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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Visit to Sri Lanka

### **Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata\***

#### *Summary*

The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, visited Sri Lanka from 26 November to 3 December 2021.

Following an analysis of the normative framework and the existing institutional architecture to combat contemporary forms of slavery, the Special Rapporteur examines the labour conditions in various sectors of the economy, including in the garment industry, on tea plantations and in the domestic sector, as well as the conditions related to microfinancing schemes.

The Special Rapporteur acknowledges some progress achieved, for example in preventing and addressing the worst forms of child labour, while highlighting persisting shortcomings in ending contemporary forms of slavery in Sri Lanka.

The report concludes with recommendations to assist the Government and other stakeholders in addressing the remaining challenges.

\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



## **Annex**

### **Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata on his visit to Sri Lanka**

#### **I. Introduction**

1. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, visited Sri Lanka from 26 November to 3 December 2021. The objective of the visit was to assess the labour conditions in various economic sectors, including in the garment industry, on tea plantations and in the domestic sector. The Special Rapporteur also assessed the implementation of relevant laws and policies, and systemic barriers that hamper access to decent work, including for migrant workers in the country, as well as assessing the implementation of target 8.7 of the Sustainable Development Goals.
2. The Special Rapporteur met with officials from a broad range of government departments, including the Ministry of Foreign Affairs, the Ministry of Labour, the Attorney-General's Department, the Ministry of Justice, the Plantations Ministry, the Police Department, the National Anti-Human Trafficking Task Force, the Bureau of Foreign Employment, the Department of Probation and Child Care Services, and the National Committee on Women. The Special Rapporteur also met with the President of the Labour Tribunal and with representatives of the Human Rights Commission of Sri Lanka.
3. Furthermore, the Special Rapporteur visited several private and public tea estates in Kandy district, where he spoke with plantation workers and the management of the estates in order to gain an insight into the working and living conditions. The Special Rapporteur also visited two garment factories in the free trade zone of Katunayake. He met with representatives of the garment sector, current and former workers, civil society representatives, and representatives of the Joint Apparel Association Forum of Sri Lanka.
4. The Special Rapporteur also met with representatives of trade unions and of national and international civil society organizations, sex workers, migrant workers, academics and human rights defenders, as well as the United Nations Resident Coordinator, and representatives of the International Labour Organization (ILO), the International Organization for Migration, the United Nations Children's Fund (UNICEF) and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).
5. The present report was shared with the Government of Sri Lanka before its publication and the response of the Government is being issued separately.<sup>1</sup>
6. The Special Rapporteur extends his appreciation to the Government of Sri Lanka for the invitation to visit the country and to officials from the various State entities for engaging in a fruitful and meaningful dialogue. He further expresses his sincere gratitude to all workers, civil society organizations, trade unions, corporations, business associations and individuals that took the time to meet with him.

#### **II. Legal framework**

##### **A. International human rights law and international labour law**

7. Sri Lanka has ratified key human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against

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<sup>1</sup> See [A/HRC/51/26/Add.2](#).

Women, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

8. In addition, Sri Lanka is a party to a number of ILO conventions, including the Forced Labour Convention, 1930 (No. 29), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182). Sri Lanka also recently ratified the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29). Finally, it has ratified the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

## **B. National legal framework**

9. Sri Lanka has a robust legal framework to prosecute and punish contemporary forms of slavery. Initially, slavery was officially abolished with the Abolition of Slavery Ordinance of 1844. This was further strengthened by the Sri Lankan Penal Code. Section 358A, for instance, comprehensively prohibits slavery, debt bondage, serfdom, forced or compulsory labour, and the recruitment of children in armed conflict, on pain of 20 years' imprisonment, increased to 30 years' imprisonment for exploitation of children, including recruitment in armed conflict. The definitions of these offences are in line with the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956. Article 360C also prohibits trafficking in persons on pain of up to 20 years' imprisonment. The Consolidated Penal Code also proscribes other related offences, such as causing children to beg (art. 288) and the abduction of women for forced marriage (art. 356).

10. In addition to criminal law legislation, there are more than 40 instruments relating to labour relations and practices. These include the Wages Board Ordinance, of 1941, the Factories Ordinance, of 1942, the Immigrants and Emigrants Act, of 1949, the Shops and Office Employees (Regulation of Employment and Remuneration) Act, of 1954, the Employment of Women, Young Persons and Children Act, of 1956, the Sri Lankan Bureau of Foreign Employment Act, of 1985, the National Child Protection Act, of 1998, and the National Minimum Wage for Workers Act, of 2016. Furthermore, freedom of association is enshrined in article 14 of the Constitution of Sri Lanka, and trade union rights are stipulated in the Trade Union Ordinance of 1935 and the Industrial Disputes Act of 1950 as amended.

## **C. Institutional framework**

11. In relation to the investigation and prosecution of contemporary forms of slavery, the Sri Lanka Police and the Attorney General's Department are the key law enforcement agencies. The Special Rapporteur was informed that a decision had also been taken by the Sri Lanka Police in 2021 to establish a dedicated Human Trafficking, Smuggling Investigation and Maritime Crime Investigation Division, under the Criminal Investigation Department.

12. At the ministerial level, the Anti-Trafficking Task Force was established in 2010. This is an example of inter-agency cooperation to promote a coordinated response to human trafficking and exploitation. According to information received during the visit, its chairmanship was shifted from the Ministry of Justice to the Minister of Defence in 2021 in order to strengthen institutional mechanisms and intergovernmental coordination. Its membership includes the Ministry of Justice, the Sri Lanka Police, the Attorney General's Department, the Ministry of Labour, the Immigration Department, the Bureau of Foreign Employment, the Department of Probation and Child Care Services, and the National Committee on Women.

13. In addition to criminal justice mechanisms, other entities are responsible for addressing contemporary forms of slavery, namely the Ministry of Labour. There are district coordinators of the Ministry in all 25 districts, who regularly inspect labour conditions. The Special Rapporteur was informed that mobile labour inspection units have been introduced throughout the country in order to reach out to remote and rural areas which have not been rigorously inspected in the recent past.

14. With regard to grievance mechanisms, employees can bring complaints to the Labour Commissioner when employers breach relevant labour laws and regulations. The Commissioner has a mandate for promoting conciliation, or settlement, or can refer a dispute for arbitration to a district court. Employees can also approach a Labour Tribunal on issues relating to termination of employment, which can grant relief including compensation or reinstatement of employment. As an example, a total of 12,221 complaints were received by the Government in 2021, with the issues ranging from retirement funds to maternity benefits to wages to working conditions.

15. In addition, issues related to the migration of Sri Lankan nationals for employment abroad are entrusted to the Bureau of Foreign Employment, which oversees licences for recruitment agents, registers migrant workers, provides pre-departure training and provides financial and other support after they return. The practices of this Bureau are monitored by the interministerial National Advisory Committee on Labour Migration, set up in 2010.

### **III. Positive aspects**

16. Sri Lanka has committed to addressing contemporary forms of slavery in recent years and the Government has taken steps to prevent and address contemporary forms of slavery. It joined Alliance 8.7 as a Pathfinder Country in 2018, thereby demonstrating its willingness to achieve target 8.7 of Sustainable Development Goal 8 (on decent work and economic growth), which calls upon States to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms”.

17. Important progress to achieve this target can be seen in the area of child labour. Sri Lanka created a pioneering “child labour-free zone” in 2013 in the district of Ratnapura, which had seen an increase in child labour. Following an in-depth analysis of the root causes, the district developed a “Total Child Development Plan”, where children were regarded as “protected children”. Businesses employing children were given a grace period in which to release them without facing criminal prosecution. The Government, in partnership with civil society organizations, met with key stakeholders such as parents, community leaders, teachers, health and social workers, trade unions and employers in order to raise awareness of and prevent child labour. Furthermore, the Government established an early warning system at schools to identify at-risk children. Based on these efforts, the district was said to have been successful in reducing child labour by 60 per cent by 2016, from 107,000 to 43,000 cases, according to figures received from relevant authorities during the visit.

18. There are other steps the Government has taken in order to protect children from exploitation and abuse. For instance, the minimum age for employment was raised from 14 to 16 in January 2021 through legislative amendments made to the Employment of Women, Young Persons and Children Act, of 1956, the Shop and Office Employees (Regulation of Employment and Remuneration) Act, of 1954, the Minimum Wages (Indian Labour) Ordinance, of 1927, and the Factories Ordinance, of 1942. This is in line with education being compulsory up to the age of 16.

19. The Special Rapporteur was also encouraged to learn that a list of hazardous work prohibited for children under the age of 18 (created through a regulation under the Employment of Women, Young Persons and Children Act, of 1956) has been expanded to encompass 71 occupations, and took effect with the publication of the Official Gazette in November 2021. This includes domestic work, which had previously been identified as an unregulated occupation, raising serious concerns from a human rights perspective.

Furthermore, the Cabinet of Ministers has approved legislative amendments to introduce a minimum age of 18 for marriage among the Muslim population.

20. There are other achievements aside from actions against child labour in Sri Lanka. For instance, the country was the second Asian State to ratify the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29), on 11 April 2019. The Government also amended the Penal Code in order to punish various offences, including human trafficking, in line with the international standards noted above.

21. In addition, upon ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Government set up the National Labour Advisory Council. This body meets regularly to address issues raised by workers and employers. All policy amendments relating to labour issues are submitted to the Council, but in some cases, the Minister of Labour has taken unilateral decisions without the consent of the National Labour Advisory Council.

22. The Government informed the Special Rapporteur that it was considering amendments to a number of labour laws to benefit workers. For instance, the Workmen's Compensation Ordinance, of 1935, is being amended to increase compensation for workplace accidents from SL Rs 550,000 to SL Rs 2 million. Representation of workers before the Labour Tribunal is also to be permitted by non-lawyers, allowing trade unions to represent affected workers in the future. Furthermore, a law to regulate the conduct of microfinancing companies is being considered, which tend to target particularly marginalized women, including female-headed households.

23. The Special Rapporteur has been informed that the Government is taking steps to address discrimination against women. For instance, the Government is developing a guideline to promote a decent working environment for women in the public sector, in cooperation with the Human Rights Commission of Sri Lanka. The Sri Lanka Police has also established 43 children and women's bureaus headed by female police officers in order to encourage women to report instances of abuse and exploitation. Alongside this, a national women's helpline has been in operation since 2016, which allows women to report all forms of discrimination, harassment and abuse. Moreover, a National Policy on Gender Equality and Women's Empowerment is currently being drafted.

24. As regards labour inspections, although the frequency has been reduced in the coronavirus disease (COVID-19) pandemic, the Government conducts regular inspections, with 388 active inspectors across the country. As an example, before the pandemic, in 2019, the Ministry of Labour carried out an average of 9,795 inspections per month, with a total of 117,550 during that year. These inspections are said to pay particular attention to child labour, hazardous work, and the treatment of female and young workers. The introduction of mobile units is an example of good practice, if implemented effectively, as they can reach out to remote areas where inspectors may otherwise have limited access.

25. During the COVID-19 pandemic, the Ministry of Labour formed a tripartite task force, which reportedly met regularly to implement measures to minimize the impact of the pandemic on workers as well as on businesses and employers. One notable step was the payment of SL Rs 14,500, or 50 per cent of workers' salaries, whichever was the higher, until June 2021.

26. For Sri Lankan nationals working abroad, the Government has signed Memorandums of Understanding with 24 States in order to protect their rights to work and to just and favourable conditions of work. The Special Rapporteur was informed that the Sri Lankan law enforcement authorities are able to initiate criminal investigation and prosecution against employers who engage in human trafficking and exploitation.

27. Finally, the Special Rapporteur was encouraged by the historically strong trade unions in Sri Lanka. Despite some setbacks and a tendency of politicization of some trade unions, most of them proactively fight for the rights of workers. During the COVID-19 pandemic, for instance, trade unions in the free trade zones provided assistance to unemployed workers and lobbied employers to ensure non-termination of employment for a number of workers. Together with employers and the Ministry of Labour, health committees have been established in some industries in order to address health concerns relating to the pandemic.

In addition, the Board of Investment of Sri Lanka and the Ministry of Labour established so-called “worker facilitation centres” in the export processing zones in Katunayake, Biyagama, Koggala and Kandy for trade unions to be able to meet with their workers regularly and provide guidance and support when needed.

28. Similarly, civil society organizations in Sri Lanka have played, and continue to play, an important role in protecting the rights of survivors and victims of labour exploitation that may amount to contemporary forms of slavery. Some civil society organizations provide assistance and advice to those trapped in microfinance loans and implement suicide prevention awareness. Others have been instrumental in providing relief and awareness-raising among workers.<sup>2</sup> Many are also proactive in lobbying the Government in order to bring about change. In this regard, the Special Rapporteur was informed of a successful effort by civil society organizations in the plantation sector in persuading the Government to integrate 450 dispensaries in the sector into the national health system in January 2022, which should improve the provision of health care to these workers.

#### IV. Areas of concern

29. Although it is important to acknowledge various steps that Sri Lanka has taken to prevent and address contemporary forms of slavery, it is clear that these practices persist in the country. Below, the main concerns identified by the Special Rapporteur during his visit are highlighted, with particular reference to some of the groups that face particular vulnerability to contemporary forms of slavery.

##### Children

30. Despite legislative and other measures taken to end child labour, including in its worst forms, it still persists in Sri Lanka. While the implementation of a child labour-free zone is to be commended, the initiative has so far been limited to one district and it is yet to be rolled out to the rest of the country. The Special Rapporteur was informed that children work in sectors including domestic work, agriculture, hospitality including for international tourism, cleaning, and in the service and industry sectors. Some of these activities may be regarded as hazardous. Other children are sexually exploited in the tourism sector, which is a cause of concern as the country recovers from the COVID-19 pandemic and its tourist industry gradually revives.

31. Child labour is particularly severe in poor rural areas populated by ethnic minorities, such as Malaiyaha (Hill Country) Tamils and Sri Lankan Tamils, where some children, particularly girls, drop out of school in order to support their family.<sup>3</sup> In the plantation sector, for example, there is a high risk of students dropping out of school, including due to the often substandard quality of education and of facilities. Also, the low wages of SL Rs 1,000 a day in the plantation sector increase the risk of child labour, as families may need additional income to survive. Legally, there is no child labour in the plantation sector, but children living on plantations may be working in restaurants or in the domestic sector to supplement the very low income of their families.

32. Furthermore, microfinancing schemes have pushed marginalized families, particularly single mothers in rural areas,<sup>4</sup> into debt. As a result, some children have had no choice but to work so that they can help repay such debts. The situation surrounding children became worse with the COVID-19 pandemic. According to information received, an increase in child labour due to school closures over a period of 18 months has been reported, although at the time of the visit no official statistics were available on this issue. Some children, mainly in rural areas, experienced difficulties in accessing online schooling, which also increased their risk of being pushed into child labour. Reintegration of these children into education

<sup>2</sup> Human Development Organization, “Impact of COVID-19 on socioeconomic status of the plantation community in Sri Lanka”, p. 38.

<sup>3</sup> Women’s Centre, *Research on the Impact of COVID-19 to the Plantation Workers of Sri Lanka* (2020), p. 15.

<sup>4</sup> See below for further information on microfinancing.

has not been achieved effectively in some parts of the country, suggesting a lack of adequate support for families living in poverty, at the local and national level.

33. The Special Rapporteur has also been made aware of some instances of child marriage in the country, for example in some Muslim, Sinhalese and Tamil communities. A child's presumed inability to consent to a marriage creates a forced marriage in all cases<sup>5</sup> even though child marriage is legal according to the Muslim personal law.<sup>6</sup> Forced marriage is a contemporary form of slavery, and in the context of Sri Lanka, it is generally a cause and consequence of poverty, school dropout, teenage pregnancy and other factors. There is, however, insufficient evidence to understand the dimension of forced marriage in the country, therefore more disaggregated data in this regard would be needed.

34. Reportedly, parents may see child marriage as a way out of poverty, of preventing sexual abuse, or of protecting a family's dignity in case the child was raped, among other reasons. As the legal age of marriage under the law is 18, such marriages are not formally registered. Child marriage particularly affects girls from the age of 12, and commonly they are married to a man over 18. As a result of forced marriage, girls often drop out of school and become pregnant at an early age, perpetuating gender inequality and increasing their risk of further exploitation, abuse and poverty. This also underlines the importance of increased awareness-raising about the implications of child marriage, and of ensuring access to sexual and reproductive health-care services and support services for teenagers without discrimination, including in rural areas and on tea estates.

## Women

35. Women and girls have been disproportionately affected by contemporary forms of slavery in Sri Lanka. This demonstrates persisting, significant levels of gender inequality, patriarchal attitudes and intersecting forms of discrimination.

36. A clear example is the plantation sector. There are three types of plantations. First, there are 60 plantations managed by State corporations (the Janatha Estates Development Board, the State Plantation Corporation and Elkaduwa Plantations). Second, there are 404 large plantations managed by 22 private companies, known as regional plantation companies. Finally, there are nearly 200 plantations operated by private owners and smallholdings owned by villagers.<sup>7</sup>

37. On public and private plantations, women generally pluck tea leaves and men carry out other tasks, such as operating machines. Women generally have to work twice as long as men to earn the same salary, due to the low wages for plucking tea leaves. Tea plucking is physically demanding, but the majority of workers in the plantation sector are over the age of 50. Targets are set by the estate or plantation management whereby between 18 and 22 kilograms of tea leaves have to be plucked in order to earn a daily wage of SL Rs 1,000. If workers do not meet their target, their wages are reduced. Daily wage workers do not receive any income on days when they do not work, for example when they are sick. Compensation for accidents is rare or non-existent on some estates. These practices demonstrate that the implementation of domestic legislation governing working conditions and entitlements is not effective, and neither is there rigorous monitoring by local and national authorities.

38. Low wages which do not align with the rising cost of living in Sri Lanka have been reported as a major issue of concern in several sectors of the economy, including the garment industry which is dominated by female workers. A monthly salary of \$120 to \$150, although higher than the minimum wage of LKR 16,000, does not cover a family's basic expenses. While many employers do provide bonuses or incentives for those who achieve or exceed the targets, this has a discriminatory effect, for example on older workers or workers with disabilities, who may not be able to perform in the same way as young and healthy workers. Furthermore, increasingly high targets in the garment sector put continuous pressure on the

<sup>5</sup> A/74/179, para 11.

<sup>6</sup> Muslim Marriage and Divorce Act of 1951.

<sup>7</sup> Submission from the Institute of Social Development.

workers. Some choose not to go to the bathroom in order to meet them, as a whole line gets delayed if one person is absent.

39. Health issues resulting from long working hours and exploitative working conditions, such as muscle pains and workplace injuries, were confirmed by a large number of interlocutors, including workers themselves. The garment sector has been regarded as essential during the COVID-19 pandemic and has been in operation with an increased workload. When workers become ill and wish to go on sick leave, they have to report this through their smartphones; failure to do so results in a deduction from their wages. This is particularly punitive for workers who do not possess a smartphone or do not know how to use one.

40. In addition, workers are legally entitled to annual leave, but there have been instances where they have been threatened with a bonus cut if they take leave. The Special Rapporteur was also made aware of instances where workers received a threat of dismissal when they raised complaints about their working conditions. Female workers reportedly face regular sexual harassment by colleagues, technicians and members of the management. Some workers reported, for example, having to perform sexual favours in order to have a broken sewing machine fixed. These working conditions display various indicators of forced labour.<sup>8</sup>

41. The Special Rapporteur also learned that the so-called “manpower workers” – who constitute a significant number of workers in the free trade zones – experience even more precarious working conditions. They are casual and temporary workers without employment contracts, recruited by manpower recruitment agencies. While this arrangement may provide flexibility for those wishing to work part-time only, for instance, the Special Rapporteur was informed of exploitative conditions, such as workplace discrimination, no contribution to retirement funds by these recruitment agencies, and no entitlement to maternity or sick leave. Some agencies are also said to deduct fees from workers’ salaries by retaining their bank cards. The Special Rapporteur is concerned that currently there is no legislation regulating these agencies.

42. Another sector which is female-dominated is domestic work. This is reportedly the least regulated industry in the country. For instance, the Wages Board Ordinance, of 1941, does not apply to domestic work, with the result that in practice, many workers are not paid the minimum wage. Other entitlements, such as access to sick leave and annual leave, also do not seem to apply. The Special Rapporteur was informed by interlocutors, including domestic workers themselves, of the harsh and often hazardous working conditions, as well as of instances of child labour.

43. The Special Rapporteur learned that domestic workers who are Malaiyaha Tamils tend to work longer hours, are paid less and are known for not reporting their employers. Many are in-house domestic workers, and as a result, they are at risk of facing higher levels of exploitation and discrimination as well as physical, verbal and sexual harassment and abuse. Furthermore, domestic workers may have an insufficient income to ensure their subsistence. The working conditions reported in the domestic sector represent the characteristics of employment in the informal economy, as well as clear indicators of forced labour and domestic servitude.

44. One pressing issue expressed by a large number of interlocutors is spiralling debts accumulated from microfinancing in Sri Lanka. Microfinancing companies operate in both the formal and informal sectors and include development banks, cooperatives, non-banking finance institutions, non-governmental organizations (NGOs) and informal lenders.<sup>9</sup> Approximately 2.5 million women are said to be trapped in unpayable debt from these companies.<sup>10</sup> Indebtedness is particularly severe in rural areas with many female-headed households. These areas lack income-generating opportunities, and many people decide to rely on loans to support their family and/or businesses as they are not able to obtain loans from registered banks.

<sup>8</sup> International Labour Organization (ILO), *Indicators of Forced Labour* (2014).

<sup>9</sup> [A/HRC/40/57/Add.2](#), para. 73.

<sup>10</sup> *Ibid.*, para. 75.

45. Microfinancing companies are said to target women living in poverty, as they tend to have no other option for accessing affordable credit. Some clients of such companies may not possess sufficient financial literacy. The interest rates can be very high, with some companies charging over 200 per cent.<sup>11</sup> The Special Rapporteur was also informed that contracts by various companies are written in languages which some borrowers do not understand, but they still sign them without a full understanding of the implications and consequences.

46. Due to the high interest rates on the loans, many women fall into debt bondage. This has led to the suicide of reportedly over 200 women in recent years. In addition, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, during his visit to Sri Lanka in 2018, expressed concern that some microfinancing agents regularly ask for sexual favours in return for relaxing repayment,<sup>12</sup> and this has once again been confirmed during the visit of the Special Rapporteur. This is a clear exploitation of the beneficiaries' vulnerability.

47. The Special Rapporteur was also informed that a number of people and businesses are colluding with microfinancing companies to take advantage of women in vulnerable situations. For instance, many manpower recruitment agencies are said to work closely with microfinancing companies, as they sometimes bring indebted women to work in the free trade zones and elsewhere. Some microfinancing companies are also connected to sub-recruitment agents who facilitate migration for employment abroad, with these agents offering indebted women incentive payments that are used to repay the loans, on the condition that they take up employment abroad. In addition, the Special Rapporteur received reports of some police officers reportedly colluding with microfinancing companies, often resulting in complaints not being properly investigated, hindering victims' access to justice and remedies.

48. Not all microfinancing companies exploit the vulnerability of people in need of financial assistance. Many, indeed, support their clients to start or maintain their businesses, which in turn promotes gainful activities and economic growth for local populations and communities. The Special Rapporteur was also informed that well-established microfinancing companies have robust internal monitoring mechanisms and assistance and grievance procedures to ensure that those who receive financial assistance from them are not exploited. The Lanka Microfinance Practitioners' Association (with 55 members, including civil society representatives), for instance, has a monitoring mechanism with the involvement of external auditors. It also opened a helpline for those struggling to repay their loans, and implemented debt relief programmes.

49. The problems seem to stem from small microfinancing companies which are difficult to monitor and regulate, as they do not belong to self-governing bodies or associations. It should be mentioned in this regard that the Microfinance Act, of 2016, only covers part of the microfinancing industry, leaving a number of companies unregulated in practice.<sup>13</sup>

### **Sex workers**

50. The Special Rapporteur was made aware that sex workers of all gender identities and sexual orientations are subjected to discrimination and stigma, particularly transgender persons. Many of them come from rural areas to work in Colombo and the free trade zones. He also received disturbing reports of women in other sectors resorting to sex work to support their families, particularly during the COVID-19 pandemic. They face an increased risk of exploitation and abuse, including at the hands of law enforcement officials. Most work long or irregular hours, without access to economic and social support from the Government, as sex work is illegal in the country.

51. The Special Rapporteur has been informed that sex workers are disproportionately targeted by law enforcement authorities, while middlemen, including tuk-tuk drivers and hotel workers, who collect high fees from sex workers, are not effectively identified,

<sup>11</sup> Ibid., para. 76.

<sup>12</sup> Ibid., para. 79.

<sup>13</sup> Ibid., para. 81.

prosecuted and punished. Depending on the country's socioeconomic situation, tourism will gradually revive, and sex tourism is likely to increase. The Special Rapporteur is of the view that sex workers should be protected from exploitation, empowered and seen as rights holders instead of being discriminated against and stigmatized.

### Minority communities

52. In Sri Lanka, contemporary forms of slavery have an ethnic dimension. In particular, Malaiyaha Tamils – who were brought from India to work in the plantation sector over 200 years ago under British colonial rule – continue to face multiple forms of discrimination on the basis of their descent, making them vulnerable to labour exploitation.

53. In this regard, the Special Rapporteur witnessed the working and living conditions of Malaiyaha Tamil plantation workers first-hand. He learned that bonded labour occurred particularly in smaller private plantations, as workers were not allowed to leave the plantations of their own will, as they had taken up loans from the owners.<sup>14</sup> Although their wages had been increased to SL Rs 1,000 per day in 2021, the management of estates reportedly imposed various conditions, such as an increase in daily targets for plucking, and wages often being deducted for various reasons.<sup>15</sup>

54. The living conditions of plantation workers raise serious concerns. They traditionally have been unable to own land, which has forced them to live in so-called “line houses” built during colonial times. The Special Rapporteur visited these houses in Kandy district and was alarmed at the undignified, inhumane and degrading living conditions. Typically, five to ten people have to share a small space of 10 x 12 feet, and many of the line houses do not have windows, a proper kitchen, running water or electricity. There is also a limited number of basic latrines, with the result that several families have to share one latrine. These substandard living conditions, combined with the harsh working conditions, represent clear indicators of forced labour and may also amount to serfdom in some instances.<sup>16</sup>

55. Despite numerous pleas to the estate management to improve workers' living conditions, the fact that many of them still have no choice but to live in such houses demonstrates that their voices are ignored by the management. The Special Rapporteur received reports of harassment and surveillance of civil society organizations that stepped in to provide assistance.

56. There are several housing projects, some of them supported by foreign Governments such as that of India. Also, the Government of Sri Lanka explained its plan to increase and improve housing for plantation workers. It is, however, important to ensure that the new houses are affordable, as it has emerged that many workers may have to take out large loans to live in them.

57. In addition, access to health and social care is limited on the tea plantations. On some estates, there are no qualified doctors, and the dispensaries are staffed by so-called “estate medical assistants” who only provide basic services and low-cost medicines. Due to the remoteness of the plantations, there are no quality hospitals nearby and workers often have to pay for private transport to access health care, including in the event of an emergency. Similarly, although local governments implement social care and development projects, in practice these often do not benefit the plantation community.<sup>17</sup> Similar instances of lack of access to important services have been reported in the garment sector in the free trade zones.

58. The Special Rapporteur was also made aware of limited access to justice and remedies among minority communities. Language barriers are an important factor in this regard. Despite the fact that Sinhala and Tamil are official languages, and that all public officials

<sup>14</sup> See also the submission from the Institute of Social Development.

<sup>15</sup> Submission from the International Movement Against All Forms of Discrimination and Racism.

<sup>16</sup> The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery defines serfdom (see art. 1 (b)) as “the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status”.

<sup>17</sup> Submission from the Movement for Plantation Peoples' Land Rights.

must be able to communicate in both languages, a large number of interlocutors stated that Tamil workers were often not able to report instances of abuses to the authorities in Tamil since many only spoke Sinhala,<sup>18</sup> effectively limiting their access to justice and remedies. The Special Rapporteur was also informed that the language barriers resulted in unequal access to education and decent work in some parts of the country.

59. Young Malaiyaha Tamils typically try to find jobs outside the plantations or to migrate abroad, as tea plucking is not considered an attractive professional option by younger generations. However, job opportunities for decent work are extremely limited for them, due to discrimination and lack of effective access to education and training. As a result, most can only get jobs in the informal sector, characterized by casualization, precariousness and exploitation. In this regard, many young Malaiyaha Tamils are said to be employed in domestic work, textile or other shops, cleaning and/or even sex work.

60. With regard to Malaiyaha Tamil children, their access to quality education is limited, particularly in rural areas. Despite the fact that most of the plantation schools were brought under the national education system in 1975, the quality of education is reportedly still substandard and there is a high turnover of teachers. As regards the plantation sector, the literacy rate is 66 per cent, in comparison with the urban literacy rate of 92 per cent.<sup>19</sup> The gap has been exacerbated by the COVID-19 pandemic.<sup>20</sup> Online education was not always available in the plantation sector as there is insufficient Internet access, and many parents could not afford smartphones which are a cheaper alternative to desktop or laptop personal computers.<sup>21</sup>

### **Caste-based discrimination**

61. Furthermore, the Special Rapporteur found that caste-based discrimination persisted in some areas of Sri Lanka, particularly rural areas.<sup>22</sup> In the Northern Province, for instance, many members of oppressed castes are reportedly not able to own suitable land to start an agricultural business and secure a livelihood, and access to water and irrigation is limited. This has forced many to work for dominant-caste employers, in jobs including domestic and factory work or as day labourers in agriculture. In some instances, working conditions may amount to forced labour, servitude or other slavery-like practices. The Special Rapporteur also received information that debts accumulated from microfinancing were a serious concern for the oppressed castes, and that workplace harassment such as the use of offensive language by individuals belonging to dominant castes took place. The prospect of promotion is said to be much lower for oppressed castes.

62. Despite the right to free education being recognized in the Constitution of Sri Lanka, structural issues lead to unequal access to education. In this regard, children from oppressed castes in the Northern Province often do not have enough facilities at home to study or sufficient means to buy a uniform. There have been reports of teachers from dominant castes discriminating against children from oppressed castes and of public officials in some schools refusing to enrol children from oppressed castes. Furthermore, educational facilities for children of oppressed castes are said to be of a lower quality than in schools with dominant-caste children.

63. The Special Rapporteur has also been informed of regular instances of violence against members of oppressed castes, and yet those responsible from the higher caste are not rigorously identified, prosecuted and punished. Furthermore, it has been pointed out that the issue of caste is silenced, and there is reluctance on the part of authorities and communities to adequately discuss and address this issue.

<sup>18</sup> See also the submission by the Ceylon Workers' Congress.

<sup>19</sup> Human Development Organization, "Impact of COVID-19 on socioeconomic status of the plantation community in Sri Lanka", p. 28.

<sup>20</sup> Women's Centre, *Research on the Impact of COVID-19 to the Plantation Workers of Sri Lanka* (2020), p. 18.

<sup>21</sup> Human Development Organization, "Impact of COVID-19 on socioeconomic status of the plantation community in Sri Lanka", p. 28.

<sup>22</sup> See also [CERD/C/LKA/CO/10-17](#), para. 20.

### **Older and retired workers**

64. Older workers face particular employment-related concerns. In the plantation sector, for instance, the majority of the workforce is over the age of 50. Despite their age, these workers, particularly women, perform physically challenging jobs on a day-to-day basis to meet their targets, without sufficient access to health care and social protection, or to sick leave or paid leave. On average, older workers need to work longer than eight hours to reach the daily 20kg target. The Special Rapporteur observed similar experiences in other sectors, and cumulatively these conditions may amount to forced labour.

65. Another pressing concern expressed to the Special Rapporteur is the lack of timely access to retirement funds, including the Employees' Trust Fund, the Employees' Provident Fund, and Gratuity, which are supposed to be paid after workers reach 60 years of age, although the Employees' Trust Fund can be accessed before retirement. This has forced some retired persons to return to work, often under unfavourable working conditions. Reportedly, some employers deliberately pay lower wages in order to decrease the amount of their contributions to these funds. When this issue was raised with the relevant authorities, a long backlog of Employees' Provident Fund and Employees' Trust Fund payments on State-managed plantations and in other sectors was acknowledged by the relevant government authorities. The Special Rapporteur was reassured that this situation would be addressed in the near future.

### **Migrant workers**

66. According to the information provided by the Government, a little under 850,000 Sri Lankan nationals are working overseas. A popular destination is the Middle East – countries such as Kuwait, Qatar, Saudi Arabia and the United Arab Emirates – although workers from Sri Lanka also work in other countries. Under the existing migration framework in Sri Lanka, anyone intending to migrate abroad to seek employment has to register with the Bureau of Foreign Employment and pay a fee of SL Rs 17,500. According to information obtained, workers receive a pre-departure briefing/training, and access to social and economic assistance if they encounter any difficulties in the destination country, as well as access to reintegration programmes and further assistance once they return to Sri Lanka.

67. However, migrant workers who have returned to the country pointed to a number of gaps in the current system. Many women who worked as domestic workers in various destination countries reported instances of abuse and exploitation in the workplace, ranging from the withholding of identity documents and wages, to long working hours and physical, verbal and/or sexual abuse. While the primary responsibility for addressing these abuses rests with destination countries, there appears to be insufficient support provided by Sri Lankan embassies and consulates. Not all officials are said to be trained adequately, and there are reports of migrant workers being turned away after seeking assistance. While there are established shelters in some destination countries, these have been regarded as insufficient. The situation has been exacerbated by the COVID-19 pandemic, which led to a large number of workers being stranded without access to adequate institutional support.

68. There are wider structural issues in the current regime for labour migration. The Board of Directors of the Bureau of Foreign Employment mainly consists of employment agencies without the presence of trade unions or workers, and the vast majority of the fees paid by workers are channelled to them. In this regard, out of SL Rs 17,500 paid by a worker, 10 per cent goes to an insurance scheme, 20 per cent to the Bureau of Foreign Employment and 70 per cent to employment agencies. In response, the Government indicated that it was in the process of modifying the composition of the Board of Directors. Although this is a positive step, the Special Rapporteur considers that fees should not be borne by workers themselves, in line with the Migration for Employment Convention (Revised), 1949 (No. 97), and the Private Employment Agencies Convention, 1997 (No. 181). This could prevent debt bondage and other forms of labour exploitation.

69. The Special Rapporteur wishes to comment on the family background report introduced by the Bureau of Foreign Employment in 2013. One of the reasons for establishing this system was reportedly the tragic incident of an underage female domestic worker being

executed in Saudi Arabia.<sup>23</sup> The report includes a stipulation that prospective female domestic workers with children under 5 years of age are banned from migrating overseas for work. The Government explained that the system had been created to ensure that mothers were not separated from their young children, however the Special Rapporteur was informed that this ban has forced many women to migrate through irregular pathways with the use of sub-agents.<sup>24</sup> This naturally increases the risk of their exploitation and abuse, including in the context of trafficking in persons. The regulation has also been perceived as gender-discriminatory, as the same rule does not apply to male migrant workers.

70. Furthermore, it has been pointed out that there are often insufficient funds allocated for insurance, and workers do not always get sufficient allowances for injuries and illnesses. Also, the reintegration programme does not seem to provide adequate socioeconomic assistance to returned migrant workers, which contradicts information received from relevant government entities. This has led to a particularly critical situation in the wake of the COVID-19 pandemic, when many migrant workers who returned to Sri Lanka have had no means of securing a livelihood for themselves and their families. In the absence of sufficient support upon return, some female workers have been compelled to seek employment in low-paying sectors such as domestic work or the garment industry, to engage in sex work or to migrate again.

71. Finally, the Special Rapporteur expresses his concern over the conduct of sub-agents involved in recruitment processes. Many workers do not register with the Bureau of Foreign Employment because of the high fee and long and cumbersome application and appeal processes. As an alternative, many use these sub-agents, who facilitate irregular pathways for employment abroad. The Special Rapporteur was informed that they regularly provide false information, engage in trafficking in persons and ask for sexual favours from female migrant workers. Currently, there is no legislative framework to address the use of sub-agents, which is a significant gap. A related problem is that unregistered migrant workers are not able to benefit from any of the services currently offered by the Government, including reintegration assistance, further increasing their vulnerability to contemporary forms of slavery.

## V. Wider issues

72. In addition to a number of concerns affecting specific groups as noted above, the Special Rapporteur has identified wider issues which in his view should be addressed.

### **Militarization of workplaces and negative impacts on civic space**

73. During his visit, the Special Rapporteur received multiple reports about the re-employment of retired military officials in private businesses such as tea plantations and garment factories. Under international human rights law, everyone is entitled to the right to work, including retired military officers. However, the imposition of military-type control or discipline in a private workplace, including at the leadership or management level, raises concerns. It leads to a culture of fear being created among workers.<sup>25</sup> In this regard, the Special Rapporteur was made aware of instances of intimidation and harassment, including of a sexual nature, by some retired military officers towards workers.

74. In addition, increasing harassment and intimidation of civil society representatives, human rights defenders and trade union members, including regular surveillance, union-busting and dismissal from employment, have been reported. The Special Rapporteur also learned that recommendations or opinions of civil society organizations and human rights defenders were not taken seriously in many cases. Shrinking civic space seems to be a pressing problem, which has been exacerbated by the COVID-19 pandemic which saw various restrictions, including on freedom of assembly, being introduced by the Government.<sup>26</sup> The National Secretariat for Non-Governmental Organizations recently

<sup>23</sup> ILO, “Sri Lankan female migrant workers and the family background report” (2018), p. 3.

<sup>24</sup> Ibid., pp. 5–7.

<sup>25</sup> See also [A/HRC/46/20](#), para. 20.

<sup>26</sup> Ibid., para. 32.

moved from the Ministry of Defence to the Ministry of Foreign Affairs to address some concerns, but many interlocutors have said that in practice, this has made no difference in the way in which the Government treats civil society organizations and human rights defenders.

### **Lack of effective labour inspection**

75. Despite contrary information received from the Government in this regard, the Special Rapporteur has been informed that labour inspections are ineffective and infrequent in practice in the sectors assessed, leaving many workers vulnerable to exploitation and abuse. When inspections happen, workers are invited to speak, but reportedly many of them are simply asked to read out speeches prepared for them by employers which depict them in a positive light. Allegations of collusion between some inspectors and businesses have been raised. Some of these issues are recognized by the Government; hence, dedicating more resources and providing training to labour inspectors could allow local and national authorities to detect contemporary forms of slavery at an early stage, including in informal sectors which are not regulated sufficiently, such as domestic work.

### **Lack of effective access to justice and remedies**

76. Victims of labour exploitation face multiple limitations in accessing justice and remedies, despite the fact that there are various ways to raise labour-related complaints. As an example, between 1999 and 2019, only 16 cases on unfair labour practices were brought before the relevant authorities under the Industrial Disputes Act (as amended in 1999). In terms of complaints procedures, an initial port of call is employers themselves, many of which have internal mechanisms. Alternatively, workers can approach trade unions to represent them in disputes.

77. Failing these initial steps, workers can complain to the Labour Commissioner, which facilitates conciliation or arbitration in relation to non-compliance with statutory duties under the Industrial Disputes Act of 1950.<sup>27</sup> Labour tribunals may also be approached on issues relating to termination of employment, and they can order relief measures, including reinstatement of employment. The Special Rapporteur was informed that they had been operating during the COVID-19 pandemic.

78. One of the limitations in seeking justice is that many victims of exploitation and abuse are afraid to approach employers due to fear of reprisal or termination of their employment and therefore many do not approach them. Many workers also find the complaints procedures cumbersome, costly and lengthy, and this discourages them from bringing complaints forward. Furthermore, workers often do not have adequate access to information on how to seek justice and remedies.<sup>28</sup> Finally, some public authorities, including members of the police, are reportedly linked to local politicians and employers, and therefore do not process complaints effectively.

79. It has been reported that some trade unions do not consistently advocate for all workers. The Special Rapporteur was informed that they deducted a monthly membership fee but some did not engage regularly with their constituency. It has also been noted that workers are not always included in negotiations about their working conditions, including salaries.<sup>29</sup> During the COVID-19 pandemic, for instance, it has been reported that many trade unions in the plantation sector have not been proactive in providing relevant information and assistance to affected workers.<sup>30</sup> The Special Rapporteur was also informed that some trade unions were politicized and often worked for employers or politicians, not the workers they

<sup>27</sup> Under sect. 48, an industrial dispute is defined as any dispute or difference between employers and workmen or between workmen and workmen connected with the employment or non-employment, or the terms of employment, or with the conditions of labour.

<sup>28</sup> Women's Centre, *Research on the Impact of COVID-19 to the Plantation Workers of Sri Lanka* (2020), p. 50.

<sup>29</sup> *Ibid.*, p. 15.

<sup>30</sup> Human Development Organization, "Impact of COVID-19 on socioeconomic status of the plantation community in Sri Lanka", p. 38.

were supposed to represent.<sup>31</sup> Most trade unions, however, play an important role in promoting the rights of workers and adequate working conditions.

### **Incorporation and implementation of international standards**

80. Sri Lanka has taken important steps to ratify relevant international human rights and labour instruments, including fundamental ILO conventions,<sup>32</sup> and has incorporated them into its domestic legislation. However, there is scope to go further to protect the rights of workers and prevent contemporary forms of slavery. For instance, Sri Lanka is not a party to the Migration for Employment Convention (Revised), 1949 (No. 97), the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189), or the Violence and Harassment Convention, 2019 (No. 190).

81. In addition, although they are not legally binding, the Special Rapporteur wishes to stress the importance of the Guiding Principles on Business and Human Rights. As well as by the Government, these principles should be promoted, respected and implemented by all employers in order to prevent contemporary forms of slavery.

### **Lack of reliable data on labour practice and contemporary forms of slavery**

82. The Special Rapporteur has noted a lack of updated and disaggregated data on contemporary forms of slavery and labour practices in Sri Lanka. Having accurate and reliable data is essential for understanding the nature and extent of various problems and for proposing and implementing evidence-based solutions. The Special Rapporteur therefore urges the Government to step up its efforts at information-gathering.

## **VI. Conclusions**

83. Sri Lanka has taken some important steps to prevent contemporary forms of slavery. As a Pathfinder Country under Alliance 8.7, Sri Lanka has demonstrated its willingness to prevent and address some exploitative practices, particularly in the area of child labour. Ratification and implementation of important international instruments, as well as a child labour-free zone, along with other ongoing legislative and other changes the Government is making, should be recognized in this regard.

84. However, after consultation with interlocutors, including affected workers and victims of contemporary forms of slavery, the Special Rapporteur has found that forced labour, serfdom, servitude, including in the domestic sphere, and other contemporary forms of slavery, continue to exist in Sri Lanka. This implies that stepped-up efforts are needed if target 8.7 of the Sustainable Development Goals is to be achieved and contemporary forms of slavery eradicated effectively. Furthermore, access to decent work and to just and favourable conditions of work for everyone without discrimination, including the most marginalized, needs to be ensured for effective prevention of these practices.

85. The Special Rapporteur encourages Sri Lanka to work with all relevant stakeholders, including businesses and employers, civil society organizations, trade unions, workers and other regional and international stakeholders, as well as with the Human Rights Commission of Sri Lanka, in a constructive and cooperative manner so that concerted efforts can be implemented.

<sup>31</sup> See also Women's Centre, *Research on the Impact of COVID-19 to the Plantation Workers of Sri Lanka* (2020), p. 48.

<sup>32</sup> These are the Forced Labour Convention, 1930 (No. 29) and the Protocol of 2014 thereto, the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

## VII. Recommendations

### To the Government

86. Ratify remaining ILO conventions, including the Migration for Employment Convention (Revised), 1949 (No. 97), the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190).
87. Take all necessary legislative, administrative and other measures to strengthen the protection of the rights to work, to just and favourable conditions of work and to trade union rights for all workers without discrimination.
88. Through an evidence-based tripartite independent mechanism, assess the appropriateness of the currently applicable national minimum wage and make necessary adjustments in line with inflation and the rising cost of living.
89. Strengthen labour inspections through increased financial and human resource allocation, and train labour inspectors on timely identification of labour exploitation and abuse.
90. Reinforce the deployment of the mobile units of the Labour Inspectorate across the country, particularly in rural areas, to enhance early identification of instances of contemporary forms of slavery.
91. Tighten domestic laws and regulations governing microfinancing companies that exploit the vulnerability of workers, and conduct independent inspections regularly. Furthermore, write off unjustified and exorbitant loans, and introduce effective control and monitoring of loans, including interest caps.
92. Working with banks and other financial institutions, provide access to affordable loans and credits.
93. Improve the working conditions for so-called “manpower workers”, who are in a precarious position, and introduce tighter control over manpower agencies which take advantage of their vulnerability.
94. Formalize domestic work through national legislation or regulations.
95. Raise awareness about the existing complaints mechanisms and make them accessible to everyone in all national languages.
96. In line with the commitments made as a Pathfinder Country, end child labour in all its forms by 2025 through significantly strengthened efforts. To this end, allocate adequate resources without further delay.
97. Roll child labour-free zones out to other parts of Sri Lanka.
98. Through the tripartite Plantation Human Development Trust, ensure decent living conditions of workers, particularly in the plantation sector, by providing adequate and affordable housing, and access to safe water and to sanitation.
99. Ensure that children are kept in school and that they have equal and free access to quality education without discrimination.
100. Provide universal child benefits to families in order to address poverty as a root cause of child labour.
101. Strengthen measures to reintegrate victims of child labour into education.
102. Ensure, in law and in practice, that public and private businesses and employers respect and implement gender equality at work, in areas such as wages, working hours, and sick, annual and maternity leave.
103. Increase the number of female leaders within public authorities, including in law enforcement and labour-related agencies.

104. Decriminalize sex work and consensual same-sex relations in order to reduce the risk of exploitation and abuse.
105. Strengthen efforts to eliminate ethnic- and caste-based discrimination more effectively, including by ensuring access to quality education, land, and decent work. Temporary positive measures should be employed in order to rectify the discrimination and inequalities that these segments of society have been suffering.
106. Ensure the effective participation of minority communities and members of suppressed castes in all decision-making affecting their lives, at the local and the national level.
107. Appoint more leaders from minority backgrounds in local and national authorities.
108. Ensure access to decent work and to adequate health and social care also for older workers.
109. Ensure that retired workers have access to retirement funds so that they are not pushed back into employment that may be exploitative or abusive.
110. Establish a more transparent, effective and worker-friendly system for migration for employment. In this regard, include workers, civil society organizations and trade unions on the Board of Directors of the Bureau for Foreign Employment.
111. Strengthen bilateral agreements with destination countries by introducing standard contracts for all migrant workers in order to guarantee their rights to work and to just and favourable conditions of work.
112. Provide more effective pre-departure awareness-raising and training to prevent labour exploitation in destination countries.
113. Provide adequate resources to Sri Lankan diplomatic missions abroad so that workers victimized in contemporary forms of slavery are adequately protected and safely repatriated to Sri Lanka.
114. Revisit the position regarding the family background report and how it is implemented and offer an alternative that ensures:
  - Protection of the left-behind children of all female and male migrant workers through available government structures;
  - The establishment of safe migration pathways, including for women;
  - Respect of the right of women to access employment overseas by overcoming patriarchal attitudes which suggest that women should not migrate but care for family members.
115. Strengthen post-return programmes so that returned migrant workers are effectively reintegrated into their communities and are able to access decent work.
116. Regulate the use of sub-recruitment agents that victimize Sri Lankan nationals wishing to travel abroad for employment.
117. Guarantee civic space for civil society organizations, trade unions and other human rights defenders so that they can exercise freedoms of expression, assembly and association without fear, retaliation, intimidation or surveillance.
118. Avoid reliance on the military to run civilian affairs and take steps to reduce the influence of the military on civilian life.
119. Ensure more effective participation of non-governmental actors in decision-making processes so as to promote constructive dialogue and implement a joined-up approach to preventing contemporary forms of slavery.
120. Ensure that all businesses operating in Sri Lanka, including transnational companies, implement the Guiding Principles on Business and Human Rights effectively.

121. Take effective measures against corruption involving both public officials and private entities such as businesses and employers, as well as recruitment and microfinancing agents.

122. Regularly collect and analyse disaggregated data on contemporary forms of slavery and labour practices, with a view to developing and implementing appropriate laws and policy.

123. Tighten the legislative regulations on microfinance companies, including through prompt enactment of the Microcredit Regulation Authority Bill, while also promoting community-owned credit systems as an alternative to microfinance schemes.

#### **To businesses**

124. Proactively respect and protect the rights to work and to just and favourable conditions of work, as well as trade union rights, for all workers without discrimination of any kind.

125. Ensure that communication with employees takes place in a language they understand, and, to this end, contracts should be issued in all official languages.

126. Establish and effectively implement zero-tolerance policies regarding violence, intimidation and harassment, including sexual harassment in the workplace, and take firm and proactive action against perpetrators.

127. Exercise human rights due diligence to identify, prevent, mitigate and account for how businesses address impacts on human rights, with a particular focus on supply chains. To this end, incorporate the Guiding Principles on Business and Human Rights into companies' policies and action plans and provide regular human rights awareness-raising and training to all workers, particularly at the leadership and management levels.

128. Appoint more women and members of ethnic minorities to leadership positions in private businesses in order to promote gender equality and ethnic diversity, and to prevent discrimination in the workplace.

129. Ensure that older workers are protected from exploitation and abuse, and make appropriate contributions to their retirement funds.

130. Establish or maintain an effective transition programme for retired military personnel, with sufficient human rights and equality components, and with a robust internal oversight mechanism with appropriate disciplinary procedures.

131. Establish or maintain an independent complaint/grievance mechanism for workers so that any violation of human rights and labour laws can be reported and addressed effectively.

132. Refrain from interfering with the activities of trade unions and of civil society organizations.

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