

**Democratic Socialist Republic of Sri Lanka**  
**Stakeholder Report for the United Nations Universal Periodic Review**

Submitted by the **Global Alliance against Traffic in Women**,  
a non-governmental organisation in special consultative status,  
for the 42nd Session of the Working Group on the Universal Periodic Review

12 July 2022

Founded in 1994, the **Global Alliance against Traffic in Women (GAATW)** is a network of non-governmental organisations from all regions of the world, who share a deep concern for the women, children and men whose human rights have been violated by the criminal practice of human trafficking.

GAATW is committed to work for changes in the political, economic, social and legal systems and structures which contribute to the persistence of trafficking in persons and other human rights violations in the context of migratory movements. Within this framework, GAATW promotes and defends the rights and safety of all migrants and their families against the threats of an increasingly globalised and informal labour market.

From July 2020-March 2021, GAATW partnered with **Community Development Services (CDS)**, **Centre for Human Rights and Community Development (CHRCD)**, and **Eastern Self Reliant Community Awakening Organisation (ESCO)**, to carry out Feminist Participatory Action Research<sup>1</sup> with returning women migrant workers. CHRCD and CDS conducted interviews and focus group discussions with 40 returnee Sinhala and Muslim women migrants in Kurunegala District. ESCO did so with 45 Tamil and Muslim women returnees in Batticaloa District.<sup>2</sup>

## **II. BACKGROUND AND FRAMEWORK**

### **A. The 2017 Universal Periodic Review of the Democratic Socialist Republic of Sri Lanka**

1. During its third-cycle Universal Periodic Review in 2017, Sri Lanka received 13 recommendations related to the rights of women who migrate overseas for work, and to its efforts to combat trafficking in persons.

*i. Combat trafficking in persons*

**Status of Implementation: Supported, Not Implemented**

2. Sri Lanka supported four recommendations relating to combatting trafficking in persons. These recommendations were made by the United Kingdom of Great Britain and Northern Ireland, Armenia, Qatar and Sudan. Sri Lanka has not implemented these recommendations.

*ii. Eliminate all forms of discrimination against women in domestic law*

---

<sup>1</sup>Through FPAR, the selected returnees were involved in all stages of the research process, including designing research objectives and data collection methods, conducting interviews and focus group discussions, and drafting recommendations and advocacy strategies based on research findings. FPAR adopts an intersectional lens in understanding women's life stories, and gives scope to consider the structural domains of power, which includes fundamental social institutions like families, job markets, housing, education, and health.

<sup>2</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

### **Status of Implementation: Supported, Not Implemented**

3. Sri Lanka supported six recommendations to review and repeal any domestic laws which discriminate against women. These recommendations were made by Namibia, Guatemala, Latvia, Ghana, Portugal and Iraq. Sri Lanka has not implemented these recommendations.

iii. *Enhance enjoyment of the right to work for women*

### **Status of Implementation: Supported, Not Implemented**

4. Sri Lanka supported two recommendations to enhance the enjoyment of the right to work for women: "*Enhance participation by women in political and public life and further increase assistance to women heads of households in gaining access to employment and services to improve their socioeconomic conditions*" (Bahrain); "*Establish a specific programme to produce opportunities for income for women, mainly in rural areas*" (Honduras). Sri Lanka has not implemented these recommendations.

iv. *Protect the rights of all migrant workers and their families*

### **Status of Implementation: Supported, Not Implemented**

5. Sri Lanka supported one recommendation to strengthen the protection of the rights of migrant workers and their families: "*Accelerate the enactment of the Sri Lanka Employment Migration Authority Act on the protection of migrant workers and their families in line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*" (Indonesia). Sri Lanka has not implemented this recommendation.

## **B. Domestic Context: Women's migration for work from Sri Lanka**

6. Organised labour migration from Sri Lanka intensified after the open economy reforms of the 1970s.<sup>3</sup> During the early years of labour migration, women accounted for the majority of migrant workers, reaching a peak of 75% of labour departures.<sup>4</sup> This share has declined over the period from 2008 to 2016, in part due to the introduction of higher minimum wages for domestic workers, and restrictions on the migration of women.<sup>5</sup>
7. In 2019, there were 80,985 registered women migrants, accounting for 40% of the total worker departures. More than half of migrant workers were still concentrated in low-wage work, predominantly domestic work and other forms of manual labour.<sup>6</sup> Close to 90% of women emigrating from Sri Lanka work as domestic workers overseas, primary to countries in the Middle East.<sup>7</sup> The top destination countries for Sri Lankan workers are Kuwait, Qatar, Saudi Arabia, and the United Arab Emirates.

---

<sup>3</sup> P Wickramasekara, Effective return and reintegration of migrant workers with special focus on ASEAN Member States, ILO, Bangkok, 2019, [https://www.ilo.org/asia/publications/WCMS\\_733917/lang--en/index.htm](https://www.ilo.org/asia/publications/WCMS_733917/lang--en/index.htm).

<sup>4</sup> NObote, Globalization, employment and gender in the open economy of Sri Lanka, ILO, Geneva, 2013.

<sup>5</sup> B Weeraratne, 'Migration and Gender Outcomes: Analysis of Selected Policies in Sri Lanka', in KNOMAD Working Paper Series, 2018.

<sup>6</sup> B Weeraratne, Ban on female migrant workers. Skills-differentiated evidence from Sri Lanka, WIDER Working Paper 2021/44, UNU-WIDER, February 2021

<sup>7</sup> UN Women, Empowering Women Migrant Workers from South Asia: Toolkit for Gender-Responsive Employment and Recruitment, UN Women, 2019

8. Migrant remittances are a critical source of income for Sri Lanka, with a total of USD 6.7 billion (8% of GDP) in 2019. Women migrant workers were significant contributors. In a sample of 600, the highest share of remittances relative to wages was from women domestic workers, at 77%. Despite earning the lowest wages relative to other migrant workers, they remitted the highest amounts, averaging 183 USD monthly.<sup>8</sup>
9. In 2015, the Ministry of Foreign Employment Promotion and Welfare released a Sub-policy and National Action Plan on Return and Reintegration of Migrant Workers that complements the National Labour Migration Policy. This sub-policy focuses on five strategies: social reintegration, economic reintegration, physical and psychological wellbeing of returnees and their family members, mobilisation and empowerment of returnees, and the effective management of the return and reintegration process. Some of the key interventions outlined in the sub-policy are: welfare support and scholarships for migrants' children; social security scheme for returnees; compensation provided to migrants' families in case of migrants' death, illness, or injury (accessed through the Sahanapiyasa Welfare Centre); district-level complaint mechanisms for migrants and their families; support for returnees to secure quality local employment; and the promotion of positive perceptions of migrant workers.<sup>9</sup>

### **III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

#### **Theme D27 Prohibition of slavery, trafficking**

10. During the pandemic, many Sri Lankan domestic workers were compelled to stay in countries of destination and keep working on significantly reduced wages, due to a total lack of support for repatriations - the repatriation cost was particularly high because migrants were required to pay the 14-day quarantine package mandated by the government. This exposed Sri Lankan migrant workers to an increased risk of trafficking and other forms of labour exploitation.
11. For survivors of abuse and exploitation, the available of complaint mechanisms for women who suffered abuse and exploitation whilst working overseas has remained inconsistent and piecemeal. Development Officers of Foreign Employment (DOFE) under the State Ministry of Foreign Employment, Promotion & Market Diversification are responsible for providing information on safe labour migration and offering reintegration services and guidance to returnees. Theoretically, migrants can lodge complaints in district offices. However, many district-level offices lack human resources and internet and computer facilities to process complaints into the system. Those who filed complaints against their recruiters and foreign employers have complained about the slow handling of the grievance process (in 2018, 6,491 of the 8,480 complaints lodged with SLBFE were by domestic workers).<sup>10</sup>
12. During the pandemic, the complaints process was even more inaccessible. Returnees who were owed wages by their employers in CODs for work rendered during the pandemic have been unable to collect them.<sup>11</sup>

#### **Theme E1 Economic, social & cultural rights - general measures of implementation**

---

<sup>8</sup> B Weeraratne, Ban on female migrant workers. Skills-differentiated evidence from Sri Lanka, WIDER Working Paper 2021/44, UNU-WIDER, February 2021

<sup>9</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p73, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>10</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p80, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>11</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p78, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

13. Whilst Sri Lanka has a sub-policy on return and reintegration, our research found that most returnee migrant women in Sri Lanka did not receive any of the social protection support mentioned in the policy document.
14. For instance, even prior to COVID-19, all the participants faced delays in receiving medical insurance compensation. While the National Migrant Health Policy stipulates that the government should provide free healthcare to all migrants and their families who have experienced health problems abroad, none of GAATW's research participants knew about it or how to access health services under this framework.<sup>12</sup>
15. Compensation provided by Sri Lanka Bureau of Foreign Employment (SLBFE) for accidents, illnesses, and deaths while working abroad is available to a very limited number of people and is insufficient. The process is also cumbersome. Applicants have a time limit of three months to submit a claim, and almost half of the women were unable to apply during this timeframe. Further, applicants are required to submit medical reports from both the Countries of Destination and Countries of Origin; about 75% of the women in this research mentioned this requirement as the reason for not receiving compensation.
16. During the pandemic, this situation worsened. Whilst migrants stranded in countries of destination are officially entitled to government assisted repatriation, this did not happen for any of the participants in the research. They returned at their own expense, paying large sums of money for their flights. Apart from referral to quarantine and the relief packs provided to quarantined families by the government, they have not received anything else.<sup>13</sup> From the insurance allocation for returnee migrants, 70% went to agents, 20% to SLBFE, and only 10% to migrants themselves.<sup>14</sup>

### **Theme E31 Right to work**

17. During the reporting period, Sri Lanka has maintained discriminatory policies and laws that inhibit equal access to the right to work for women.
18. First, women are restricted from seeking overseas employment on a discriminatory basis that relates to their age, gender and status as mothers.<sup>15</sup> In 2013, the SLBFE introduced the Family Background Report (FBR) policy upon the recommendation of the Ministry of Women's Affairs and Child Protection. The FBR initially restricted mothers of children under the age of five from working overseas as domestic workers. In 2015, the policy was extended to cover all forms of overseas employment for such women. In 2017, the FBR process was revised to allow for a divisional secretariat committee to make recommendations for women migrant workers after a 'case conference' with each woman.<sup>16</sup> In 2022, in response to the economic crisis, Sri Lanka reduced the age for women's migration for domestic work to 23 years old for Middle East Countries and 21 for all other countries.<sup>17</sup>

---

<sup>12</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p78, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>13</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p78, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>14</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p78, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>15</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p72-73, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>16</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p73, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>17</sup> <https://www.newswire.lk/2022/06/21/goimum-age-of-female-migrant-domestic-worker/>

19. Basing a woman's right to work on her status as a mother perpetuates harmful stereotypes and patriarchal notions of a woman's role in society, and places the sole responsibility of childcare on women. These restrictions also do not stop women workers from migrating, they simply force women to instead depend on unscrupulous agents who facilitate their irregular migration. This perpetuates the debt cycle, pushes women to continue to migrate for work, including through irregular channels, and creates opportunities for bribe-taking and exploiting by actors within the recruitment industry.
20. Second, women who to return to Sri Lanka after migrating overseas continue to face significant obstacles in accessing employment on an equal basis with men within Sri Lanka. The unemployment of women returnees has always been much higher than their male counterparts and 75% of returning migrant women who participated in GAATW's research were unemployed.<sup>18</sup>
21. Returnee women have overwhelmingly noted the lack of recognition of the skills they had developed while working overseas (for example, speaking Arabic). Many applied for jobs but were not hired because employers preferred someone younger, or they did not meet the education requirements.<sup>19</sup>
22. Of particular concern, returning migrant women have also been unable to access self-employment loans (the government offers up to LKR 50,000 to migrants who meet stringent conditions to start a business within five years upon return) or loans from private banks, as these tend to require borrowers to be heads of households or direct income earners, or to own property. Furthermore, while the Sri Lankan government offers migrant workers low-interest loans via state banks, none of the women in this research had availed of these. In general, there were four reasons for this: (a) some were not aware of these services; (b) those who had some awareness did not fully understand how to obtain them; (c) the assistance that can be obtained for these services was described by some as 'too limited'; (d) those who did apply did not receive the loans.<sup>20</sup>
23. As a result, women and their families are trapped in a cycle of high-interest loans. Because of the difficulties in accessing employment or low-interest loans, women have tended to turn to easy-access high-interest money lenders or relatives and friends. Some have mortgaged their houses or land. This debt cycle is a trigger for remigration.<sup>21</sup>

#### **IV. Recommendations**

24. This stakeholder report suggests the following recommendations for the Democratic Socialist Republic of Sri Lanka:
  - i. Review and repeal the discriminatory laws and policies which restrict women from seeking overseas employment.
  - ii. Sign and ratify ILO Convention 189 concerning the recognition and protection of the rights of domestic workers.
  - iii. Establish a national preparedness plan for protecting the rights of migrant workers and insulating them from debt burdens in the event of future pandemics or other global crises.

---

<sup>18</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p77, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>19</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p77, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>20</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p77, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

<sup>21</sup> Sustainable Reintegration - What do Women Migrant Workers in the South Asia-Middle East Corridor Say? GAATW, Bangkok, 2022, p78, available at: [https://www.gaatw.org/publications/Return\\_Reintegration\\_SA-ME.pdf](https://www.gaatw.org/publications/Return_Reintegration_SA-ME.pdf)

- iv. Expand health insurance coverage for returning migrant workers to include illness and injury sustained while escaping abusive work situations, occupational and other related accidents, and disease outbreaks.
- v. End the requirement to register with SLBFE as a prerequisite for accessing health insurance so as to ensure irregular migrants are also provided with comprehensive health insurance.
- vi. Ensure district-level Development Offices of Foreign Employment have sufficient human resources, internet and computer facilities in order to process complaints from migrants.
- vii. Ensure adequate implementation and monitoring of the Return and Reintegration Sub-Policy by providing programmes to enhance women migrant workers' skills and their access to opportunities for self-employment and entrepreneurship.