forced to engage in exploitative forms of employment upon arrival. Therefore, it is recommended that :

⁸⁵ In terms of Section 360C of the proposed Amendment a person who is guilty of the offence of trafficking is liable to imprisonment of either description for a term not less than two years and not exceeding twenty years and may also be punished with a fine. If a person under the age of eighteen has been trafficked, the offender is liable to imprisonment for a period of not less than three years and not more than twenty years and may also be punished with a fine.

The government provide special implementing guidelines to Sri Lankan Embassies in host countries for rendering assistance to victims of trafficking³⁶.

V) Strengthening the Capacity of Relevant State Institutions

a) Networking of Computer Systems

As presently there is no networking of computer systems of the Foreign Employment Bureau, the Ministry of Foreign Affairs and the Department of Immigration and Emigration for the sharing of relevant information, **it is recommended that :**

The government set up a networking arrangement between the above three institutions for information sharing.

b) Co-operation among Agencies

- (i) In order to increase the efficacy of co-operation among agencies involved in the migration process, it is important to decide, at the very outset, the different levels of co-operation that are necessary for maximising the relative strength of each institution. **It is recommended that :**

³⁶ In the Philippines, by virtue of the Implementing Rules and Regulations of Republic Act no. 9208 (Anti- Trafficking in Persons Act of 2003), the Department of Foreign Affairs has, inter alia, the following mandates:

- (i) make available its resources and facilities overseas and provide services for trafficked persons regardless of the manner of their entry to the receiving country
- (ii) explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programmes
- (iii) Actively participate in bilateral, regional and international initiatives and cooperative arrangements aimed at suppressing trafficking in persons and protecting and assisting victims of trafficking
- (iv) integrate into the pre-departure orientation seminars for Foreign Service personnel a training module on trafficking in persons.

The Foreign Employment Bureau, the Ministry of Foreign Affairs and the Department of Immigration and Emigration work out a strategy to co-ordinate and complement each institution's activities in relation to relevant aspects of migration .

(ii) The Human Rights Commission (HRC) is in a unique position to promote human rights activities in Sri Lanka. **It is recommended that :**

(i) The HRC undertake research studies on human rights of migrant workers and disseminate the findings of such studies among relevant stakeholders.

(ii) The HRC monitor the main activities of state sector organisations involved in protecting the rights of migrant workers.

c) **National Policy on Migration**

Out-migration of labour needs to be viewed as an integral part of an employment strategy. In this context, a clear policy for promoting safe migration is a national need. **It is recommended that:**

The government formulate and implement a national policy on migration for foreign employment to provide a basis for the rationalisation of the relevant legislative and institutional frameworks.

VI) International Instruments and Domestic Law

International instruments and mechanisms provide norms for strengthening national efforts directed at protecting the human rights of migrant workers. **It is recommended that:**

- a) The government review existing laws to identify gaps and loopholes in the context of requirements of the international instruments and incorporate relevant provisions of international instruments into the domestic legislative framework.
- b) Grave abuses against migrant workers be brought to the attention of the Special Rapporteur on Migrant Workers.

6.2 Long- term Measures

The recommendations below are indicative of long-term measures that are needed to address root causes that render women particularly vulnerable to abuse.

a) Factors that Cause Women to Seek Employment Abroad

The factors that cause women to seek foreign employment are rooted in their socio-economic background. It is recommended that:

Strategies be designed and implemented to address such factors as chronic unemployment , dysfunctional family situations, growing materialism, displacement and disruptions due to natural disasters and conflict situations.

b) Empowerment of Women

In a developing country such as Sri Lanka women are subject to many disadvantages which are not faced by their male counterparts. Therefore, it is recommended that :

Policies be adopted to promote gender equality and to fight all forms of discrimination in the labour market and provide equal opportunities for access to information and decision making spheres with the ultimate objective of uplifting the image and

skills of women migrant workers as persons who are competent to work in all levels of manpower.

c) Social Security for Migrant Workers

Presently, only a few labour receiving countries provide for system of social security for migrant workers. Therefore, it is recommended that:

The government negotiate with labour receiving countries in order to provide for a system of social security which entitles a migrant worker to such benefits as Provident Fund Payments upon expiration of the contract.

d) Diversification of Global Employment Opportunities

The concentration of migrants in a few jobs categories and/or in a few countries in one region could give rise to unexpected eventualities. Diversification of employment opportunities in terms of job categories as well as in terms of labour receiving countries and regions need to be considered as a long term measure⁸⁷. Therefore, it is recommended that:

A mechanism be adopted to monitor the developments and changes in the global market, assess their impact in terms of employment on the country and provide relevant stakeholders in the country with timely information for proactive decision making⁸⁸.

⁸⁷ Draft National Employment Policy for Sri Lanka (Ministry of Employment and Labour, 2002) p 30

⁸⁸ Ibid at p 31

Annex 1

Workshop on Women Migrant Workers

3rd August, 2005

Venue: BMICH

List of Participants

Representatives of the Human Rights Commission

Dr. Radhika Coomaraswamy	Chairperson, Human Rights Commission
Dr. M.A. Zainudeen	Member, Human Rights Commission
Mr. D.J.B. de Silva	Secretary, Human Rights Commission
Mr. N. Punchihewa	Director, Investigations & Inquiries, Human Rights Commission
Ms. Thilani Rajapakse	Director, Monitoring and Review Division, Human Rights Commission
Mr. M.A.N. Chandrasiri	Research officer, Human Rights Commission

Members of the Committee on Migrant Women Workers

Dr. Hiranthi Wijemanne	Chairperson of Committee and Chairperson of the National Child Protection Authority
------------------------	---

Ms. Cressida Senanayake	Member, Human Rights Commission
Ms. S. Nishadini Gunaratne	Secretary to Committee and Rapporteur, Human Rights Commission
Mrs S. Ekanayake	Country Co-ordinator Sri Lanka Foreign Employment Bureau (SLBFE)
Mr. W.M.V. Wansekara	Deputy General Manager (Training and Research), SLBFE
Mr. R.K.K.M.P. Randeniya	Sociologist, SLBFE
Mr. Sumedha Ekanyake	Assistant Director, Ministry of Foreign Affairs

Participants Representing Relevant Agencies

Mr. S. Weerasinghe	Deputy Commissioner, Department of Elections
Ms Rita Manchanda	Gender Advisor, National Committee on Women
Mr. David Soysa	Director, Migrant Services Centre
Ms S. Kosgahakubura	Development Officer, Women's Bureau
Ms. R.S. Thurairajah	Deputy Commissioner, Department of Registration of Persons

Ms. S. Prathapasinghe	Deputy Chief Finance Officer, Credit Department, People's Bank
Mr. Wasantha de Silva	Assistant General Manager, Overseas Customer Unit, People's Bank
Mrs. M.D.C. Amaratunga	Commissioner of Labour (Women and Children's Affairs), Ministry of Labour Relations and Foreign Employment
Ms. Sajani Ranathunga	Project Officer, International Organisation for Migration (IOM)
Ms. Damayanthi Jayaratne	Additional Controller, Department of Immigration and Emigration
Mr. L.V.R. Bandara	Manager (International Division – Trade, Promotion and Export), Bank of Ceylon
Ms. Gayani Rathnayake	Programme Officer, South Asia Partnership
Ms Shafinaz Hassendeen	Senior Programme Officer, International Labour Organisation (ILO)
Ms. Shamila Daluwatta	Programme Assistant, ILO
Ms. Violet Perera	Co-ordinator, ACTFORM

Mr. P. Samaranayake	Co-ordinator, National Workers Congress
Ms Sriyani Perera	UN Gender Specialist
Dr. J.B. Walalawela	Director, Estate Health, Ministry of Health
Ms. L. Wanasundera	Board Member, CENWOR
Mr. Dudley Wijesiri	Consultant, ACTFTU
Ms. Ratna Edirisinghe	Deputy Director, Ministry of Skills Development, Vocational and Technical Education
Mr. Cecil Perera	Senior SSP, Children and Women's Desk, Colombo
Ms Kumari Witharana	Programme Officer, ACILS
Ms. C. Siriwardhana	Director, Centre for Policy Alternatives

Annex 2

Model Employment Contract⁸⁹

All licensed Foreign Employment Agents
Are requested to use this model in
Future recruitments with suitable
Translation in Arabic/Sinhala/Tamil

MODEL EMPLOYMENT AGREEMENT FOR DOMESTIC SECTOR EMPLOYEES RECRUITED FROM SRILANKA TO KUWAIT, UAE, KINGDOM OF SAUDI ARABIA AND OTHER COUNTRIES

This agreement made and entered into on this
day of.....between

..... whose permanent address
isholder of
Passport No ID No
(herein after called the Employer) and

.....
(herein after called the Employee) with residence at
..... holder of Passport No
.....and registered at the
Embassy/Consulate of the Democratic Socialist republic of Sri
Lanka in

Witnesseth as follows:

⁸⁹ Provided by the SLBFE

1) Duration of Agreement

- a) The Employee shall be employed by the employer for a period ofYear (s) commencing on the day of arrival at his/her destination in
- b) Upon completion of this contract the employer shall provide a free air ticket for the Employee for her/his return to Sri Lanka and also pay the Employee a gratuity not less than one month's salary.

2) Duties of the Employee

- a) The employee shall discharge his/her duties diligently and faithfully for the duration of his/her engagement in terms of clause 1. He/she all also respect the customs and traditions of the country and display a good standard of behavior and respect for members of the Household.
- b) The employee shall reside in the residence of the employer and shall be required to perform the normal duties assigned to him/her.

3) Duties of the Employer

- a) The Employer shall pay at the rate ofper month to the Employee as salary. Payment shall be made in cash within 7 (seven) days following each month.
 - b) Employee shall give and Employer shall obtain written acknowledgments in respect of' all payments made to the Employee by the Employer.
- 4) The Employee's duty hours will not exceed 12 (twelve) staggered hours a day and the Employee will be treated as a member of the household.

5) **Rest Day**

The Employer shall grant the Employee a weekly day off as determined by the Employer.

6) **Transportation**

The Employer shall provide the Employee with an air ticket from Colombo to
..... To enable her/him to assume duties.

7) **Free Food lodging and Medical Care**

The Employer shall provide free accommodation, food & medical care.

8) **Termination of Agreement**

- a) The Employer shall give one month's notice to the employee if he/she proposes to terminate the Agreement before it's expiry or pay month's salary in lieu of notice.
- b) The Employee shall give one month's notice if he/she proposes to terminate the Agreement before its expiry.
- c) Notwithstanding provision in (a) & (b) above, the Employer may terminate the Agreement without notice or payment of one month's salary to the Employee if he/she:
 - i) Wilfully refuses to carry out duties assigned to him/her.
 - ii) Commits misconduct or such misconduct inconsistent with the due and faithful discharge of his/her duties.
 - iii) Is guilty of fraud or dishonesty.
 - iv) Habitually neglects his/her duties.

- d) The Employee may terminate the Agreement without notice if
 - i) He/She has reasonable fear that he/she may be exposed to danger due to her civil commotion, disease etc.
 - ii) He/She is subjected ill-treatment by the Employer.
 - iii) He/She is subjected to sexual harassment.
 - iv) Non payment of monthly salary as stated in clause 3.

The Employer shall provide an air ticket to the employee to return to Sri Lanka if he/she terminates the agreement due to reasons stated in clause 8 (d) i to iv

- e) Before proceeding with the termination of the Agreement the Employee and/ or Employer should in the first instance report the matter to the Sri Lanka Embassy/consulate and seek a settlement of the dispute through conciliation. The parties shall abide by such terms of settlement reached through a Labour Attaché or an authorized officer in the Sri Lanka Embassy/Consulate.

9) Insurance

The Employer shall insure his Employee against accident, sickness or permanent disablement or death.

10) Death of the Employee

In the event of death of the employee the Employer shall immediately notify the Embassy/consulate and he shall pay the cost of Transportation of the Employee remains together with the deceased's personal belongings to Sri Lanka. The Employer shall not dispose the remains of

the employee in an manner without the prior approval of the Embassy/consulate

11) Amendments

No provision of the Agreement shall be altered amended or substituted without the written approval of the Embassy/Consulate.

IN WITNES WHEREOF the parties having read and understood all the provision of the Agreement hereby freely manifest therein full acceptance of the terms and conditions embodied herein by placing the respective signatures.

.....
Signature of Employer/
Sponsor or Authorized
Agent in Sri Lanka or
in the Overseas.

.....
Signature of Employee

Registered at the Embassy/Consulate of the Democratic Socialist Republic of Sri Lanka in

Registration No :

Date of Registration :

Signature of Labour Attache/ Authorised Officer
..... of Sri Lanka Embassy/Consulate.

(SEAL)

Annex 3⁹⁰

Eligibility criteria for obtaining Ransaviya 1 and Ransaviya 11 Loans

- The applicant should have maintained an NRFC account for at least 12 months.
- A reasonable portion of the applicant's overseas employment income should have been saved in the NRFC account.
- The applicant should satisfy the bank in regard to his/her ability to repay the loan out of the current income including income from the self-employment project.
- The applicant should maintain a rupee account with the bank for disbursements of loan proceeds and recovery of instalments.

Collateral required by the bank for the loans include one or more of the following:

1. primary mortgage over freehold property
2. personal guarantee of one or two customers acceptable to the bank
3. mortgage over a vehicle
4. assignment of the life insurance benefits payable to the applicant under the Bank's insurance scheme for NRFC account holders
5. reservation of a sum of US 250 of the NRFC account balance for Ransaviya loans and
6. a letter of consent to set off the loan outstanding against the balance in the NRFC account of the applicant

⁹⁰ Utilisation of Special Loan Schemes for Self-employment by Returnee Migrant Women Workers (CENWOR Study Series No 32, 2004) p 7-8

Annex 4

Insurance Scheme Offered to Registered Migrant Workers

Event	Benefit
1. Repatriation due to physical harassment by the overseas employer	Repatriation within 6 months. The air ticket will be issued over the counter by Sri Lanka Airlines after verifying the date of issue of the policy. Alternatively a sum of Rs 20,000 will be paid to cover the initial expenses.
2. Repatriation due to pregnancy not known from the departure from Sri Lanka	Repatriation within 3 months. Cost incurred by the insured person in respect of the return air ticket (Maximum Rs25,000) Alternatively a sum of Rs 20,000 to cover the initial expenses.
3. Death while abroad	(a) Rs 300,000 as compensation to the dependents (b) Cost of transportation of the remains or funeral expenses Rs 50,000
4. Death in Sri Lanka within 90 days of an accident that happened abroad	(a) cost incurred by the insured person in respect of return ticket Rs 25,000 (b) Rs 200,000 as compensation to dependents
5 (a) Return due to an accident whilst working abroad- permanent disability	(a) return air ticket Rs 25,000 (b) compensation up to Rs 200,000 depending on extent of disability

(b) partial disability	(a) return air ticket Rs 25,000 (b) Medical expenses incurred after returning to Sri Lanka Rs 10,000
6. (a) Return due to an illness commenced/ contracted whilst working abroad (b) Death in Sri Lanka due to a critical illness commenced/ contracted whilst abroad	Return air ticket Rs 25,000 Medical expenses incurred after returning to Sri Lanka Rs 10,000 Within 6 months of arriving in Sri Lanka Rs. 100,000
7. (a) Cost of hospitalised medical treatment for accidental injuries after the insured person left Sri Lanka (spouse and two children if insured person is married and parents if insured person is unmarried) (b) Cost of hospitalised medical treatment for other illnesses commenced/ contracted after the insured person left Sri Lanka – for children below 18 only. (Not paid for out-door treatment, routine treatment, maternity)	Rs 25,000 for a family unit per year for treatment In a non paying ward Rs 150 per day
8. (a) The death of the spouse/ children if insured person is married occurred after the insured person left Sri Lanka (b) The death of parents if insured person is not married	Rs 5000 as compensation to the insured

HUMAN RIGHTS COMMISSION OF SRI LANKA

No. 36, Kynsey Road, Colombo 08.

Tel : 0094 - 011 2694925, 2685980, 2685981

Fax : 0094 - 011 2694924

Hot Line : 0094 - 011 2689064

E-mail : sechrc@sltnet.lk Web : www.hrc-srilanka.org