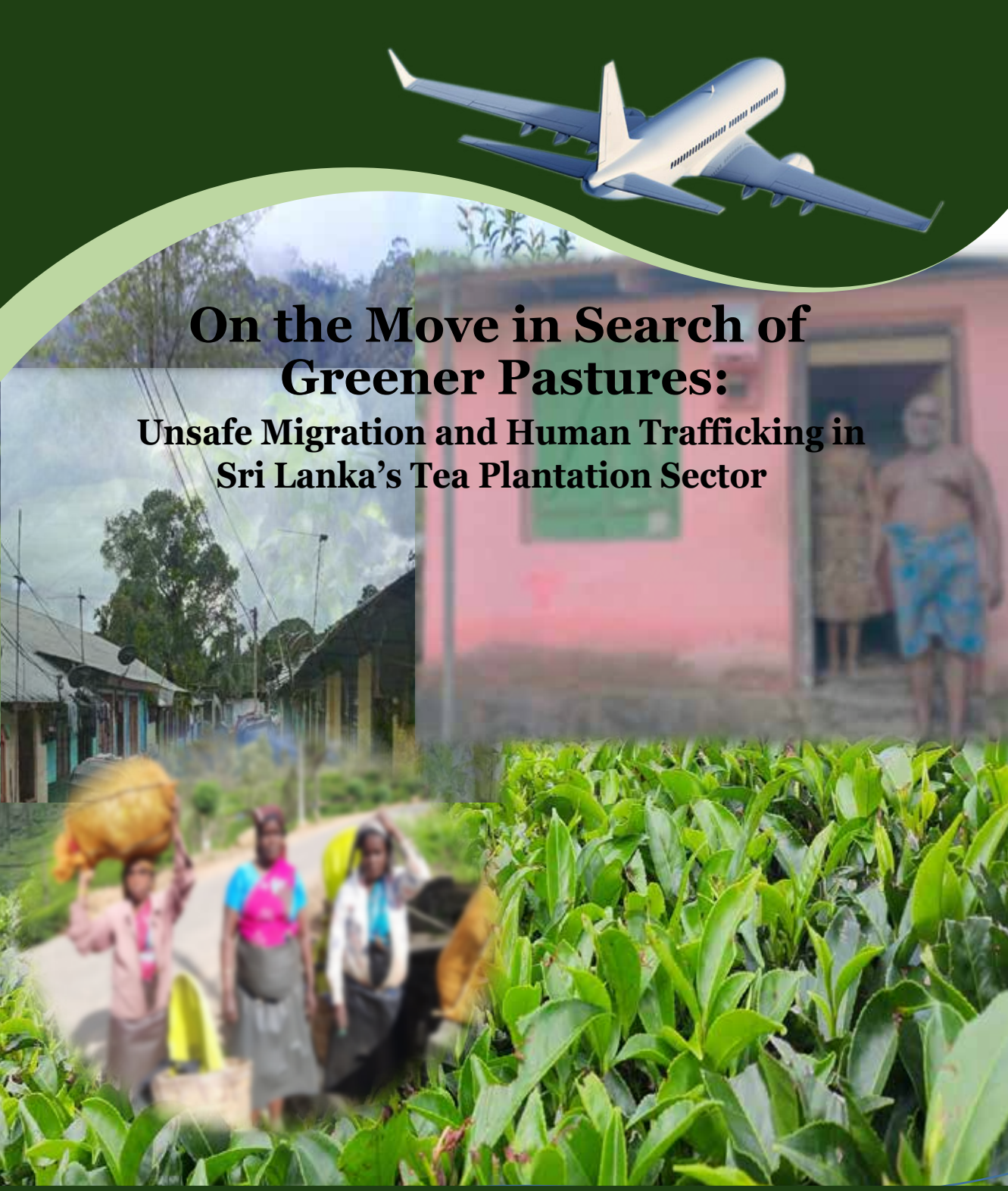

On the Move in Search of Greener Pastures:

Unsafe Migration and Human Trafficking in Sri Lanka's Tea Plantation Sector

Fazeeha Azmi
Puvaneswary Ponniah
Miriam Alphonsus

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September 2022

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Acronyms

A/L	Advanced Level
ACFFTU	All Ceylon Federation of Free Trade Unions
ADD	Abu Dhabi Dialogue
ALFEA	Association of Licensed Foreign Employment Agencies
ASEAN	Association of Southeast Asian Nations
BLAs	Bilateral Agreements
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigation Department
COVID-19	Coronavirus disease of 2019
CRC	Convention on the Rights of the Child
CSO	Civil Society Organisations
DS	Divisional Secretariat
DSDs	Divisional Secretariat Divisions
EPF	Employees' Provident Fund
EPZs	Export Processing Zones
ETF	Employee Trust Fund
FBR	Family Background Report
FGDs	Focus Group Discussions
FIFA	Federation of International Football Association
FTZs	Free Trade Zones
GBV	Gender Based Violence
GCC	Gulf Cooperation Council
GCE	General Certificate of Education
GDP	Gross Domestic Product
GN	Grama Niladhari
GND	Grama Niladhari Division

ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention of the Elimination of All Forms of Racial Discrimination
ICES	International Centre for Ethnic Studies
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families
ICU	Intensive Care Unit
IDEA	Increased Demand and Engagement for Accountability
ILO	International Labour Organization
IOM	International Organization for Migration
ISD	Institute for Social Development
KII	Key Informant Interviews
km^2	Square kilometre
LKR	Sri Lankan Rupees
LTTE	Liberation Tigers of Tamil Eelam
MFE	Ministry of Foreign Employment
MFEPW	Ministry of Foreign Employment Promotion and Welfare
MiGOF	Migration Governance Framework
MoU	Memorandum of Understanding
MWC	Migrant Workers Convention
NAHTTF	National Anti-Human Trafficking Task Force
NGO	Non-Governmental Organisations
NLMP	National Labour Migration Policy
NOC	No Objection Certificate
NRFC	Non-Resident Foreign Currency
NVQ	National Vocational Qualification
NWC	National Workers Congress
O/L	Ordinary Level
PCR	Polymerase Chain Reaction
PREDO	Plantation Rural Education Development Organisation

RPCs	Regional Plantation Companies
SAARC	South Asian Association for Regional Cooperation
SGBV	Sexual and Gender-Based Violence
SLBFE	Sri Lanka Bureau of Foreign Employment
SLFEA	Sri Lanka Foreign Employment Agency
TIP	Trafficking in Person
TV	Television
TVPA	Trafficking Victims Protection Act
UAE	United Arab Emirates
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar
USF	Uva Shakthi Foundation
WDOs	Women Development Officers

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Executive Summary

The tea plantation sector, which is closely connected to the colonial history of Sri Lanka, is important in terms of foreign exchange earnings and securing millions of people's livelihoods. Despite the contribution of tea to its economy, Sri Lanka as a state has yet to address the persisting economic, social and political issues of the people living in the tea plantations. Amongst other issues faced by the plantation sector, like poverty, low wages, and difficulties accessing healthcare, housing and education, the outflow of labour from plantation communities caused by increasing numbers of workers leaving the estates in search of work outside, has been identified as an important phenomenon. Available anecdotal evidence from the tea plantation sector in the study districts of Badulla, Matale and Nuwara Eliya suggests that migration, both internal and increasingly international, is becoming an important livelihood strategy. However, the total volume of migration taking place is unreported and underreported, leading to unsafe migration that results in different types of vulnerabilities to the migrants and their families. Hence, such migration trends and patterns warrant further consideration and scrutiny. This research attempts to fill this gap by situating itself within the framework of migration, development and gender. In doing so, it draws from the lived experiences of returnees, in-service and prospective migrants, through the use of extensive, participatory qualitative methods, and through individual articulation of migration experiences. This report provides an understanding of the causes, trends, processes and myths surrounding labour migration within the plantation sector and the associated socio-economic dynamics which would lead to a stakeholder dialogue on the issue to stimulate an adequate and appropriate policy, as well as institutional dialogue and lobbying.

The research findings emphasise that the plantation sector in the study districts is experiencing rapid socio-economic, cultural and political change which has positive and negative effects on its people. These changes are intertwined with local, national, regional and global forces. The unfolding phenomenon has opened spaces for unsafe migration practices. Although internal migration has been an important feature of the plantation sector, international migration has also been taking place relatively recently. The main causes of migration are the lack of opportunities and an income that is insufficient to ensure the aspirations of well-

being of the migrants. In addition, many of the youth no longer want to be associated with the plantation due to its historical oppression and lack of dignity. For some women, migration is also a way to escape from society and the confines of their family. Further, migration decisions are also influenced by the patriarchal expectations of the plantation community. The research confirms that the migration process and pathways women and men are engaged in have various forms of vulnerabilities during the pre-departure, in-service and return migration stages. Such processes have produced a large number of losers and only a handful of winners. It was found that the migration processes and pathways were explicitly connected to unsafe migration and had increased the vulnerability of the migrants, despite the existence of a plethora of migration governance, both locally and internationally. In the spectrum of migration, migrants are positioned differently due to their education, gender, ethnicity, economic situation, political affiliation and family backgrounds. The disadvantaged position of the migrants is capitalised on by human traffickers who are pushing the migrants to unsafe migration. The research found that, although Sri Lanka is well-positioned in the national, regional and global migration governance and well-equipped with policies, unsafe migration is moving towards an informal institutional set-up, which needs immediate attention and action. With the onset of the COVID-19 pandemic and emerging uncertainties in the country, unsafe migration and trafficking are on the rise, including among the workers of the plantation sector. We recommend that the new trend warrants close scrutiny. In consultation with different stakeholders and migrants, we provide a list of recommendations to protect migrant workers.

The picture on page xvii, taken during fieldwork in one of the tea estates in the Nuwara Eliya District, in many ways resembles the life of the plantation sector workers, especially women. These flowers are called 'Umathatham poo' in Tamil. This flower, looking towards the earth, is not accepted as an important flower, but is loved by the God Shiva. Although dark clouds are clustered in the sky, there is a light, symbolising hope for the future.

We came here (to Saudi Arabia) amid many difficulties to find solutions to our problems. People think all those who are going abroad have a good life. They do not know that we are not given enough food, we are not allowed to rest, and we have to start our work early in the morning and go to bed late at night. Some are being treated very badly by their employers. Some are sleeping on the floor. Sometimes we feel like escaping from the employers... but we are worried about the bad consequences... during the Corona pandemic many workers lost their jobs... both males and females. They could not go back to their countries as some countries were closed. Many did not have the money to pay for their tickets. They begged for food and money... we did not come here to beg...

(A female returnee migrant from Matale District)

1. Introduction

1.1 Context

Sri Lanka is one of the largest tea producing countries globally and the tea industry plays an important part in the economy. The sector is also important in terms of foreign exchange earnings and securing millions of peoples' livelihoods. According to the Central Bank reports of various years, the economic contribution of the tea production sector remained stable until it was hit by the COVID-19 pandemic. Tea production was severely affected with the first wave of the pandemic beginning in March 2020 and the impacts are continuing to present challenges to the lives of many who are directly and indirectly connected to the sector (Central Bank of Sri Lanka, 2020).

Despite the contribution of tea to its economy, Sri Lanka as a state has yet to address the persisting economic, social and political issues of the people living in the tea plantation sector. Amongst other pressing matters such as poverty, low wages, issues in access to healthcare, housing and education (Bass, 2019; Chandrabose & Sivapragasam, 2011), the outflow of labour from plantation communities with increasing numbers of workers leaving the estates looking for work outside (both within the country as well as abroad) has been identified as a rising phenomenon. This includes not only adult males and females, but also a considerable number of young people. Available anecdotal evidence suggests that the phenomenon is critical particularly with respect to women, leading to rising concerns regarding unsafe labour migration requiring immediate attention. The need for proper consideration and scrutiny of the concerns surrounding unsafe labour migration is exacerbated by the unreported and underreported irregular, unsafe migration trends and patterns.

Firstly, women in the plantation sector have been migrating in mass to Gulf countries for domestic work since the late 1990s. This trend was partly due to a government decision to reform the estate sector, privatising most of the tea estates under 23 Regional Plantation Companies (RPCs) on a 99-year lease. With the primary goal of profit maximisation, the new RPCs began cutting down on production costs by reducing the labour force, imposing early retirement, and limiting subsidies and services such as health, education and welfare for the plantation workers. As a result,

whilst men began migrating to urban areas (internal migration), women opted for international migration seeking domestic work mainly in the Gulf.

Due to economic vulnerabilities, lack of education, and other cultural challenges faced by women in general within the rigid patriarchal plantation system, unsafe migration has led to different types of vulnerabilities for three generations of women. On the one hand, women, especially those who have daughters, tend to migrate due to the financial burdens of educating children and practices such as dowry (which frequently takes the form of jewellery). Often, these daughters are left in the care of grandmothers who struggle due to a generational gap, unable to offer the emotional support needed in the absence of their mothers. This also leads to issues such as child abuse, sexual harassment, incest, teenage pregnancies and so on.

On the other hand, due to a lack of knowledge and awareness, illiteracy, myths and misconceptions about migration, as well as the geographically isolated state of plantations these women who migrate are more prone than women of other areas to fall prey to fraud, illegal agencies, and trafficking. The families who are left behind suffer from the absence of a proper system for seeking information about those who go missing and accessing other support such as legal advice. Even though issues faced by women who migrate to the Middle East have been widely discussed at a national level, there have been no attempts so far to examine this issue within the plantation sector, with its unique social, economic, and governmental structures, and it has not received due attention through research and institutional scrutiny.

According to Sri Lanka's National Labour Migration Policy (NLMP) it is a crucial responsibility of the state to protect and empower migrant workers and their families from the early stage of pre-departure right through to return and reintegration (Ministry for Foreign Employment Promotion and Welfare, 2008). The International Labour Organisation (ILO) has played a decisive role in providing technical support to the government in formulating the existing National Migration Policy for Sri Lanka. They have also been leading much of the advocacy work through their Safe Labour Migration Programme, particularly their recent work on the Family Background Report (FBR) regulation prohibiting women with children under five to migrate, which has caused much controversy and debate over the years. Whilst the ILO continues to provide considerable technical support to the Ministry of Foreign Employment

Promotion and Welfare (MFEPW) in implementing their work, organisations such as Helvetas (an independent Swiss development organisation that is building capacity in Africa, Asia, Latin America and Eastern Europe) have been engaged in advocating for the protection of the rights of migrants.

Secondly, outgoing labour from the plantation sector to other sectors is an equally critical phenomenon. The situation of these migrant workers and their families is equally problematic. These migrant workers, who are mostly youth, tends to seek opportunities to leave the plantation communities by looking for employment mostly in urban areas. Due to the lack of skills and experience, these young workers are often employed in hazardous and unsafe occupations, without any assurance of compensation. The dynamics are being capitalised on by human traffickers to lure frustrated and despairing youths, making the situation worse. A range of studies had been conducted to shed light on the countless issues within the tea plantation community, with a particular focus on plantation workers and their living conditions (Bass, 2019; Chandrabose & Sivapragasam, 2011).

Within the above context, human trafficking has also become a critical issue with regard to both internal and international migration, with the matter being largely unreported (Medawatte, 2014) or underreported. Thus, despite methodological challenges in empirically researching this particular aspect, it is vital that an understanding is formed on the frequency and gravity of this issue. Thus, even though the issues are well-known and extensively discussed amongst the stakeholders, there is a dearth of knowledge and evidence-based information, analysing the root causes and dynamics of the phenomenon. Overcoming the deficiency will strengthen the efforts to seek political and social justice. Therefore, the present project is designed to address the recognised need for evidence and information about the push-pull factors and dynamics of the issue in order to strengthen the advocacy initiatives relating to the plantation community.

1.2 Scope and Objectives of the Project

According to the International Organization for Migration (IOM) there is no universally accepted definition for ' migrant' (IOM, 2020). However, for the purpose of this project, we propose to consider persons above 18 years of age, both male and

female, from the tea plantation sector of Sri Lanka who move away from their usual place of residence both within the country and internationally in search of employment. This would include potential migrants who anticipate or seek such a move, those already in-service elsewhere as well as returnee migrants.

The main purpose of this project is to assess and understand processes of unsafe labour migration and trafficking within the plantation sector and the associated socio-economic dynamics in Sri Lanka, which would lead to a stakeholder dialogue on the issue to stimulate an adequate and appropriate policy and institutional dialogue and lobbying. International labour migration has been a significant phenomenon prevailing for over four decades in Sri Lanka. Over the years, there have been various initiatives, studies and innovative responses from the state, Civil Society Organisations (CSOs) as well as other relevant stakeholders, including the adoption of a National Labour Migration Policy (NLMP) in 2008. However, focus on the issue within the plantation sector has been minimal not only due to the geographic isolation of these communities but also as international migration from the plantation sector has been a more recent phenomenon. Internal labour migration from the plantation sector to other sectors within the country is an equally-neglected phenomenon that has increased in prevalence over the recent years and requires proper scrutiny. The nature, trends, causes and impacts of both types of migration within these communities as a whole are incomparable with other areas of Sri Lanka due to the unique socio-cultural make-up of the plantation sector.

Moreover, human trafficking relating to migration is another critical issue within the plantation sector, where migrants fall prey to this heinous crime within both legal as well as illegal pathways (Medawatte, 2014). It is therefore vital to understand, assess and evaluate reasons for unprotected migration that leads to trafficking. Within a context of inaction, where a majority of the government services rarely function as required to address concerns, a project such as the present is not only beneficial but timely and necessary.

The aim of the project is to investigate the current trends of labour migration (both internal and international), explore the underlying causes or factors (push/pull factors—endogenous/exogenous factors) that influence migration from the plantation sector, and explore the processes of labour migration and its impact.

As such, this project will pursue the following objectives:

- Investigate the reasons why people (above 18 years of age) in the plantation sector migrate to work in other sectors despite the prevailing lower wages and precarious occupational conditions in these sectors.
- Analyse the pathways and the processes being used, the vulnerabilities they are subjected to and the available support mechanisms.
- Explore the impact of migration on family members and those left behind as well as its effects on migrants.
- Understand the impact of labour migration on migrants' future life prospects and their families, community, and the sector, as well as on the country as a whole.
- Investigate the myths and misconceptions held by people in the plantation sector seeking labour migration.
- Propose policy recommendations.

Even though the issues are known and extensively discussed amongst the stakeholders, there is a dearth of knowledge and evidence-based information analysing the root causes and dynamics of the phenomenon. Overcoming this deficiency will strengthen the efforts for seeking economic, political and social justice. Therefore, the present project addresses the recognised need for evidence and information about the push-pull factors, migration processes, and impacts of migration, myths and misconceptions of migration as well as policy recommendations to strengthen the advocacy initiatives for the plantation community.[1] Although there are some successful migrants in the

[1] In achieving the above objectives and in order to reap the best results of this project, ICES collaborated with Uva Shakthi Foundation (USF) in Badulla, Plantation Rural Education Development Organisation (PREDO) in Nuwara Eliya, and the Institute of Social Development (ISD) in Matale, who not only facilitated the first component of the project, which is field research, but will also work as network partners advocating for plantation sector issues in the long-term, thereby ensuring the sustainability of this project. ICES has a long-standing track record of advocacy-oriented research and publications on crucial policy issues. Their work contributes to generating data that can be utilised for strengthening the Civil Society Organisations (CSOs) advocacy efforts fostering critical thinking and scholarship towards a society that upholds cultural pluralism and tolerance. Hence, the organisation fits with the IDEA requirement of improving research and data generation, utilisation, and dissemination of CSOs. Additionally, ICES has developed CSO networks fostering the participation of diverse groups around key governance processes and reforms.

plantation sector (we include their voices too), in keeping with the aims of the research, we focus mainly on the migrants who are taking or have already taken unsafe internal and international migration paths, in search of work. We bring to light the problems they encounter during the pre-migration, in service and return stages. We also discuss how they could not fulfil their migration expectations. Our choice to focus mainly on the negative experience of the migrants should not be treated as a bias, as we want to bring to light the experiences of unsafe migration, which has already posed a challenge to the state, migrants, their families and to their wider communities, which has been identified as a research gap (Weitzer, 2015). The findings of the research have important policy implications.

2. The Plantation Sector and Labour Migration

2.1 A Brief History of Labour Migration

Labour migration is not a new phenomenon in Sri Lanka. The short distance between India and Sri Lanka meant that, even in the Mediaeval and early Colonial periods, Sri Lankans and Indians regularly migrated between the two countries. Seasonal migration, such as for fishing, was also prevalent in earlier periods and continues today. The most organised of such migrations, however, took place in the 19th century when Upcountry Tamils were brought from South India to work on the plantations and would often return to India for short periods. In the modern era, Sri Lankans migrated to India following ethnic issues, to escape war, and even temporarily, in search of work. A small number of Europeans returned to Europe or migrated to Australia from the early 19th century to the 1950s (Rajan, 2020). Throughout the 1970s and 1980s, Tamils would flee to India or other parts of Sri Lanka following anti-Tamil violence. The violence in 1983 and the subsequent war in the Northern and Eastern provinces resulted in the increased migration of Tamils, who sought permanent residence in countries like Australia, New Zealand, Canada, the USA, Germany, Norway, France and other Western European countries. Even today, many Tamils who fled the civil war continue to reside in refugee camps in India. While these migrations are not all for employment reasons, they reveal a long history of mobility among the Sri Lankan population.

Unlike earlier migrations, from the 1970s onwards, people were not restricted to domestic or regional migrations. Finding employment abroad too has become popular among Sri Lankans. Although migration to the Middle East had been increasing since the liberalisation of 1977, most Upcountry Tamils did not migrate abroad. A 1986 survey indicated that the vast majority of migrants to the Middle East were Sinhalese. The study concludes that, “The Indian Tamils who have been working in the tea estates in Sri Lanka for many decades do not have the opportunity to migrate” (Eelens & Speckmann, 1990). By the 1990s, however, things had changed dramatically and today, Upcountry Tamils migrate not only to urban centres within Sri Lanka but also to the Middle East. With these trends come new challenges.

When migrating out of the plantation, workers are faced with significant obstacles, including human trafficking, exploitation, gender-based violence, psychological trauma, and social stigma. Most Upcountry Tamils migrate to work as domestic workers and daily wage earners (Kandasamy, 2014). Often, they are less than 18 years old and are illegally trafficked abroad or illegally sent by their parents to work in the cities. One common problem associated with human trafficking and underage child labour is the issue of salary exploitation.

It was not uncommon, for instance, for children to work in houses in Colombo while their salaries were sent to parents or relatives back on the estate (Institute of Social Development, Domestic Workers Testimony). When migrating abroad, some workers found that their agents pocketed part of their earnings or the employers paid a lower salary than what had been agreed. In severe cases, employers even kept workers hostage by refusing to give them their passports thus compelling them to continue their employment without proper pay.

There are several other problems workers have faced after migrating abroad. Sometimes employers would prevent communication with their families, hold workers hostage, overwork them or deny them access to appropriate healthcare (Jayaweera, 2015). The Sri Lankan government has signed a number of Memorandums of Understanding with host countries such as Korea, Malaysia, Libya, the United Arab Emirates (UAE), Bahrain, and Jordan to protect the rights of Sri Lankan workers (IOM, 2018). Nevertheless, migrant workers continue to struggle in host countries.

2.2 The History of Sri Lanka's Plantations

Plantations were established in Sri Lanka by the British in the early 19th century. Unlike the long-existing paddy cultivation, plantations were intended for export and hence focused on cash crops such as tea, coffee, and rubber. With the introduction of such cash crops came a change in land usage, economic priorities, and traditions. The plantation economy dramatically transformed the economic and social landscape of Sri Lanka.

The British brought workers from struggling and oppressed caste families in South India to work in these plantations. These communities were primarily Tamil-speaking

and were culturally quite distinct from Sri Lanka's Northern and Eastern Tamil population. Since slavery had recently been abolished, the British had to find a new way to acquire cheap labour. The British recruited people for plantation work under a particularly exploitative system known as the *Kangany* system—a reference to the local recruiters called *Kanganys*. Workers were expected to work on the estate until they had repaid the cost of their passage to Sri Lanka. In this way the workers were tied to their specific estate in a form of semi-indenture. Due to underpayment, delays, and exploitation, sometimes these debts were not paid for generations (Daniel, 1996). An excerpt of oral history illustrates the issue of debt thus: "Each year, our forefathers got themselves deeper and deeper into debt; and each year our forefathers' entire annual wages had to be used to repay loans and interest to the *Kangany*."

Although the semi-indentured system of indebtedness was abolished in 1921, the cycle of debt continued, as people had to keep borrowing from wealthier members of the community to make ends meet or pay for minor developments in their lives. Even to this day plantation workers struggle with indebtedness to employers resembling quite closely the exploitative cycle of the *Kangany* system (Jegatheshan, 2013: 156).

Plantation workers were also tied to the estate in such a way that they had to be granted permission from management to work anywhere else. As a result, for decades, workers were forced to depend on specific estates for their and their families' wellbeing. Although this is no longer the case, even today, most plantation workers depend on the estate for housing, education, and healthcare services and leaving the estate is harder for them than it is for workers involved in other sectors. Despite the difficulties of leaving the plantation and the stripping away of autonomy, throughout history, plantation workers have migrated out of the plantations and continue to do so today.

Plantation workers have suffered not just under the Colonial regime and plantation management, but also under the Sri Lankan government. In 1948, the newly-independent Sri Lankan government stripped Upcountry Tamils of their citizenship rights, a right that was not granted again in full until 2003. This meant that, for decades, plantation workers did not have adequate political representation and were unable to make demands for their needs (Kanapathipillai, 2009). The legacy of exploitation and disenfranchisement is that, to this day, plantation workers are one of the most

disadvantaged communities in Sri Lanka, with comparatively low standards of health, mortality, and education.

Nevertheless, plantation workers were able to voice their concerns to some extent through trade unions. In particular, through the formation of the Ceylon Workers' Congress and through strike actions, plantation workers had some success in improving wages, securing employment, and finally obtaining citizenship. However, employment opportunities remain limited outside the plantations and conditions within have not kept up with the increased standard of living in general.

In an attempt to resolve the issue of statelessness, two important agreements were signed: the Sirima-Shastri accord of 1964 and the Indira-Sirimavo supplementary agreement of 1974. This paved the way for the repatriation of 600,000 Indian Tamils to India from the1960s to the 1980s, with many families being separated**.** Since most of those repatriated preferred to remain in Sri Lanka, this migration can be better categorised as a deportation. The forced return of the plantation workers gave rise to the view that Up-country Tamils were 'aliens' to Sri Lanka, and this mentality soon became ingrained among the population. The result of this racist mentality was the anti-Tamil riots that occurred in 1958, 1977, and 1983, during which plantation workers too were targeted and forced to flee. In this way, plantation Tamils started to migrate in large numbers out of the estate. Prior to this, migration had been slow, but from the 1970s onward the landscape of migration in plantations transformed completely. The section below will highlight the changes in the plantation sector and how they affected migration patterns.

2.3 Migration and the Plantation

There is a misconception that migration is a recent development in the plantation sector, but this is actually not true in the case of internal migration. From the very creation of plantations, migration between estates was common and actively facilitated by superintendents. Many people also travelled temporarily to their ancestral villages in South India, either to visit family or for work (Daniel, 1996). Further, since the early 20th century at least, plantation workers would migrate to the Central and Northern provinces during the paddy harvest season to work as farm hands. Although these migrations were seasonal and rarely lasted more than a few weeks, they are an important

prelude to the more permanent migration that began in the latter part of the 20th century. Migration was not new or unheard of in the community and could thus be imagined as a feasible option for procuring a higher income.

The plantation sector in Sri Lanka has undergone substantial changes since its inception in the late 19th century. In 1972, the plantations were nationalised through the introduction of the Land Reform Act, and in 1992 the management was again privatised. The nationalisation policy of the 1970s severely affected the plantation community. 'Ceylonisation,' which was the political trend of the time, focused on indigenising the many colonial institutions in Sri Lanka. However, because of the majoritarian ethnic politics, these measures often focused on replacing ethnic minorities with Sinhalese people. In the plantations, many Upcountry Tamils, who were considered colonial beneficiaries, were laid-off and replaced with Sinhalese workers (Peebles, 2001). Unemployment amongst plantation workers' families as well as severe famine during the early 1970s caused many people to migrate out of the plantations. Most people left for cities like Kandy and Colombo (Daniel, 1996). The anti-Tamil riots of the period further strengthened the resolve of many plantation workers to migrate out of the hill country, primarily to the Tamil majority areas in the North and East.

Some years later, as a result of the privatisation of the 1990s, plantation workers again suffered from reduced bonuses, lower-quality healthcare and education services, and earlier mandatory retirement (Chandrabose, 2015). Additionally, during this time, the nature of plantation work changed when estate management permitted workers to work part-time outside the estate. All members of a plantation family were no longer registered on the estate. Instead, while some received a regular salary, others worked for a daily pay as and when their labour was needed, so that in seasons when there was less work they did not have a stable income. All these factors contributed to individuals seeking employment elsewhere.

In the 1990s, a boom in the garment industry opened up many employment opportunities. However, the garment industry soon realised that they could take advantage of a 'captive' labour market in the plantation areas and thus began to pay far lower salaries in areas near estates than they did in the Western Province (Bass, 2019).

Thus, even with a marginal increase in employment opportunities in and around estates, individuals still chose to leave for urban areas or abroad.

In addition to economic factors, social factors also affected people's decisions to migrate. Due to the history of exploitation on the estate and the strict manner in which workers were under the purview of *Kanganys* and superintendents, many plantation workers came to associate leaving the estate with increased social status. Further, the quality of estate schooling and healthcare was low and working and living outside the estate made it easier to access good government services (Chandrabose & Logeswary, 2019). Thus, the social status associated with living off the estate, the increased access to government services, and the dignity of having a personal address made migration an appealing choice (Chandrabose & Logeswary, 2019). With increased opportunities in factories after the development of the garment sector in the 1990s, many Upcountry Tamils began leaving the estate, some travelling to towns in their own district, others to major cities, and still others abroad.

2.4 Women in the Plantation Sector

The context of the plantation sector described above is not gender-neutral. Numerous perspectives consider the role of plantation sector women (*Malayaha penkal)* as one of the most important markers of the identity of the plantation sector. Although several social, economic, political and cultural changes have taken and are taking place in the plantation sector of Sri Lanka, the contribution of women to the sustainability of the household income, the income of the tea estates and the country's foreign exchange earnings continues to dominate. Since they were brought from India by the British Colonial rulers to work in the newly-established tea estates during the 1830s, successive generations of women have undergone several hardships due to the kind of work they do, living arrangements, and the very nature of gender roles, gender relations and gender identity. The plantation women who are primarily working as tea-pluckers and tea factory workers represent the stereotypical employment assigned to women characterised by intensive, repetitive and longer hours of work. Additionally, while working, the women also face sexual and verbal harassment by the *Kangany*. They also experience various forms of domestic violence in their everyday lives.

The anthropological work of Jegathesan (2013) on the plantation sector provides an extensive account of domestic violence experienced by the plantation sector women in the district of Badulla.

In another study, Jegathesan (2019) unpacks the productive and reproductive roles, as well as the lived experiences of the plantation sector women inside and outside the geographical spaces of the plantation sector. She adds how the plantation sector Tamil women have become the focal point of everyday life of the plantation community, as they could increase their value through puberty celebrations, marriage and becoming a mother. She explains how these women are contributing to fulfil various expectations of their family members, by providing both economic and social support. Jegathesan's (2019) work discusses the plantation sector migrants' contribution to home-making through remittances and underlines the contribution women are making, which is not highlighted in the literature on the Tamil women of the plantation sector.

Investigating the present condition of the plantation sector Tamil women, Gnanapragasam (2020) discusses how they have carved out their place in a space owned by them, without owning land. He further discusses how the plantation sector women continuously fight for their wages and working conditions, advocating for their families and themselves. Philips (2003) explores the link between gender inequality and culture within the frameworks of marriage and work, by discussing the experiences of married women. Philips critically brings out how patriarchy and capitalist plantation agriculture jointly subordinate the plantation sector Tamil women's roles as workers and wives. Kurian & Jayawardena (2017) endorse how the bias produced through colonialism, race, caste, ethnicity, culture and religion are incorporated into the 'plantation patriarchy,' which justifies and normalises the subordination of the plantation sector women. While all these studies point out the marginal positions of women in the plantation sector and how they negotiate their agency, it is pertinent to note that these women are powerful in facing everyday challenges.[2]

It was noted that compared to men in the estate, women secure more working days, which has enabled them to contribute to the total family income, subscribe to trade unions, *Kovil* committees, social security funds (EPF) and spend on other things. In

[2] We thank Mr Nadesan of Uva Shakthi Foundation for sharing his thoughts on women in the plantation sector.

short, they are performing and managing their productive, reproductive and community management roles. Still, the return they receive in their individual, family and social lives is not commensurate with the contribution they make. Kurian & Jayawardena (2017) criticise how women's experience as bearers of double burden (workers as well as being responsible for household chores) is undermined and how they are ignored in the plantation sector labour regime. They argue that women's capabilities and entitlements are curtailed due to gender-based discrimination.

The women in plantations are subjected to triple oppression in their family, professional and social life. Their subordination is further consolidated by the patriarchal values inherited from South Indian villages as well as by the mono-male-dominated plantation administrative system. The male-dominated hierarchical administrative systems further degrade the status of women.

Discussions with the partner organisations, USF and ISD, revealed that at present, unemployment and underemployment among young women are increasing. In addition, the number of female school dropouts too has gone up considerably due to increasing poverty. With opportunities for income earning slowly drying up in the estates, and rapid socio-economic changes taking place inside and outside the estates, young women look for opportunities outside the plantations. Hence, migration outside their estates has become inevitable. The prevailing situation in the country (COVID-19 and the current socio-economic and political crisis) has already forced migrant women (both internal and international) to return to the estates. Within such a context, most of these women have already started to explore avenues for remigration, this time under extremely unsafe and uncertain circumstances, which were not previously prevalent.

Family Life	• In the majority of the households, the expenditure is decided by males, overlooking the needs of the women and keeping them out of family and finance management. • Females of all grades and ages become vulnerable to domestic violence, both physical and verbal abuse. • Crowded housing deprives the females of their privacy. • Young females and girls become vulnerable to sexual abuse, mostly by relatives. • The constraints of external mobility impair their educational and livelihood aspirations. • The hidden working hours by women are neither counted nor respected.
Professional Life	• Women are forced to work for longer hours than males. • Their physical and personal needs, and comforts are neglected. • They are subjected to physical and verbal abuse by their male-supervisors. • The reproductive health of working women are overlooked.
Social Life	• Women are the primary contributors to the Trade Union and Temple Committee funds. However, they are denied membership in these committees. The same situation prevails in trade unions as well. • Their voting rights are violated since they are forced to vote in line with the choice of the male family members.

3. Labour Migration Literature Review

In order to locate this research within the broader discussion on labour migration and the evolving nature of labour migration in the plantation sector, this section briefly explains theories of labour migration and explores the migration-development nexus and gendered concerns of labour migration.

3.1 Theories of Labour Migration

Theories of migration have developed constantly since the 20th century with theorists both advancing and contradicting each other. These theories broadly attempt to address the reasons for migration, pathways of migration, and finally the effects of migration. Particularly controversial has been the question of whether migration alleviates or perpetuates existing inequalities.

Initially, theorists placed a lot of emphasis on the wage gap, creating a simple theory that people migrate from countries and regions with low pay to countries and regions with higher pay. While no theorist has completely dismantled this explanation, theorists have since placed less and less emphasis on the wage difference. For instance, Oded Stark (cited in Arango, 2000) argues that the subject of migration theory should not be the rational individual but the strategic family. He shows that many migrations occur not so much to *increase* income but to *diversify* sources of income (Stark, cited in Arango, 2000). As income becomes less stable in countries that are moving towards capitalist economic models, households adapt by sending members to different regions and jobs.

To this intervention, Massey (1998) adds that changes in the economic structures of sending countries create a dearth of local employment. When capitalist markets expand into agricultural or socialist economies, they displace people's customary livelihoods such as subsistence farming. Without the capital, credit, and insurance in place to move into commercial agriculture and with agricultural imports entering the country, farmers may be forced to seek employment elsewhere, in urban centres or outside the country (Massey, 2002). These theories may be considered the push factors of migration: instability of income, loss of customary employment, and lack of institutions to transition to capitalist systems.

In addition, a number of pull factors contribute to migration as well. The classical wage gap model is one such example of migration being a means by which to improve one's life. Additionally, the expansion of capitalist markets also creates new demand for items that require higher earnings. Massey uses the example of televisions and automobiles, but these might broadly be generalised as items that increase the quality of life or are deemed desirable (Massey, 2002).

Not all theorists view this change positively, with theorists of the World System Theory arguing that migration is a means of reinforcing Western dominance by ensuring that newly-capitalist countries are dependent on already capitalist countries (Portes & Sassen cited in Arango, 2020). These interventions by Massey, Portes, and Sassen are seen to counteract classical theories of migration that consider it a natural response to unequal distribution of resources, thus implying that with time it will approach a more equal distribution. Instead, Marxist theorists argue that migration perpetuates inequality and is founded on the harmful procurement of cheap labour by host countries from sending countries.

While all these theories inform evolving understandings of migration in Sri Lanka's plantation sector, it is important that we critically evaluate the use of theory. Most theories, including those above, use the country or region as a primary unit of analysis. That is, they either attempt to model patterns of migration from one country to another or from one region consisting of many countries to another region. This study on migration in Sri Lanka's plantation sector is far more particular than that. It focuses on workers within a specific economic sector where conditions and systems are vastly different to the rest of the country. Historically marginalised and working in state-owned but privately-managed industries, the situation of plantation workers is unique. For instance, Rosenzweig & Stark (1989) analyse how households diversify income rather than increase income, while relevant to the broader study of migration in Sri Lanka, does not have a straightforward application to plantations where workers are paid a salary and participate in commercial rather than subsistence farming.

Moreover, as previously mentioned, Massey (2002) argues that migration occurs with the displacement of 'customary' occupations—such as subsistence farming—with the expansion of capitalist markets in the modern age. However, he does not account for the case of plantation workers who, rather than being employed in traditional occupations,

have worked for generations on commercialised plantations. Plantations were a unique commercial insertion into the economic landscapes of colonised countries and need to be accounted for in any migration theory. This report will contribute to that gap, hopefully with value beyond Sri Lanka as well.

3.2 Migration, Development and Gender

The link between migration and development has been critically analysed in the development literature. According to de Haas (2010), the debate on the link between migration and development started with the 'developmentalist optimism' during the 1960s and 1970s, continued to reflect on the debate by the Neo-Marxist pessimism, and again travelled towards an optimistic path from the1990s to 2000s. The debate surrounding the paradigm 'migration-development nexus' which drew the attention of academics, researchers, non-governmental organisations (NGOs) and donors, and gained momentum during the 1990s has questioned its assumed natural relationship (Geiger & Pécoud, 2013); explored the conceptual clarity and uncertain foundation of the argument (Böhning, 2009); explored the changing views on the connections between migration and development in the European Union and Asia (Castles, 2009); pointed out the heterogeneity of migration impacts through empirical studies (Choithani, 2020; Hugo, 2009; McKenzie & Yang, 2015; Taylor, 1999); understood the link through structure and agency perspective and highlighted the neglected areas and the need for understanding the migration and development context nexus (de Haas, 2010); called for a more inclusive and human rights approach to migration and development (Delgado *et al.,* 2013); argued for locating the migration-development nexus as an intrinsic part of a broader process of development and social change (de Haas, 2020); added a social perspective to the complex migration-development nexus (Piper, 2009); and the very recent contribution has shed light on the impact of the COVID-19 pandemic on the migration-development nexus (Withers *et al.,* 2022).

The implications of labour migration are different for men and women and hence, gender has become an integral part of labour migration-related research. Gendered identities and dynamics create differences between men and women throughout the process of migration giving rise to various challenges and opportunities. A distinctive

feature of the current international labour migration from Asia is that almost half the migrants are women, which is in contrast to the relatively lower percentage of female migrants in 19th century migration. Accommodating this trend, the migration-development nexus has included a gender perspective. Since then, the discourse on the 'gendered/feminisation of global labour flow/markets' has gained currency in academic and research circles (Apatinga *et al.,* 2020). Gender, being a socially-constructed concept, has serious implications for migration as migrants are gendered subjects. Theoretically and conceptually, studies on the link between migration, development and gender have drawn their arguments from intersectionality, feminist theories, queer studies, social inequality, transnationalism and theories of citizenship (Amelina & Lutz, 2019; Bastia, 2014). Empirical studies on gender segregation in migration and its link with development have pointed out the varying gendered impacts of migration (Holliday *et al.,* 2019). Those studies have portrayed migrant women as agents of development (Dannecker & Sieveking, 2009); highlighted the changing gender relations in the context of transnational migration (Dannecker, 2005); acknowledged the positive impacts of labour migration on women's empowerment (Bachan, 2018; Gerry, 2021); and probed into the transformation of gender roles, focusing on left-behind children and fathers (Azmi, 2007; Shah, 2004). Such studies have also pointed out that women are employed in 'feminine sectors' as caregivers. Considering women as 'docile,' 'cheaper' and 'unskilled' labour options, employers prefer women in their workplaces.

When going through the literature on gender and labour migration in Sri Lanka, it is important to look at both internal and international migration. However, the existing literature on labour migration in Sri Lanka is skewed towards researching international labour migration, with a focus on female labour migrants. The trend could be connected to female dominance in labour migration since the 1980s. The increase in female labour migrants was influenced by the socio-economic factors within the country. Due to poverty, many women quickly responded to the employment opportunities which required no or low skills. They found migration as the only option to escape poverty. The majority of the female migrants are from mainly poor and low-income families departing for low-skilled jobs in Middle Eastern countries. These women who opt for migration are predominantly housewives who have not had regular employment before their migration. Some of them have not been employed before. These female migrants

challenge the patriarchal gender roles within their society by becoming primary income earners or sole economic contributors to their families. During the initial phase of labour migration to the Middle Eastern countries, women from urban areas with low education and limited opportunities for education opted for migration, followed by women from rural sectors. Women from the plantation sector did not find migration as a route to escape poverty as they were able to access jobs in the estates in which they lived (Dias & Jayasundere, 2002).

The international labour migration literature pertaining to Sri Lankan women has brought to light the negative and positive aspects of the process on the migrants, their families, community and the country (Abu-Habib, 1998; Athukorala, 1990; Azmi, 2007; Azmi & Lund, 2009; Brochmann, 1987; 2019; Gamburd, 1995; 2000; 2004; 2005; 2008; 2009; 2010; 2011; 2015; 2020; Handapangoda, 2014; Hettige, 1988; Kageyama, 2008; Shami, 1994; Shaw, 2010; Thangarajah, 2003). They have also focused on the recruitment processes (Eelens & Speckmann, 1990; Ruhunage, 2006); ethnicity and class identities of the female migrant labourers (Brun, 2005; Gamburd, 1998; Waxler-Morrison, 2004); problems faced by them (Jureidini & Moukarbel, 2004); the changing nature of labour migration (de Silva, 2019; Ratnayake, 1999); their return and reintegration (Collyer, 2009); problems faced by the left-behind family members (Gamburd, 2000; 2008; 2011; Jayasuriya & Opeskin, 2015; Pinto-Jayawardena, 2006; Senaratna *et al.*, 2011; Siriwardhana *et al.*, 2015); changing gender roles (Azmi, 2007; Gamburd, 2010; Pinnawala, 2008; 2009); good practices to prevent women's migration (Dias & Jayasundere, 2002); policies regulating women's migration (Abeyasekera & Jayasundere, 2015; Amirthalingam *et al.,* 2013; Gamburd, 2020; Institute of Policy Studies, 2015; Jayaweera, 2015; Weeraratne, 2021) and issues related to trafficking (Jureidini, 2010; Mahdavi, 2013). The literature on Sri Lankan labour migration has also looked at youth migration for employment (Abeyasekera, 2009; Brown, 2014; Hettige, 2005).

Labour migration within the country, though taking place on a large scale, has not received adequate attention. Sri Lanka's internal migration literature is limited. A long-standing problem related to internal labour migration is the lack of reliable data. Official channels account for only a small percentage of total international migration (and far less on internal migration). Such statistics should thus be treated with caution. Nevertheless, they do shed some light on problems with and patterns of migration in

recent years. Currently, internal migration for work/labour migration shows a pattern from rural to urban. In terms of internal labour migration, seasonal, short-time migration of agricultural labourers, seasonal migration of fishers, labour migration for jobs in the capital and labour migration to the Free Trade Zones (FTZs) could be identified as important sectors. The latter has received considerable attention among the researchers focussing on the challenges women workers face (Hancock *et al*., 2015; Hewamanne, 2008, 2020, 2021; Lynch, 2007). Within the internal labour migration patterns, the labour migration from the plantation sector to the capital and other areas stands out as unique. Though comparatively inadequate, studies on labour migration in the plantation sector have focused on the causes, consequences, trends and patterns (Chandrabose, 2015; Dharmadasa & de Zoysa, 2014; Kingslover, 2010). However, the literature review exercise brought to light that the gendered nature of labour migration from the plantation sector has not received adequate attention. Hence, this research has attempted to fill the knowledge gap.

4. Labour Migration Governance

This chapter focuses on the institutional landscapes governing labour migration at global, regional and national levels which have direct and indirect implications for the study. Providing such a context for this study is very important as the labour migration we explore is closely linked with global, regional and local socio-economic and political processes. Hence, it is pertinent to note that, although for analytical purposes we discuss international and internal migration separately, in practice, one could observe that there are considerable overlaps in several areas. Though this chapter does not attempt to do a full institutional landscape mapping—which is beyond the scope of this study—it attempts to provide an overview to shed light on a plethora of institutions governing labour migration. The governance dimensions this chapter discusses include formal structures such as policies, laws, acts, regulations, treaties and conventions, as well as a few informal structures that are connected to and ensure good governance in labour migration.

Good migration governance needs transparent and coherent institutions, legislation and policies that serve the labour migrants in the pre-departure, in-service and post-migration stages. Any uncoordinated efforts that neglect the broader dimensions of the migration processes and diverse types of labour migrants will result in the failure of proper governance. Labour migration takes place between two points; the country of origin and the country of destination. The whole labour migration process is composed of different stages: pre-departure, in-service, and return and reintegration.

4.1 Labour Migration Governance: Global, Regional and Local

4.1.1 Global

With increasing labour migration, there is a renewed interest in managing the mobility of labour to enhance the full development potential of migration (Ang *et al.,* 2016). International organisations such as ILO (the oldest specialised UN agency), IOM and the United Nations (UN) have enacted various conventions to protect the rights and ensure the safety of migrant workers regardless of their sex. The UN has continuously shown its interest in the protection of migrant labourers. The IOM and ILO are two major inter-governmental organisations that support migration management

worldwide. IOM and ILO work together to advocate for the countries of concern in labour migration and do not implement or enforce policies.

The protection of migrant workers and ensuring their equal treatment and human rights were incorporated into the constitution of the ILO in 1991. The ILO upholds the importance of ensuring decent work within and between countries. It has continuously provided technical assistance and advised governments to protect migrant workers. ILO as the key player in the field of labour migration has worked in the areas of cross-border labour migration and migrant labour rights for a considerable period of time (Foley & Piper, 2021). The ILO recognises that there are three basic stages in the labour migration process during which the rights of migrants must be protected: the pre-departure stage, the post-departure and work stage, and the return stage.

IOM facilitates dialogue and cooperation to enable safe migration in sending, receiving and transit countries. IOM, established in 1951, initially focused on resettlement issues of refugees. In the 1960s, it expanded its scope of work to include the recruitment and migration of high-skilled migrants. In the 1990s, the focus of IOM centred on the resettlement of refugees affected by war and violence with an intention of facilitating durable solutions to refugee issues with priority given to human rights dimensions. Since 2000, IOM has made visible impacts on migration-related issues through a broader perspective by making the benefits of safe migration available to both migrants and society and by taking up a management approach to migration (Foley & Piper, 2021). In 2015, IOM developed a Migration Governance Framework (MiGOF) with the aim of helping countries to formulate well-managed migration policies. The framework lays down three principles and three policies. The principles are: adhering to international standards and fulfilment of migrants' rights; formulating policy using evidence and a 'whole-of-government' approach; and engaging with partners to address migration and related issues. The objectives are: focusing on the advancement of the socio-economic well-being of migrants and society; effectively addressing the mobility dimensions of crises; and ensuring that migration takes place in a safe, orderly and dignified manner. The principles and objectives show that migration should be governed in an integrated and holistic way.[3]

[3] Migration Governance Framework IOM. Available at: https://www.iom.int/sites/g/files/tmzbdl486/files/about-iom/migof_brochure_a4_en.pdf [Accessed on 10 April 2022].

International Conventions, Treaties and Laws

In terms of global governance, in addition to the above mentioned mechanisms, the UN, ILO, IOM and other organisations have worked on landmark conventions, treaties and laws that have sought to protect the rights and interests of migrant workers. The ILO and UN instruments have many similarities in terms of the rights and protection of migrant workers. However, the ILO conventions provide more specific rights for migrant workers to form a trade union and the right to equal treatment in terms of access to education, housing and vocational and social services, which makes their contribution distinct.

It is pertinent to note that there are several international instruments that exist to protect all human beings regardless of their identity. These instruments protect the migrant workers, though they are not citizens of destination countries. Among these are the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Other conventions that are connected to the UN include the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the Convention on the Rights of the Child (CRC). These conventions are applicable to migrant workers regardless of their sex, age and nationality. These conventions also bind state parties to work towards justice and equity. The section to follow shows the instruments that deal directly with migrant workers.

The Migration for Employment Convention, 1949

This convention deals with international migration for employment and focuses on the recruitment of migrants and conditions of work in the host country. Its major provisions include non-discrimination in wages, union activities, and benefits and social security (Article 6). The annexes deal with private and public recruitment which emphasises that there should be a no-fee public option, promotes the need to provide contracts for prospective migrant workers, and states that "…any person who promotes

clandestine or illegal immigration shall be subject to appropriate penalties." Sri Lanka is not a signatory to the Migration for Employment Convention.

The Migrant Workers Convention (MWC), 1975

It is the first treaty to deal directly with the rights of migrants in irregular situations and is considered the most noteworthy as it provides an explicit and extensive spectrum of human rights and the protection of migrant workers all over the world. The convention recognises the rights of both migrant workers and their families at every stage of the migration process. It seeks to establish uniform norms on the state's treatment of migrant workers as migration causes unique and serious problems for migrants and their families. The convention has 93 articles which are grouped into: scope and definition; non-discrimination; human rights of all migrant workers and members of their families; other rights of migrant workers and members of their families who are documented or in a regular situation; provisions applicable to particular categories of migrant workers and members of their families; promotion of sound, equitable, humane and lawful conditions in connection with international migration of workers and members of their families; and application of the convention, general provisions and final provisions.[4] Sri Lanka became a party to this convention in 1996.

The convention addresses in detail issues in relation to "migrations in abusive conditions" and the "promotion of equality of opportunity and treatment of migrant workers." Article 2 requires each member state to "seek to determine whether there are illegally employed migrant workers on its territory" and Article 6 calls for penalties against traffickers and the illegal employment of migrant workers. Article 9 sets out requirements for 'equality of treatment' in remuneration, social security and other benefits arising from the past employment of undocumented migrant workers.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990

ICRMW, which was adopted in 1990 at the UN General Assembly and came into force in 2003 to protect the dignity and equality of migrant workers and their families, is

4 Available at: https://www.iom.int/sites/g/files/tmzbdl486/files/our_work/ICP/IDM/ICMC-Strengthening-Protection-of-Migrant-Workers-and-Their-Families.pdf [Accessed on 1 April 2022].

considered one of the most comprehensive treaties that directly targets the migrant workers (Bouckaert, *et al.,* 2004). The detailed document sets standards for the human rights of migrant workers. The convention defines a diverse group of migrant workers, including frontier, seasonal, self-employed, seafarer, and itinerant. What is unique about this convention is its focus on the migrants' families. Further, the convention pays attention to the protection of irregular migrants who are vulnerable to discrimination, exploitation and abuse, especially in informal or inadequately regulated sectors. It calls for appropriate action to prevent and eliminate the trafficking of migrant workers and stresses the importance of unified action to protect labour migrants. The convention is ratified by very few countries, most of which are the countries of origin of migrant workers. Arab states and Gulf countries that receive a huge number of migrant workers have not ratified this convention. Sri Lanka ratified the ICRMW in 1998.

Domestic Workers Convention, 2011

The Domestic Workers Convention was introduced in 2011 in light of the increasing number of domestic workers in the local and global labour markets and their substantial contribution to the global economy. It requires governments to provide domestic workers with the same basic labour rights that other workers are entitled to. It promotes the ILO principles and rights at work for all domestic workers. The provisions related to domestic workers under this convention emphasise the following: protection for children, protection from abuse, fair terms of employment, terms and conditions related to employment, protection of migrants, prohibition of confinement, and equal treatment with other workers.

Additionally, other Articles also uphold minimum wage coverage, payment at least once a month, a safe and healthy working environment, social security including maternity protection, oversight of recruitment agencies, effective access to courts and effective and accessible complaint mechanisms, measures for labour inspection and penalties. Further, Convention No.189 urges the sending and receiving countries to cooperate in implementing the provisions listed.

4.1.2 Regional

The Colombo Process, 2003

Regional collaborations are essential to share good practices and find solutions to pressing issues. Such platforms also provide a space for sharing experiences.[5] In terms of regional collaboration, The Colombo Process, which includes 11 member countries (Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam) and eight observer countries (Bahrain, Italy, Kuwait, Malaysia, Qatar, Republic of Korea, Saudi Arabia and the UAE), is an important initiative established in 2003 and supported by the ILO (Colombo Process, 2019). The thematic discussions and consultations of the Colombo Process have centred on the protection of and provision of services to migrant workers, optimising the benefits of organised labour migration, capacity-building, data collection and interstate cooperation.[6] The Colombo Process also aims to enhance dialogue with countries of destination. The member countries have taken proactive measures to regulate labour migration through policy changes and by introducing new legislation. They have also worked on the welfare of migrants, safe recruitment processes, and disseminating essential information to effectively manage labour migration. The member countries have shared their experiences related to good practices, pragmatic solutions, challenges and policy implementation (Colombo Process, 2019).

The Abu Dhabi Dialogue (ADD), 2008

The ADD was established in 2008 in light of the increasing importance of migration management by both origin and destination countries (Adhikari *et al.,* 2019). The ADD is composed of 18 member countries. The 11 countries of origin are Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand, and Vietnam, while the seven countries of destination are Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, the UAE, and Yemen. Republic of Korea, Japan and Singapore act as Observer States. The ADD works in the area of temporary contractual

5 Available at: https://www.ilo.org/asia/areas/labour-migration/WCMS_226300/lang--en/index.htm [Accessed on 10 March 2022].

6 Available at: https://publications.iom.int/system/files/pdf/colomboprocessstudy_final.pdf [Accessed on10 March 2022].

labour mobility in Asia. The ADD aims to promote safe, orderly and regular labour migration through multilateral dialogue and cooperation amongst the member states. It is an action-oriented dialogue with four core areas for partnerships between member states:

- sharing information on labour market trends, skills, profiles, temporary contractual workers, and remittances policies and flows,
- harmonising labour supply and demand,
- preventing illegal recruitment and protecting migrant workers,
- developing a framework that manages temporary contractual labour and advancing the mutual interests of member states.

Bilateral Agreements (BLAs)

Apart from the above global and regional approaches, countries have adopted Bilateral Agreements (BLAs) and Memorandums of Understanding (MoUs) to facilitate the migration of labourers and as an effective collaboration mechanism (Wickramasekara, 2006). Active cooperation with the destination countries is important for labour-sending countries. For the sending countries, such arrangements are good for ensuring continuous access to labour markets, solving domestic unemployment issues, ensuring the rights and welfare of the migrant workers and earning foreign exchange. From the receiving country's perspective, such agreements are helpful in managing labour migrants, promoting political and cultural ties and addressing the labour market needs of the employers (Go, 2007). Wickramasekara (2006; 2011) analyses and discusses the role of BLAs and MoUs in safeguarding migrant workers. However, in practice, many receiving countries are reluctant to enter BLAs or MoUs due to a lack of political goodwill. Wickramasekara (2011) points out the positive trend in terms of BLAs, where host countries have begun to be more willing to enter into BLAs with countries of origin. The ILO encourages BLAs to protect the interest of migrant worker.

Wickramasekara (2011) points out that, with the increasing number of labour migrants from Sri Lanka and the various issues they face, the country has entered into various formal and semi-formal agreements with countries of destination for the benefit of its migrant workers. Sri Lanka has signed formal BLAs or MoUs with Qatar, Italy, the

Republic of Korea, Malaysia, the United Arab Emirates, Libya, Jordan, Oman, Saudi Arabia, Kuwait, the UAE and Bahrain to protect migrant workers, with a special focus on women migrants, who are identified as vulnerable to exploitation and trafficking.

The Kafala System

According to Parreñas & Silvey (2021), the *Kafala* system is embedded in the punitive legal system. Labour migration to Middle Eastern countries is governed by the *Kafala* system which has a long history, having been established as a guest workers' scheme from the 1920s to 1970s in relation to labour migration in the pearl industry (AlShehabi, 2021). Although each country has a different labour migration sponsorship system, the one in the Middle East is said to be unique in the way it places the migrant workers in an exceptional space. The system comprises laws, policies, customs and practices related to migrant workers, which are not in use in other parts of the world. Within the Middle Eastern region, the *Kafala* system is mostly uniform with some differences between countries. A wide range of informal practices have emerged within the system. Each Middle Eastern country has its own domestic labour laws and international conventions that have either been ratified or not. The majority of the countries have ratified core UN human rights treaties. All Middle Eastern countries do not approve of forced labour and have their own national anti-trafficking laws.

The *Kafala* system binds the migrant worker to their employer or the sponsor. Under this system, a worker completely depends on his or her employee for work and lodging. Although historically the system was practised by the Arab nomads to honour and ensure the safety of the guests, at present it is used as a mechanism to control the migrant workers (Bajracharya & Sijapati, 2012). Babar (2013) claims that the *Kafala* system led to the 'privatisation of migration.'

The minimum time period a migrant worker is obliged to work under the system is two years, though the contract period varies from country to country. Under the *Kafala* system, the sponsor, referred to as a *Kafil*, takes the economic and legal responsibility for the migrant worker. According to Gardner *et al.,* (2014), the *Kafala* system has three important characteristics: entry to the host countries for work requires a sponsor; the *Kafil* is responsible for migrant workers' housing, employment conditions and other benefits; and migrants' departure and change of employment is under the control of the *Kafil*. As

a state requirement, all migrant workers should come under the *Kafala* system. The labour migration to Middle Eastern countries has a substantial percentage of domestic workers, gardeners, construction workers, and drivers, who, because they fall under the low or unskilled category, are at the bottom end of the power hierarchy and exposed to vulnerability. However, skilled migrant labourers' exposure to vulnerabilities is less due to their levels of education and awareness. Further, their jobs have good conditions and standards.

The current practice related to the *Kafala* system are disadvantageous and unjust to migrant workers. Scholarship has drawn attention to the abusive and exploitative labour conditions connected to the *Kafala* system, criticising its inability to protect the migrants' rights (Bajracharya & Sijapati, 2012; Damir-Geilsdorf, 2016; Vora & Koch, 2015). According to Amnesty International (2019), female migrant workers who are excluded from the national labour legislation are in a vulnerable situation. Female domestic workers are identified as the most vulnerable group, as they are forced to work longer hours, work in multiple houses and are prevented from seeking legal support (Arokkiaraj & Rajan, 2021).

Further, migrant workers face the problems of underpayment or no payment of their salaries. There is a power imbalance between the employer and the employee, which can expose female migrant labourers to Sexual and Gender-Based Violence (SGBV) and other forms of physical abuse. The migrants' travel documents are in the custody of the sponsor throughout the contract period. The system controls the mobility of the worker, their freedom of movement and their potential for networking with other workers. It does not allow migrant workers to seek other employment or transfer their contracts if they are not satisfied with their original employers. During their stay, if they do not adhere to their employer, they could even be deported. Under the *Kafala* system, a migrant worker who leaves the country after the contract period expires needs to get a No Objection Certificate (NOC) from the employer/sponsor to re-enter.

According to Fargues (2006), the immigration policies of Gulf countries make the stay and entry of foreign workers more difficult. Hence, under the *Kafala* system, long-term stay, permanent settlement, and naturalisation are impossible. The system limits the assimilation of the migrant workers with the host community. Dito (2008) criticises the

labour market governance of the Gulf countries, pointing out shortcomings such as the continuation of past policies, postponing honest approaches, and lack of a comprehensive and constructive review of policies.

4.1.3 Local

Prior to the 1980, the administration of labour migration was governed by the Fee Charging Employment Act No. 37 of 1956. The Act empowered the Commissioner of Labour to supervise the agencies involved in the recruitment of workers for local and foreign employment (Niriella, 2014). Today there are many different organisations connected with labour migration: the State Ministry of Foreign Employment Promotion and Market Diversification,[7] the Ministry of External Affairs (that becomes involved when diplomatic missions do not have labour attaches), the Sri Lanka Bureau of Foreign Employment (SLBFE), Divisional Secretariat Offices (Women Development Officers), the National Committee on Women (that runs a gender complaint unit for receiving complaints from the migrant families), the Legal Aid Commission of Sri Lanka, Grama Niladharis (GNs), workers' organisations, employers' organisations, The Sri Lanka Foreign Employment Agency (SLFEA) (that handles youth employment recruitment), the Association of Licensed Foreign Employment Agencies (ALFEA), private employment agencies, and Civil Society Organisations (CSOs). When it comes to labour migration issues, the government collaborates with civil society, including NGOs, CSOs, trade unions (to a limited extent), academia and media, though this does not occur in a coordinated way. Among all these groups, the SLBFE is the primary administrative body for labour migration.

Sri Lanka Bureau of Foreign Employment (SLBFE), 1985

Considering the unprecedented growth in labour migration and to ensure the smooth flow of migrant workers to other countries, the Foreign Employment Agency was established under Act 32 of 1980. This act was repealed by Act No. 21 of 1985 and the Sri Lanka Bureau of Foreign Employment (SLBFE) was established as the main body

[7] The names of the Ministry have changed with the change in regime. Previous names: Ministry of Foreign Employment Promotion and Welfare (MFEPW), Ministry of Foreign Employment (MFE).

to monitor and regulate labour migration. In 2007, the SLBFE came under the purview of the Ministry of Foreign Employment Promotion and Welfare (MFEPW). According to Dias & Jayasundere (2002), although there are some gaps in the areas of contracts, migrant workers' rights and privileges, the Act helps to safeguard the migrant workers and improve their situation. The SLBFE introduced a minimum wage for domestic workers and a maximum fee for labour recruiters (MFEPW, 2008). Moreover, the Act created government-regulated agents to recruit workers for the Gulf and required that employers facilitate communication between employees and their families.

The SLBFE's objectives are stipulated in section 15 of the Act. They are: setting standards for and negotiating contracts of employment; entering into agreements with relevant foreign authorities, employers and employment agencies in order to formalise recruitment agreements; formulating and implementing a model contract of employment that ensures fair wages and standards of employment; examining the authenticity of employment-related documentation issued outside Sri Lanka; undertaking the welfare and protection of Sri Lankans employed overseas; and providing assistance to Sri Lankans going abroad for employment. Dias and Jayasundere (2002) note that most of the objectives have taken into consideration the unskilled workers, who are predominantly women care workers. In accordance with Act 53, the SLBFE publishes annual data on migrant workers. Pre-departure registration with SLBFE is mandatory for all migrant workers. The SLBFE has a web page with vital information for migrant workers which is available in all three languages.[8] It also has a 24-hour hotline. The web page provides information about registered recruitment agencies and an online complaint portal. The SLBFE provides services to migrants and recruitment agents. In terms of the services provided to the migrants, it focuses on pre-departure, in-service and after the return. All such services are listed on their web pages.[9]

In Sri Lanka, pre-departure training was made compulsory for those who were leaving for foreign employment in 1996 (Siddiqui *et al.,* 2008). This is conducted by the SLBFE in one of its 18 district training centres across the island.[10] This mandatory pre-departure training was introduced as part of a package including training, SLBFE

8 Available at: http://www.slbfe.lk/ [Accessed on 2 April 2022]. But not all documents are available in Tamil.

9 Available at: http://www.slbfe.lk/page.php?LID=3&MID=52 [Accessed on 30 June 2022].

10 Available at: http://www.slbfe.lk/page.php?LID=1&PID=99? [Accessed on 2 April 2022].

registration, and welfare benefits. The training had to be completed and certified for the migrant to register with SLBFE, and registration was compulsory for eligibility for welfare benefits such as pre-departure loans, scholarships for children, insurance coverage, and others. The training and awareness programmes focused on improving the skills, knowledge and attitudes of the migrant workers.

The pre-departure training or awareness programmes are provided to a range of workers: caregivers (males and females, Israel–30-day training); domestic sector housekeepers and caregivers (females, Middle East–40-day training); domestic sector housekeepers and caregivers (Europe, Far East and other countries excluding the Middle East–30-day training); non-domestic sector (males and females, Middle East and the Maldives–5-day training); and first-time migrant workers other than domestic housekeepers, caregivers and professionals (males and females, Middle East–18-day training). These training and awareness programmes are offered for a fee that varies from LKR 1,500-14,750. The training course covers programmes related to domestic housekeeping, cleaning methods, operation of household appliances, food preparation, table arrangement and food serving, language skills, caring for the elderly and children, financial literacy, laws and customs of the host countries, safe migration, migrant workers' rights and responsibilities, and arrangements for the left-behind family (Ang *et al.,* 2016). During the COVID-19 pandemic, the SLBFE arranged online courses, which were of short duration. The training schedules listed on the SLBFE web page show the widening scope and content of the courses offered to the potential migrant workers—as of April 2022, the SLBFE had listed 25 types of training programmes.[11] However, unfortunately, not all migrant workers go through the government-regulated agents. The SLBFE facilitates a relatively small percentage of total migrations. Unregistered agencies—which are more likely to conduct trafficking rackets—and other informal means of recruiting have continued to flourish.

Apart from the pre-departure training, in-service assistance is also given to the migrant workers. Such facilities include scholarship programmes for migrant workers' children, loan facilities for pre-departure, housing and self-employment loans through state banks for migrant workers who are registered with the SLBFE and those who have Non-

[11] Available at: http://www.slbfe.lk/page.php?LID=1&MID=36&LID=1 [Accessed on 30 June 2022].

Resident Foreign Currency (NRFC) accounts with a minimum balance of USD 500. The *Daru-Diriya-Rataviruwo* programme was introduced in 2011/2012 to promote the dignity of migrant workers and to facilitate their social integration. Other welfare benefit programmes for migrant workers include the *Sahana* housing project for disabled migrant workers, child protection centres/child day care centres, providing school equipment for migrant workers' children, and welfare assistance for underprivileged migrant workers.

The SLBFE provides insurance facilities for migrant workers registered with them. The insurance scheme was commenced in 1995 with the financial support of the SLBFE. To obtain the benefits, beneficiaries should hand over the application and other relevant documents six months after the occurrence of the event. Migrant workers aged 18 to 65 years are entitled to claim the benefits. If a migrant dies in the destination country the family members can apply for compensation from the SLBFE. All the aforementioned benefits are provided only to the legal migrants who are registered with the SLBFE and are not applicable to the many labour migrants who are outside of the formal channels. It is also pertinent to note that, though the SLBFE web page indicates that the information is available in all three languages, most of the information is only available in Sinhala and English, depriving the language rights and access to information rights of Tamil-speaking migrants workers.

Family Background Report (FBR)

In the aftermath of Rizana Nafeek's execution in 2013, the Bureau of Foreign Employment required that potential migrants undergo background checks, with the intention of protecting women and minimising the adverse social cost and psychosocial impacts on children left behind by mothers. The Ministry of Women and Child Affairs pushed the government to ban the migration of women who have children under five years of age and initially prepared the FBR Policy (Weeraratne, 2016; 2021). In addition to banning women labour migrants with children under five years of age from leaving Sri Lanka for work, the FBR also placed stricter age restrictions on women migrating for work (25 years for Saudi Arabia, 23 for many Gulf countries and 21 for Singapore). Further, according to the FBR, women with children older than five years were recommended for migration only if satisfactory alternative care arrangements had

been put in place to ensure the protection of their children. The SLBFE stood firm on this so that it could protect left-behind children from the social cost of migration. Women's migration was also controlled based on their marital status. While married women under the FBR required the consent of their husbands, unmarried women were requested to obtain the signature of their guardians. The implementation of FBR had a significant impact on migration. In the late 1990s, 75% of all migration for employment was by women. By 2015, this percentage was down to 50% (UN, 2015).

The policy received considerable criticism and sparked debates about its patriarchal nature, gender bias, discrimination against older children over young children, and the state's role in limiting the decision-making power of the female labour migrants (Gamburd, 2020; Weeraratne, 2021). According to Weeraratne (2018), the introduction of the FBR challenged the gendered balance of power in domestic and public spaces, negatively affecting women. Such regulations, although expected to tackle the social issues associated with women's migration, have led women to bypass the FBR by using illegal recruitment channels, making them more vulnerable to human trafficking (ILO, 2018). What is more, the FBR exposes women to further discrimination on a very practical level. For example, the FBR needs to be signed by government officers. In some cases, it has been found that estate superintendents also sign the FBR, granting them undue power over the income and migration prospects of their workers (UN, 2015). Given the conflict of interest between the estate superintendent and a worker interested in migrating, there have been instances where superintendents have made it unduly difficult for their workers to migrate.[12] The government does not provide any alternatives for women who have been rejected on the basis of FBR.

Foreign Diplomatic Missions

The Ministry of Foreign Affairs is another important player in migration governance. The increasing flow of migrant workers from Sri Lanka to the Middle East resulted in

[12] During our fieldwork, it became evident that the officers-in-charge of handling the FBR were not clear about the practice of FBR during the COVID-19 pandemic. While some officers mentioned that it was not compulsory to obtain the FBR, others said that some of the procedures related to FBR had been relaxed. At the beginning of July 2022, the Cabinet decided to remove the FBR to seek remedies for the worst-ever economic crisis faced by the country. Accordingly, the government has made it mandatory for migrants to send their remittances only through formal channels.

the opening of foreign diplomatic missions in the UAE, Kuwait and Saudi Arabia. Now Sri Lanka has its diplomatic missions in almost all of its major labour migrant destination countries. Sri Lanka's diplomatic missions in destination countries have to play a crucial role in safeguarding the rights of migrant workers. Their labour-related services include addressing grievances and/or complaints of the migrant workers, providing shelter and medical assistance (if and when necessary), and providing travel documents in emergencies and during repatriation. The foreign diplomatic missions have labour welfare officers.

Recruitment Agencies

Recruitment agencies are also important players in migration governance. The SLBFE, which was then under the Ministry of Labour, handled the recruitment process until 1994 (Ruhunage, 2006). After that, the Sri Lanka Foreign Employment Agency (SLFEA) was established under the Companies Act as a subsidiary of SLBFE. It is the only state-owned agency which recruits people for foreign employment. The ALEFA was established (Section 54, Part VIII of the Act) to regulate foreign employment agencies that are registered with the Association, ensuring and enforcing best ethical practices for foreign employment through strict disciplinary control. The expectation is that recruitment should be done only through the persons or entities that have licences.

Private Foreign Employment Agents

Private recruitment agents play a crucial role in the recruitment process of labour migrants. With the increase of labour migration from Sri Lanka, the last four decades have seen a remarkable expansion of private recruitment agencies. According to the SLBFE data, in 1975 the number of private licensed recruitment agencies was 125. This figure rose to 18,287 in 2020 (SLBFE, 2020). There are also several unregistered private recruitment agencies that have not obtained a licence. These agencies mainly recruit domestic workers and men seeking employment in the unskilled or semi-skilled sectors. They contact potential migrants through sub-agents in an informal way. Many migrants also approach unregistered private recruitment agencies to go abroad for employment. The private recruitment agents provide inadequate information to potential migrant workers, as they themselves do not know the details of the employment offer and binding conditions.

SLBFE's Act No. 21 of 1985 and 4 of 1994, focuses on the subject of recruitment, clearly stating its responsibilities:

- to assist and support foreign employment agencies in their growth and development,
- to assist licensees in the negotiation of terms and conditions of employment
- with agencies abroad,
- to regulate the business of foreign employment agencies and recruit Sri Lankans for employment outside Sri Lanka,
- to issue licences to foreign employment agencies to conduct the business of recruitment for employment outside Sri Lanka and to determine the terms and conditions of such licences.

The act carries explanations of details pertaining to various dimensions of the recruitment process, including requiring permission from the SLBFE to advertise vacancies. Penalties for non-conforming recruitment agencies are also clearly specified in sections 24-44 of Part IV of the Act. In a context where informal and illegal labour migration is taking place in various degrees, the Act focuses only on the migrants who are registered with the SLBFE, leaving a considerable number of migrants in a vulnerable position. At present, private recruitment agents dominate among the recruiters and continue to act as influential gatekeepers, conditioning and mediating the access of individuals seeking foreign employment (Weeraratne, 2014).

Sri Lankan labour migrants enter the international labour market through their relatives, friends or other knowledgeable persons in their communities. The potential migrants make direct contact with the potential employer through other migrants who are already working abroad. This approach has provided fewer complications and has been simple for the potential migrants who otherwise would have had to deal with a private agent.

The National Labour Migration Policy (NLMP)

With the financial and technical support of the ILO, the Ministry for Foreign Employment Promotion and Welfare developed the National Labour Migration Policy (NLMP) for Sri Lanka in 2008 and it was accepted in 2009. The policy was

formulated to create a balance between the promotion of foreign employment and the protection of migrant workers. The pillars of the policy are better governance, protection and empowerment of migrants and their families, and aligning migration with development. The NLMP recognises the importance of good governance through regulations, policies and laws that adhere to internationally ratified conventions in order to facilitate dignity, equity and security of the migrant workers. The NLMP calls for the provision of protection and services (economic, welfare, legal and other services) to migrant workers and their left-behind families. In order to create a positive link between migration and development, the NLMP recognises the contribution of labour migration to employment, economic growth, development and generation of income. The policy document identifies key challenges related to the pillars of the policy and puts forward policy responses and actions. The NLMP is said to be one of the most comprehensive labour migration policies in the South Asian region.

Sub-Policy and National Action on Return and Reintegration

The Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers, were introduced by the Ministry of Foreign Employment (MFE) in 2015. The Reintegration Coordination Unit was created to assist returning migrant (MFE, 2015). The sub-policy includes mechanisms for social and economic integration.

The ILO supported the formulation of the policy. The NLMP provides all the necessary background for the sub-policy. Other policies that have a direct link to the sub-policy are: the National Policy for Decent Work in Sri Lanka (2006); the National Migration Health Policy (2012); the National Human Resource Development and Employment Policy (2012); the National Strategy on Technical and Vocational Education and Training Provisions for Vulnerable People in Sri Lanka (2010); and the National Policy on HIV and AIDS in the World of Work in Sri Lanka (2010) (MFE, 2015).

The underlying principles of the sub-policy are:[13]

- Ensure the protection of the rights of all migrant workers.
- Respect the migrant workers as partners in development.

[13] Available at ILO website. https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-colombo/documents/publication/wcms_497323.pdf [Accessed on 2 April 2022].

- Uphold the values of inclusiveness, non-discrimination, and gender equality.
- Empowerment of migrant workers to engage in policy discourses and make decisions that affect their lives.
- Consultation and promotion of the collective voice of migrant workers.
- Recognise and acknowledge the contribution of migrant workers to the economy of Sri Lanka.
- Ensure a safe and dignified return and reintegration process.
- Ensure absorption of the returnee workers into the local labour force and secure dignified employment.
- Emphasis on special attention to migrant workers who have faced exploitation, abuse, forced return, and stressful or traumatic experiences.
- Ensure that the policy framework integrates the cycle of migration at all stages (i.e. pre-departure, in-service, and return and reintegration) and adopts a rights-based approach to strategizing for action at each stage.

According to the MEF (2015), strategies for social reintegration includes,

- Forging and institutionalisation of a mechanism to ensure the safe and dignified return and reintegration of migrant workers.
- Broad-based positive image building of migrant workers.
- Social security scheme for migrant returnees.
- Welfare and protection of family members of migrant workers with special focus on children.
- Skills development and career counselling for migrant workers' children.

The strategies for economic integration include:

- Quality standardisation and certification of skills of migrant workers at pre-departure and upon return. Promote savings, investments and financial management among migrant workers.
- Promote entrepreneurship among migrant returnees and family members.
- Secure local employment for returnees through public-private partnerships.

4.2 Internal Labour Migration Governance

The socio-economic transformation Sri Lanka underwent since its independence, especially after the liberalisation of the economy in 1977, resulted in the migration of labourers from rural to urban areas. The establishment of the Export Processing Zones (EPZs) attracted the rural unemployed youth, especially young girls, to the cities. Migration from the plantation sector to urban areas has been taking place for a long time. However, with the rapid changes in the plantation sector, many youths do not like to take up work in the plantation sector and they have chosen to migrate. The rural to urban labour migration in Sri Lanka is considered a temporary phenomenon. The Sri Lankan labour migration literature has paid inadequate attention to internal labour migration and there is a huge gap in internal labour migration data. The internal labour migration governance in Sri Lanka does not reflect a coherent institutional landscape. The internal labour migrants are covered under several laws and regulations which target all workers in different sectors. The most important one is the constitution of Sri Lanka. Apart from that, the following are some acts, policies and regulations related to labourers, including internal migrant workers.[14] Sri Lankan labour laws are compatible with the ILO conventions.

- The Domestic Servants Ordinance of 1871 (Amended in 1936)
- Labour Code of Sri Lanka, 2010
- The Chauffeur's Ordinance of 1912
- The Minimum Wage (Indian Labour) Ordinance, 1927
- Industrial Dispute Act 43 of 1950
- Factories Ordinance, 1950
- Employees' Provident Fund Act, No.15 of 1958
- Trade Union Ordinance No. 14 of 1935
- Employees' Trust Fund Act, No. 46 of 1980
- Payment of Gratuity Act, No. 12 of 1983
- Workmen's Compensation Ordinance No. 19 of 1934
- Employment of Women, Young Persons, and Children Act, No.47 of 1956

[14] These laws are not applicable to Sri Lankans working outside.

- Maternity Benefits Ordinance No.32 of 1939
- Shop and Office Employees (Regulation of Employment and Remuneration) Act, No.15 of 1954
- Wages Boards Ordinance No. 27 of 1941
- Factories Ordinance No. 45 of 1942
- Employee's Councils Act, No. 32 of 1979
- Laws on sexual harassment at the workplace, Penal Code, Section 345
- Sri Lanka National Human Rights Action Plan (2017-21) with a special review of chapters on Labour Rights, Rights of Women, and Rights of Children
- National Policy for Decent Work in Sri Lanka, 2006
- Women's Charter, 1993
- National Policy on Eliminating Child Labour in Sri Lanka, 2017

The above laws and acts cover the areas of social security, welfare and well-being of employees, occupational safety and workmen's compensation, terms and conditions of employment, minimum wages, labour relations and laws relating to estate and plantation sector workers. These laws and acts provide protection and ensure the well-being of workers.

4.3 Unsafe Migration and Trafficking: Local, Regional and Global Governance

The international literature on trafficking has shown that trafficking has become a much-highlighted issue during the last three decades and that the issue has direct links with modern-day slavery, security threats, human rights abuses and the contravention of labour laws. All these areas could be overlapping. Today, trafficking has become an important subset of unsafe labour migration in many parts of the world for a number of reasons which are not different from the above themes. The factors shaping an individual's decision to engage in unsafe migration are very complex. It is well-documented that poverty, lack of opportunities, family and peer-pressures, and other unexpected environmental, political and socio-economic circumstances can trigger decisions about unsafe migration. The people who migrate in these contexts are pushed into unsafe and vulnerable conditions. They could be trafficked by organised

traffickers, agents, sub-agents and others who take advantage of their vulnerable conditions. Unsafe migration affects migrants, their families and the state. It can have negative impacts on people physically, psychologically, socially and economically.

Trafficking-in-Person (TIP) is a complex and constantly evolving phenomenon of labour migration that needs collaborative efforts and approaches to counter (Lecamwasam, 2021). TIP and modern slavery are gaining importance with the rising number of reports of such incidents. With the increase in labour migration, trafficking and unfree labour conditions have become closely connected. Weitzer (2015) claims that a lack of good quality research results in the structural and experiential dimensions of trafficking being overlooked. He also adds that the legal focus given to the topic is strong compared to the attention paid to research. Local, regional and global mechanisms are in place to curb unsafe migration and trafficking.

4.3.1 Trafficking: Definitional Issues

A lack of conceptual clarity on the term 'trafficking' and the entire spectrum of trafficking poses challenges in many areas that are connected to trafficking (Gallagher, 2001; Okech *et al.*, 2018; Silver, 2021). Researchers have questioned the inconsistencies associated with the term 'trafficking.' There are considerable overlaps between the terms associated with trafficking, such as slavery, forced labour and labour exploitation (Weitzer, 2015; Wylie, 2016). Inconsistent definitional, methodological and theoretical focus related to trafficking has implications for policies to curb trafficking. It also has serious implications for addressing related issues and the measures to curb them. At a practical level, it has relevance for those who are looking for opportunities for employment, as well as governments both in the country of origin as well as the destination.

The desk review conducted for the research on unsafe migration and trafficking revealed that domestic and international labour migrations are important areas in which trafficking takes place. Women and men are vulnerable in different ways across the spectrum of migration. Women experience harsh working conditions in domestic work, the plantation sector, the sex industry and forced marriage. Men are exploited as forced labour in the construction and manufacturing industries. Exploitation taking place in domestic work is rarely addressed in policies and other legal instruments. The hidden nature of domestic work makes it difficult to identify and understand the exploitation that the labourers undergo.

4.3.2 Local, Regional and International Mechanisms

Local

Within the context of this research, it is important to briefly explain the existing local and international protection mechanisms that are connected to trafficking.[15] Although not explicitly stated, the constitution of Sri Lanka includes a section on fundamental rights and calls for caring for the interests of children and youth. This could be interpreted as a call for ensuring their right to freedom and freeing them from exploitative conditions.

The government has made continuous efforts to enforce anti-trafficking laws. The most influential domestic legal mechanism in place is the Penal Code of Sri Lanka. The term 'trafficking' was included in the Penal Code in 1995. It was further amended in 2006 to include Section 360(c). Accordingly, trafficking is defined as,

Whoever:

> (a) Buys, sells or barters or instigates another person to buy, sell or barter any person or does anything to facilitate or induce the buying, selling or bartering of any person for money or other consideration.
>
> (b) Recruits, transports, transfers, harbours or receives any person or does any act by the use of threat, force, fraud, deception or inducement or by exploiting the vulnerability of another for the purpose of securing forced or compulsory labour or services,[16] slavery, servitude, the removal of organs, prostitution or other forms of sexual exploitation or any other act which constitutes an offence under any law.
>
> (c) Recruits, transports, transfers, harbours or receives a child or does any other act whether with or without the consent of such child for the purpose of securing forced or compulsory labour or services, slavery, servitude or the removal of organs, prostitution or other forms of sexual exploitation, or any other act which constitutes an offence under any law, shall be guilty of the offence of trafficking.

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[15] This section does not cover a full and detailed discussion of such mechanisms. However, it highlights some of the interventions.

[16] The ILO's Forced Labour Convention of 1930 defines forced labour as, "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily."

Section 360(c) of the Penal Code criminalises sex trafficking and labour trafficking. Those who are involved in the crime could be sentenced to two to 20 years in prison and a fine. Article 360(b) criminalises child sexual abuse and carries a maximum sentence of five to 20 years in prison and a fine. In order to strengthen anti-trafficking measures, the Anti-Trafficking Unit of the Criminal Investigation Department (CID) also works actively and it is considered the focal point for TIP-related complaints.

The National Anti-Human Trafficking Task Force (NAHTTF) was established by the Ministry of Justice in 2010 to prevent, protect and prosecute trafficking-related matters. The NAHTTF comprises 18 government agencies led by the Ministry of Justice. The NAHTTF developed the five-year National Strategic Plan to Monitor and Combat Human Trafficking (2015-2019), which aims to combat human trafficking by raising stakeholder awareness, improving victim protection services, increasing prosecution of human trafficking cases, and conducting research and data collection. This Plan also seeks to improve coordination among members of the Anti-Trafficking Task Force. The Ministry of Justice is in the process of finalising the new National Action Plan (2020-2025), which has already been reviewed by the IOM. The pandemic situation might influence the proper implementation of the plan.

Sri Lanka has prohibited all forms of trafficking and trafficking-related crimes are punishable with two to 20 years' imprisonment. Sri Lanka has also ratified regional and international conventions on trafficking. The ILO and IOM (supported by the USA) have been providing technical support to the government of Sri Lanka to improve policies against TIP, with a focus on prevention, protection and prosecution (IOM, 2018). However, such efforts have not been successful. According to the 2021 Trafficking in Person Report of the US State Department, Sri Lanka has not adequately worked on the elimination of TIP.[17] The report states that, although the Sri Lankan government has worked on anti-trafficking and awareness-raising, it has not shown an increased effort to minimise trafficking, especially during the COVID-19 pandemic, where trafficking has increased.[18]

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17 Available at: https://lk.usembassy.gov/wp-content/uploads/sites/149/2021-TIP-Sri-Lanka.pdf [Accessed on 12 March 2022].

18 The report is written during the period when Sri Lanka is experiencing the worst-ever economic and political crisis in its history. The impacts of these crises, coupled with the ramifications of COVID, have pushed more and more families to the brink of poverty and vulnerability. The media has reported several trafficking cases including an incident where a 15-year-old school girl was sold by her mother for prostitution. Available at: https://www.

Regional

During the 1980s and 1990s, human rights advocates worked hard to draw attention to the problem of trafficking in its broader socio-economic context (Widgren, 1995). As a consequence, international counter-trafficking frameworks were established with a focus on trafficking as a border-crossing-related issue, which is a threat to receiving countries. However, it is pertinent to note that the area of trafficking extends beyond irregular or illegal migration (Parreñas & Silvey, 2021; Wylie, 2016).

The international discussion concentrated on the criminalisation of illegal/irregular migration (Gallagher, 2001). Sri Lanka has ratified some of these conventions. At the regional level, Sri Lanka has signed the SAARC Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution (2005), which came into force on 15th November 2005. Trafficking is defined as "the moving, selling or buying of women and children for prostitution within and outside a country for monetary or other considerations with or without the consent of the person subjected to trafficking" (IOM, 2020). According to the convention, 'Traffickers' means persons, agencies or institutions engaged in any form of trafficking. When defining the persons subjected to trafficking, the convention is limited to women and children who are forced into prostitution. The women and children may be victimised or forced into prostitution by the traffickers by deception, threat, coercion, kidnapping, sale, fraudulent marriage, child marriage, or any other unlawful means.

Global

The Palermo Protocol, adopted by the UN in 2000, is the first legally-binding document on trafficking. Trafficking, in the context of the Palermo Protocol, has been explained as a security issue, mainly connected with transnational organised crime and irregular migration. The definition of trafficking according to the Palermo Protocol is:[19]

> The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud,

state.gov/wp-content/uploads/2021/09/TIPR-GPA-upload-07222021.pdf [Accessed on 12 March 2022].

[19] Available at: https://home-affairs.ec.europa.eu/pages/glossary/trafficking-human-beings_en [Accessed on 12 June 2022].

> of deception, of the abuse of power or of a position of vulnerability or 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 (Palermo Protocol).

The definition is important in the identification of victims (women, children, men) and detection of all forms of exploitation that are related to all forms of trafficking. It clearly shows that all who are involved in the process bear responsibility. Article 3(c) of the Palermo Protocol makes special reference to the trafficking of children: "Trafficking in Children shall mean, recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation."

If a child is trafficked for exploitation, it is a crime. Sri Lanka ratified the Palermo Protocol in June 2015. The 178 countries that have ratified this protocol are required to criminalise human trafficking as well as develop laws against trafficking, in adherence to the principles of the protocol.

To address the issue of trafficking, the USA enacted the Trafficking Victims Protection Act (TVPA) in 2000. According to the USA, Department of State's Trafficking in Persons Report 2021, trafficking is defined as:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- The recruitment, harbouring, transportation, provision, or obtaining of a person for labour or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, debt bondage, or slavery.

It further asserts that a victim need not be physically transported from one location to another for the crime to fall within this definition. According to the TIP Report 2021, of the USA, Sri Lanka is ranked in Tier 2 Watch List.

The Human Rights Watch (2008: 40) uses the following definition:

> Trafficking includes any act of recruitment, transport, transfer, receipt, sale, or purchase of human beings by force, fraud, deceit, or other coercive tactics for the purpose of placing them into conditions of forced labour or practices similar to slavery or servitude. Such conditions occur when labour is extracted

> through physical or non-physical means of coercion, including blackmail, fraud, deceit, threat or use of physical force, or psychological pressure. Although this definition includes the aspect of psychological pressure, it is difficult to prove in practice.

Dias and Jayasundere (2002) note that a broader definition of trafficking is put forward by the United Nations Special Rapporteur on Violence against Women, Radhika Coomaraswamy, as explained in Article 2(2) of the draft Protocol:

> ...it is the non-consensual nature of trafficking that distinguishes it from other forms of migration ...documentation and research show that trafficking occurs for a myriad of exploitative purposes to which trafficking victims have not consented, including but not limited to forced and or bonded labour, including within the sex trade, forced marriage and other slavery-like practices.

The above definition adds new dimensions to the concept of trafficking. It also shows that the concept of trafficking is complex and can capture the experiences of people who migrate for different reasons, undergo various forms of exploitation and are placed in different levels of power and agency.

4.4 Trafficking in the Sri Lankan Context

Although counter-trafficking actions have been launched by the Sri Lankan government, trafficking continues to remain an important issue in labour migration, both internal and international. The desk review discloses that, compared to cross-border trafficking, domestic trafficking is not adequately reported, exposed and explored. Hence, it was found that the material on trafficking and related concerns is more skewed towards cross-border trafficking. Although internal trafficking has not received the attention it ought to, it is important to accept how the same push factors force internal migrants to seek employment outside their home within the country. Women and children who are trafficked internally move from rural areas to urban areas where the demand for them is high, as their labour is cheap.

As noted in other countries, in Sri Lanka too, women and children make up the majority of the trafficked victims. According to the US Department of State, TIP Report (2012), among the trafficked children, the plantation sector children are trafficked into domestic

work in houses in Colombo. Although there is a large amount of academic work done in the area of labour migration in Sri Lanka with special focus on women and children, the research on trafficking remains a lacuna. There have been very few studies done in Sri Lanka on trafficking and the challenges faced by the victims. Amirthalingam *et al*., (2015) discuss the risks and issues experienced by migrants from Sri Lanka when they seek employment overseas. The study, located within the post-war context, clearly points out how most of these migrants end up being trafficked. Jayasundara (2020) in his work analyse the specific context of trafficking in Sri Lanka based on the associated gaps and services. His work provides a comprehensive action plan for national-level social change utilising a multi-systemic and multi-stakeholder approach.

4.4.1 Information on Trafficking

The crime statistics reports of Sri Lanka police and information on the cases available at the Attorney-General's Department serves as major sources of data and information on domestic trafficking-related issues (Lecamwasam, 2021). The SLBFE, which has a complaints portal, provides information on the complaints received from migrant labourers who are working abroad.

Table 4.1: Complaints Received by the SLBFE by Gender 2015-2020

Year	Male	%	Female	%	Total
2015	1,735	21.6	6,305	78.4	8,040
2016	1,830	29.8	4,320	70.2	6,150
2017	1,010	23.1	3,364	76.9	4,374
2018	596	16.8	2,944	83.2	3,540
2019	1,133	23.05	3,781	76.94	4,914
2020*	1,641	31.98	3,489	68.01	5,130

Source: *Annual Statistics of Foreign Employment, 2020,* SLBFE. *Provisional

Table 4.1 above reveals that the complaints received from female migrants are comparatively higher in all years though the number of complaints is declining. Table 4.2 below shows the nature of complaints received by the SLBFE during 2015-2020.

Table 4.2: Nature of Complaints Received by SLBFE during 2015-2020

	Nature of the Complaints	2015	2016	2017	2018	2019	2020*
1	Breach of Employment Contract	1,443	1,314	1,109	894	1090	802
2	Sickness	1,151	838	621	605	816	1,046
3	Non-Receipt of Wages	1,011	1,041	640	473	611	462
4	Not Sent Back after Completion of Contract Period	1,059	618	529	418	406	560
5	Harassment	990	516	334	401	544	342
6	Lack of Communication	681	452	399	299	429	365
7	Being Stranded without Employment	134	126	89	103	36	117
8	Overworked	152	62	61	44	59	72
9	Premature Termination	115	110	53	31	48	22
10	Employee Missing (Run Away)	63	27	70	80	132	83
11	Problem at Employees' Home (Sri Lanka)	146	71	33	37	225	189
12	Other	1,095	975	436	155	518	1,070
	Total	8,040	6,150	4,374	3,540	4,914	5,130

Source: *Annual Statistics of Foreign Employment, 2020,* SLBFE. *Provisional

As noted elsewhere in this report, Sri Lankan migrants have been exposed to and have become victims of trafficking ever since labour migration to foreign countries began in the 1980s. The following table 4.1 shows the complaints received by the SLBFE by gender.

The nature of complaints lodged by the labour migrants discussed in Table 4.2 reflects several dimensions of trafficking such as slavery, forced labour and other exploitative practices. It is important to consider the fact that the complaints made above are exclusively from migrants who have registered with the SLBFE. The compulsory

registration enables the SLBFE to maintain all relevant information about the migrant and his or her employer. If an employer is blacklisted, the SLBFE will not allow other Sri Lankan migrants to work for the employer again (IOM, 2020).

There are a considerable number of migrants who have gone abroad without registering with the SLBFE. The SLBFE has been involved in various activities to protect migrants from unsafe migration conditions and reduce the vulnerabilities faced by migrants. However, according to the SLBFE, despite their efforts to make migration safer, the main problem is the absence of labour policies and codes safeguarding migrant workers in destination countries.

This section broadly discussed the important institutional mechanisms in place in the migration governance of Sri Lanka. It is important to note that Sri Lanka has a very strong institutional setup to address the issue. The connection with regional and global institutions also strengthens the capacity of the government to curtail various forms of unsafe migration and trafficking.

5 Methods

5.1 Qualitative Methods: Listening to Multiple Voices

The starting point of this study was a theoretical and empirical literature review on different dimensions of labour migration in general and with reference to Sri Lanka. This literature review mapped the parameters and patterns of labour migration and enabled an understanding of the breadth and the width of labour migration. Capturing stories that reveal people's perspectives and experiences is one of many ways in which to meaningfully comprehend the world. As such, this research was conducted to arrive at a deep understanding of the lived experiences of labour migrants across the spectrum of migration. It provides an in- depth, contextualised, exploratory and individualised understanding of migrants' experiences of unsafe migration. The qualitative methods used in the research is based on the grounded theory approach (Annells, 1996; Glaser & Strauss, 2017; Strauss & Corbin, 1990).

Even though research of this nature is primarily conducted using quantitative methods implementing survey tools, the present study departs from the customary quantitative approaches. In contrast, this study is largely qualitative in nature in order to derive an in-depth understanding of the causes, processes, vulnerabilities, support mechanisms, myths, misconceptions and consequences of internal and international migration that is taking place in the plantation sector of Sri Lanka. The desk review revealed that the existing research on labour migration (internal and international) in the plantation sector does not provide adequate qualitative information. This study has attempted to fill that research gap in the study communities. Besides, the methods adopted by the research are fully influenced by its objectives and related research questions which deal with experiences, conceptions, aspirations, myths and misconceptions which are mainly related to the lived experiences that cannot be captured through objective quantitative methods.

The project carried out qualitative research in the districts of Badulla, Matale and Nuwara Eliya to assess and understand processes of unsafe labour migration and trafficking and associated socio-economic dynamics within the plantation sector. The qualitative approach the research adopted was informed by the belief that meaningful

information about human experience could be best derived from the lived experiences of research participants. Such methods are tailored to individual circumstances and the demography or work situation of the particular community. In this research, we assign power to the narratives to capture reality by bringing out the voices of migrants and all the other stakeholders. In taking a qualitative approach, we strongly believe that to deal with certain problems, the way problems are narrated should also change. By adding the voices of our research participants, we go beyond the numbers and percentages, offering a unique angle to our work. Hence, we try to pave the way for new discourses on unsafe migration in the plantation sector in Sri Lanka through the voice of people in the study districts.

The qualitative methods adopted involved holding in-depth interviews (open-ended and semi-structured), Focus Group Discussions (FGDs) with key players, district and national-level stakeholders, and informal discussions with community members and activists. The qualitative semi-structured, in-depth interview guides and FGD guides were evaluated by two expert panel members for their compliance with and standards of research ethics. Informed consent was obtained from all participants of the research. The research assistants were provided training on field research methods. The principal researchers joined the research assistants during the fieldwork and, wherever possible, were directly involved in the fieldwork.

The semi-structured, in-depth interviews were held with prospective, in-service and returnee migrants as well as their family members. The informants included both internal as well as international migrants. Table 5.1 below shows the distribution of informants according to districts. In all three districts, we were able to approach more informants than the initial target. Through the snowball method, we found additional informants, who were included in the research as their stories needed to be highlighted. The following table shows the summary of our fieldwork details.

We found that the semi-structured, in-depth interviews with the informants provided a wealth of information that could not have been captured by questionnaires. According to Valentine (2013: 111), “interviews are useful as they are sensitive and people-oriented, allowing interviewees to construct their own accounts of their experiences by describing and explaining their lives in their own words.” We found that interviews provided rich information on various aspects of migration we planned to explore. The

interviews we held lasted 2.5 to 3 hours. We did not conduct the interviews at a stretch. In order to ensure quality, we split the time based on necessity and the convenience of the informants.

Table 5.1: Distribution of Fieldwork

Interviewee Category	Planned per District	Completed per District
Migrant workers (returnee, in-service and prospective, both internal and international)	Badulla - 20 Matale - 20 Nuwara Eliya - 20	Badulla - 23 Matale - 27 Nuwara Eliya - 26
District stakeholders	Badulla - 10 Matale - 10 Nuwara Eliya - 10	Badulla - 10 Matale - 10 Nuwara Eliya - 11
National stakeholders	10	09
FGDs	Badulla - 04 Matale - 04 Nuwara Eliya - 04	Badulla - 01[20] Matale -01 Nuwara Eliya - 04

All interviews conducted were recorded and transcribed verbatim. Additional notes were written about any stand-out cases. The transcripts on their own do not provide any explanation of the data. The researchers' task was to make sense of the data collected and interpret them critically. During this process, which is called analysis, all the transcripts were read and re-read several times to identify emerging themes and meanings relevant to the objectives of the research. The method was labour-intensive and time-consuming (Burnard *et al.*, 2008). Nevertheless, such exercises served the purpose of the research in many ways. When reading transcripts, notes were made on the margins of the transcripts to facilitate coding. Quotes were extracted from all transcripts to support the analysis. Further, additional notes were made to reflect what was being said in the transcripts. Attempts were made to verify, confirm and qualify emerging themes and meanings by searching through the transcripts, which helped to identify more themes and categories. From time to time,

[20] The planned numbers of FGDs in the districts of Matale and Badulla were not conducted due to logistics-related reasons during the COVID-19 pandemic. However, this gap was filled through the reflection workshop.

follow-up interviews and informal discussions were also conducted to validate the information and cross-check reliability. When it was observed that the respondents had gone off-track and started to move away from the questions or topics of the discussion, such sections were not coded.

A set of stakeholder interviews was conducted at district and national levels, with most of these being conducted by the key researchers. Such interviews were tailor-made to suit the informants' connection to the topic. The informants included government officers, academics, researchers, CSO officers, community members, activists and a former ambassador.

The FGDs conducted in all three districts included youths, teachers, principals, agents, migrants (prospective, in-service and returnee), Women Development Officers (WDOs), Early Childhood Development Officers, Child Protection Officers, Foreign Employment Development Officers, GNs and community activists. FGDs allow researchers to understand multiple perspectives on a selected issue and how these differ according to social groups. They also provided rich information on the selected topic. During the fieldwork, the dynamics of focus groups conducted provided unanticipated responses and counter-responses by the group members. In addition, they also highlighted information not easily generated by individual interviews.

In order to disseminate the preliminary research findings and to get more input on the information collected, a reflection workshop was conducted. The reflection workshop provided additional information that was not covered by the interviews and FGDs. The members of the reflection workshop represented all the study districts. While their inputs were extremely important in several areas, the strongest impact was on policy level changes.

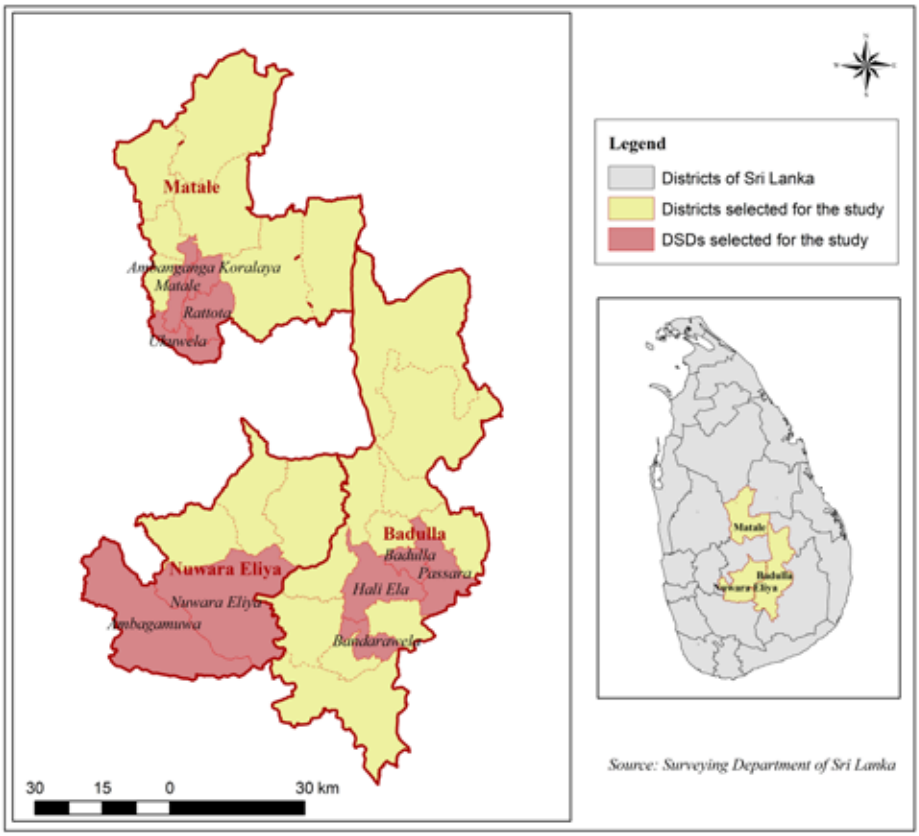
Presenting the analysis, reporting the key findings under each theme, using relevant quotes extracted from the transcripts were all guided by the objectives of the research. We found which story to tell and how to tell it a bit challenging as the interviews consisted of very rich information that could not have been revealed through quantitative methods. In qualitative research there is no standardised style for reporting findings and researchers have the option of selecting from a variety of representation styles to visualise their findings. In this research, whenever necessary,

the analysis and findings based on them are discussed in relation to context as context was important in interpreting the data. In addition, a separate section on discussion and conclusion is also included to summarise the main findings in relation to the major objectives of the research. Hence, we have a balanced description, analysis and interpretation of our findings.

5.2 The Study Districts

The study was conducted in the plantation districts of Badulla, Matale and Nuwara Eliya. This study included Passara, Hali Ela, Bandarawela, and Badulla Divisional Secretariat Divisions (DSDs) in Badulla District; Ambanganga Korala, Matale, Rattota, and Ukuwela DSDs in Matale District; and Ambagamuwa and Nuwara Eliya DSDs in Nuwara Eliya District. Map 5.1 below shows the main DSDs where the data collection was carried out in each district.

Map 5.1: Geographical Focus of the Study



5.2.1 Badulla District

***Geographic profile*:** Badulla District in Uva Province encompasses 2,861 km² of cool, hilly terrain and is situated in the eastern part of the central hills of Sri Lanka. Tea plantations in the Badulla District cover 30,639 hectares and around 150,000 plantation workers live in these estates. The area has a total of 286,100 hectares of land, of which 10.37% is used for tea cultivation, 14.65% is for paddy cultivation, 17.5% is covered with dense forest, 24.39% is for home gardening, and only 1.25% is built up land.[21]

Administrative profile: There are 15 DSDs with 567 GNDs including 1,996 villages and 186 estates. The local government administration is carried out by 15 Pradeshiya Sabhas, one Urban Council and two Municipal Councils.

Demographic profile: There is a total of 268,579 families in Badulla District. The total population is 880,340, and of this 423,161 (49%) are males and 457,179 (51%) are females. Of the total population 73%, 19%, and 9% live in rural, estate and urban sectors respectively (Annual Performance Report, District Secretariat, Badulla, 2020). The ethnic composition of the district is 73% Sinhalese, 18.5% Indian Tamils, 5.5% Moors, and 2.6 % Sri Lankan Tamils. Similarly, 72.6% of the district's residents are Buddhists, 19.3% are Hindus, 5.8% are Muslims, and 2.3% are Christians and Catholics (Statistics Division, District Secretariat, Badulla, 2022).[22]

Economic profile: The main income source of the district is agriculture. Employment based on primary sectors is 53% (Statistics Division, District Secretariat, Badulla, 2022).[23] The people from the estates do not own land, which limits their ability to participate in agricultural activities. The plantation companies typically allow company land for the plantation population to cultivate crops to further support their livelihoods. Badulla has a Poverty Headcount Index[24] of 6.8% (ranked eighth highest out of the 25 districts in Sri Lanka) as reported in 2016 (data was obtained from Sri

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[21] Available at: https://www.parliament.lk/uploads/documents/paperspresented/16257 24069018235.pdf [Accessed on 13 June 2022].

[22] Percentage distribution of population by ethnicity and religion is based on the census of 2012.

[23] Employment by industry group (Age 15 years and above), 2020.

[24] The Poverty Headcount Index measures the percentage of people living below the official poverty line in the district.

Lanka Household Income Expenditure Survey, Census and Statistical Department, 2016). However, it is pertinent to note that the impact of COVID-19 and the growing economic and political crisis have been pushing more people into poverty.

Foreign employment: A large number of persons left for foreign jobs in Middle Eastern countries such as Bahrain, Saudi Arabia, the UAE, Kuwait, Qatar, and Oman, according to the District Survey 2020. However, due to the global pandemic, the overall number of foreign workers in 2020 reduced dramatically. With the exception of the UAE and Qatar, female migration to the Middle East is considerably higher than male migration. On the other hand, male migration to countries like the Maldives and South Korea is significantly higher than female migration to those countries.

5.2.2 Matale District

Geographic profile: Matale District, which is located in the Central Province, spans 1,993 km² and has different landscapes such as plains, basins, and parallel ridges. It has both wet and dry forests. These complex and varied range of geographical features have gifted a number of mineral resources to this region.

Administrative profile: There are 11 DSDs with 545 GNDs and 1,483 villages. It has two Municipal Councils, Matale and Dambulla, and 11 Pradeshiya Sabhas.

Demographic profile: The total population is 524,601 of which 48.2% are males and 51.8% are females. Of the total population 83.6% is from rural areas, 12.4% is from urban areas and 3.9% is in the estate sector.[25] Of the total population 80% is from the Sinhalese community whereas 9.2%, 5%, and 4.8% are Sri Lankan Moors, Sri Lankan Tamils, and Indian Tamils respectively. Similarly, the religious composition of Matale District is 79.5% Buddhists, 9.4 % Muslims, 9% Hindus and 2.1% Christians and Roman Catholics.

Economic profile: Of the total employment in the year 2020, 42.6%, 32.1%, and 25.3% are in the service, agricultural, and industrial sectors, respectively. The district's

[25] Available at: https://www.citypopulation.de/en/srilanka/prov/admin/central/22matale/ [Accessed on 12 March 2022].

Poverty Headcount Index was 3.9% percent during the survey period of 2006/07–2016 (Household Income Expenditure Survey, Matale, 2022).

Foreign employment: Most of the labourers who went out of the country from the Matale District went to Middle Eastern countries. Kuwait and Qatar are the two main countries to which the people from Matale for employment. More female labourers go to Kuwait while more male labourers go to Qatar. For example, 71.2% of the total labourers who went to Saudi Arabia in 2018 were female, and they went for domestic services, while 88.8% of the total labourers who went to Qatar in the same year were male, and they were mostly skilled labourers and untrained workers. This pattern can be seen in the other years too.

5.2.3 Nuwara Eliya District

Geographical profile: Nuwara Eliya District in the Central Province which spans 1,741 km.^{2} It is a hill country with different landscape and also with different climate zones. Nuwara Eliya has been nicknamed 'Little England' after its historical discovery by John Davey, an Englishman, in the year 1819.

Administrative profile: Nuwara Eliya was first used by the British for the cultivation of crops for their own consumption, as a tourist centre and later as an administrative unit. There are five DSDs with 491 GNDs. The local government administration is carried out by nine Pradeshiya Sabhas, two Urban Councils and one Municipal Council.

Demographic profile: The total population of the District is 756,259 of which 48% is male and 52% is female. (Annual Performance Report, District Secretariat, Nuwara Eliya 2019).[26] Based on the District Survey 2020, 53.5% of the total population in Nuwara Eliya District lives in the estate sector, while 40.9% and 5.6% live in the rural and urban sectors respectively. The Indian Tamils, who make up 53.1% of the district population, are the dominant ethnic group, while the Sinhalese (39.6%) are the second dominant ethnicity in Nuwara Eliya. The composition of the district population is 51%

[26] Available at: at https://www.parliament.lk/uploads/documents/paperspresented/performance-report-district-secretariat-nuwaraeliya-2019.pdf) [Accessed on 12 March 2022].

Hindus, 39.1% Buddhists, 6.9% Christians and Roman Catholics, and 3% Muslims (Department of Census and Statistics, 2012).

Economic profile: Nuwara Eliya is a district that contributes largely to the national economy through its commercial agriculture, which includes tea, vegetables, ornamental flower plants, livestock, ornamental inland fishery cultivation, and forestry. Agro-based industries such as tea processing, dairy industries, and forestry industries are major economic contributors. There are also some small-scale industries, such as the garment industry. When it comes to the service sector, tourism occupies a prominent place. According to the District Survey 2020, 60.5% of district employment is in primary sectors. According to the Household Income Expenditure Survey, the estimated Poverty Headcount Index for the district was 7% in the year 2012/13 (*Statistical Handbook 2021: Nuwara Eliya District*, Department of Census & Statistics 2022).

Foreign employment: A high number of female labourers travel to the Gulf Region to work as domestic workers in countries such as Saudi Arabia, Kuwait, and the UAE. Of all the Middle Eastern countries, Saudi Arabia receives a relatively larger number of workers from Nuwara Eliya.[27]

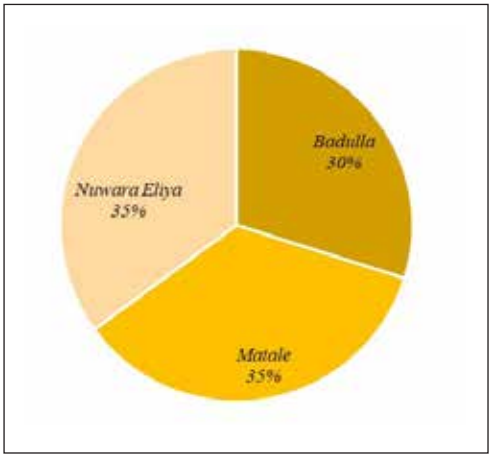
5.3 The Migrants' Socio-Economic Characteristics

In order to generate insights about the socio-economic characteristics of the migrants, this section provides some basic background information of the labour migrants who were interviewed.

Figure 5.1 shows the distribution of informants according to the districts. Our partner organisations assisted in selecting some informants. The research used snowball sampling methods to find more informants.

[27] In 2018 and 2019 respectively, 750 and 856 labourers went to Saudi Arabia from Nuwara Eliya; 588 and 579 labourers went to Kuwait and 166 and 216 labourers went to the UAE. This trend has declined during COVID-19.

Figure 5.1: Distribution of Informants according to Districts



Source: Fieldwork 2021

Figure 5.2: Distribution of Informants according to Category

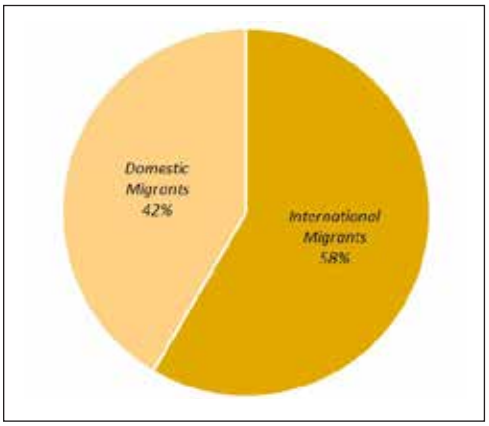


Figure 5.2 shows the distribution of informants according to their category of either international migration—migrating overseas, mainly to the Gulf countries and South East Asia—or internal migration, moving domestically from their residential areas in the tea plantations of the districts of Badulla, Matale or Nuwara Eliya to the city, mainly to the capital city of Colombo.

Figure 5.3: Distribution of Informants according to Gender

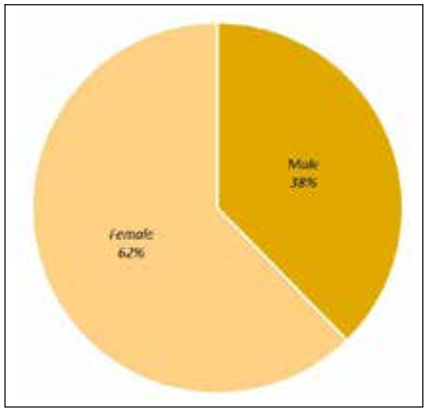


Figure 5.3 illustrates the distribution of informants according to their gender.

Figure 5.4: Distribution of Informants as per Civil Status

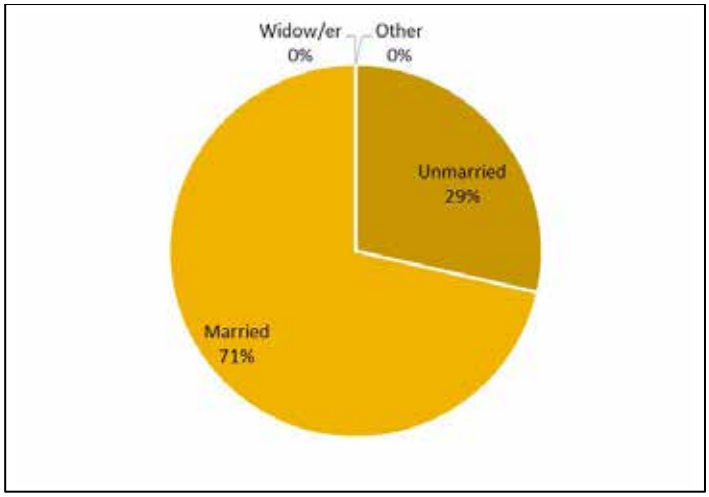


Figure 5.4 displays the civil status of the informants based on the categories of married, unmarried, lost their spouse or other.

Figure 5.5: Educational Status of the Informants

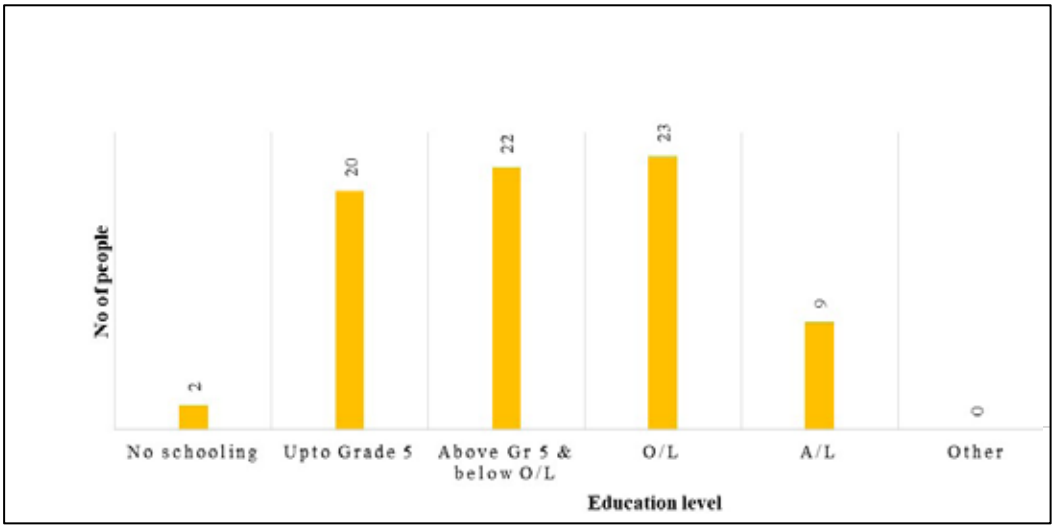


Figure 5.5 is a bar chart diagram showing the educational status of the informants. A majority (45%) has studied beyond grade five.

Figure 5.6: Age Category of the Informants

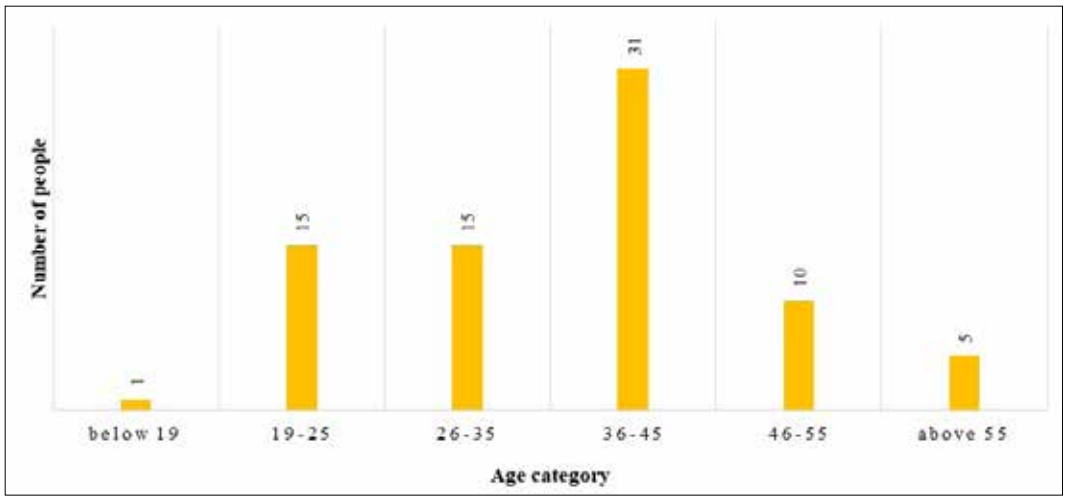


Figure 5.6 indicates the age category of the informants. It is important to mention that children were not included in this study, though there was one informant who was 18 years old. A majority of the informants belonged to the 36-45 age group.

5.4 Limitations and Unfolding Methods

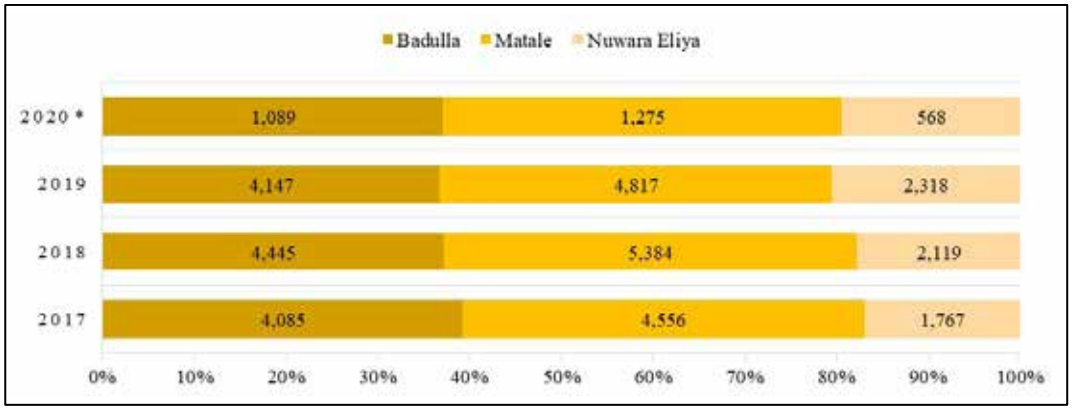
The adverse conditions of the COVID-19 pandemic created unprecedented challenges to the fieldwork. The research team had to adjust the originally- proposed methods in accordance with government regulations on COVID-19, which created difficulties in implementing our initial concept for the research project. As the digital usage becomes more rooted in our society and within a context of a heavy digital presence and usage (Murthy, 2008), we considered conducting this research through appropriate, innovative, qualitative research methods to meet the intended objectives. Therefore, the research team sought to find alternatives to the original research plan. As a first step, the team decided to switch the face-to-face field interviews to telephone interviews and Zoom meetings to access physically inaccessible informants. However, after conducting a few telephone interviews and Zoom meetings, the team noticed that there were some issues with the quality of the interviews. In such cases, the research assistants re-visited the field during the lockdown relief periods to validate the data. The research assistants provided a reflexive account of qualitative interviews conducted by them and such complementary methodologies provided opportunities to minimise any lapses in collection of information. Further, the reflexive accounts provided by the research assistants enriched the quality of the research as it led to the co-production of knowledge.

6. Trends and Causes

One of the core objectives of the research is to investigate the reasons why people above the age of 18 in the plantation sector migrate to work in other sectors despite lower wages and precarious occupational conditions in those sectors, and to understand the trend of labour migration. Migration from the plantation sector, especially international migration, has been identified as a recent trend (Chandrabose, 2015). Although internal migration has been prevalent in the plantation sector for a long time, the characteristics and the composition of internal migration are shifting. The interviews, FGDs and stakeholder interviews revealed that the drivers of both internal and international migration are similar in many cases and they overlap considerably. Labour migration trends in the plantation sector of Sri Lanka are not very different from other sectors in the country, though there is a notable number of international labour migrations taking place in the sector. The following section highlights the trends and patterns of labour migration in the study districts.

6.1 Trends and Patterns

Figure 6.1: Total Registration of Migrants with the SLBFE by District, 2017-2020



Source: *Annual Statistics of Foreign Employment, 2020,* SLBFE. *Provisional

According to Figure 6.1, in the district of Nuwara Eliya, the number of migrants registered with the SLBFE has been on the rise. This could be related to the trend identified by Chandrabose (2015), who points out that many youths and middle-aged people are leaving the estates for other jobs. In the other two districts, although the

number of registered migrants is slightly declining, we cannot conclude that international migration is also declining. This could be related to the fact that some migrant workers do not register with the SLBFE. Further, the 2020 provisional data in all districts shows a sharp decline in the number of registered migrants, which is clearly connected to the COVID-19 pandemic.

Table 6.1: Registration of Migrant Employees with the SLBFE by District, Manpower Level and Gender, 2020

Manpower Level	Gender	District			Country Total
		Badulla	Matale	Nuwara Eliya	
Professional	F	5	3	0	240
	M	30	45	6	2714
Skilled	F	41	43	25	1,853
	M	255	350	92	14,880
Domestic (Semi-skilled)	F	479	410	337	15,387
Other Semi-skilled	F	1	1	0	84
	M	11	25	4	665
Middle Level	F	3	1	0	180
	M	18	30	8	1,318
Clerical & Related	F	4	3	1	396
	M	26	57	9	2,097
Low-skilled	F	47	76	22	3,146
	M	169	231	64	10,915
Total	F	580	537	385	21,286
	M	509	738	183	32,589

Source: *Annual Statistics of Foreign Employment, 2020,* SLBFE.

Table 6.1 above shows the number of migrant workers (both men and women) registered with SLBFE in Badulla, Matale and Nuwara Eliya districts and the different categories of skilled and semi-skilled manpower in 2020. In all three districts, the highest number of migrant workers was registered for domestic work and that category was made up exclusively of female migrants alone owing to the gendered nature of the employment.

6.2 Causes

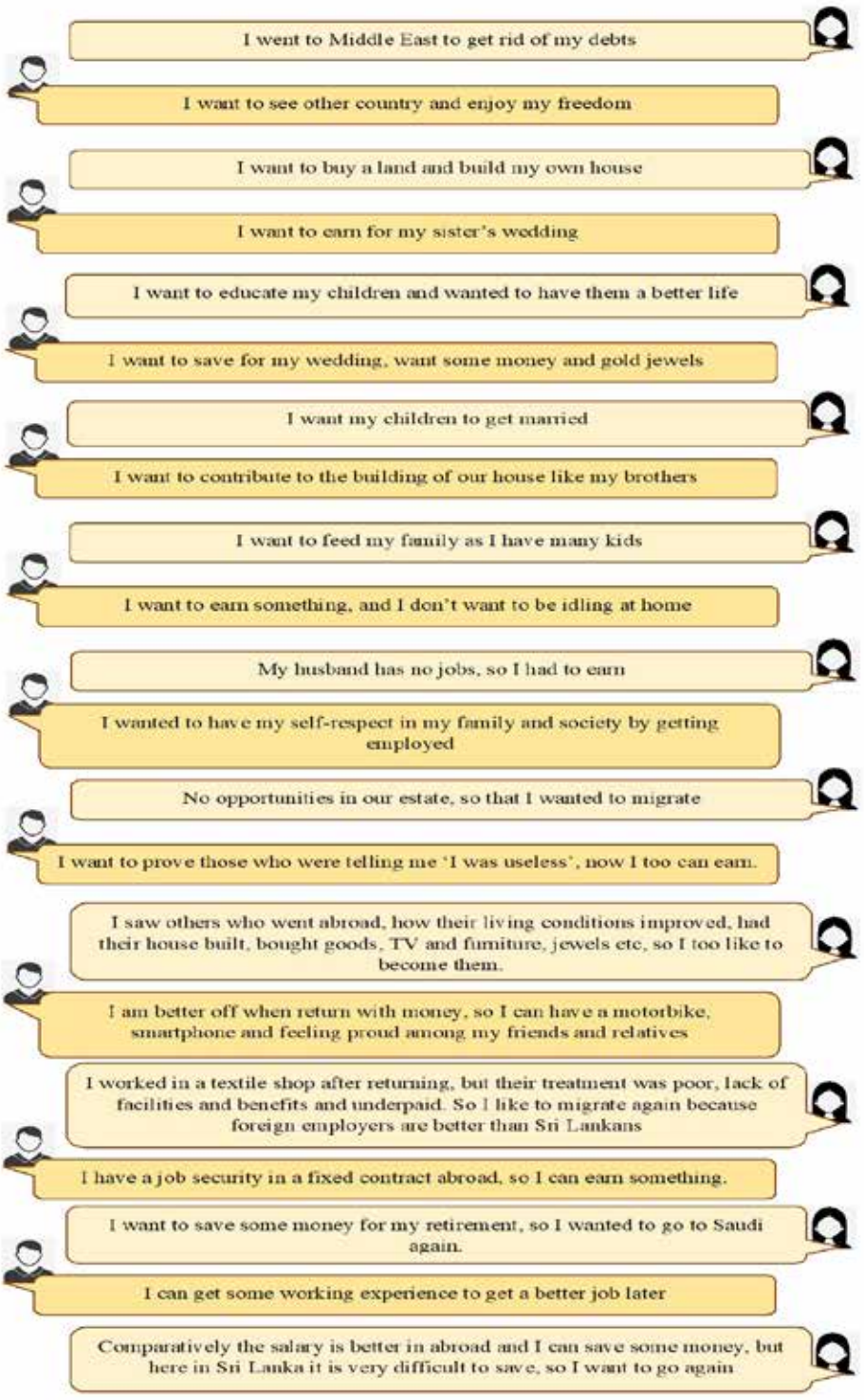
In the course of the interviews, informants were asked why they wanted to migrate. The following were some of the statements made by the participants giving the reasons that motivated them to migrate. This highlights the different perspectives of migrant workers based on their position in society.

Figure 6.2 below shows the statements given by the informants describing the reasons that motivated them to migrate (source: Key Informant Interviews (KII) with migrant workers and family members). In the section to follow we provide the findings related to the causes of migration using supportive quotes extracted from the transcripts.

6.2.1 Desperation and Escapism

Every individual who migrates does so for a variety of personal as well as social and economic reasons. For instance, a migrant worker from Badulla noted that she tried working in factories but struggled to handle the dust because of pre-existing health conditions. Another explained that she preferred domestic work to estate work and thus chose to migrate. While personal reasons factor into every individual's migration story, trends in interviewees' stories indicate the existence of group economic and social factors too. These group-trends can be studied, informing policies to be created to improve the migrants' situation.

Figure 6.2: Reasons that Motivated the Informants to Migrate



One major reason for migrating, as indicated by nearly all interviewees was, simply, finances. Many interviewees already had jobs when they chose to migrate. Thus, rather than just having a source of income, it was the possibility of making a substantial income quickly that attracted them to migration. At the same time, with the onset of COVID-19, job losses also have contributed considerably to migration, both in the case of internal and international. Interviewees pointed out that, if their house needed repairs or if they wanted to invest in their child's education, the income procured from working on the estates or in nearby factories would not suffice. As a result, even for those in the plantation community who could procure employment at shops or factories, it was sometimes more profitable to migrate internationally. This is most pronounced in families where one member could migrate and endure hardships away from home for a few years so that they could live much better collectively later on.

Building a house was a particularly important motivating factor for migrant workers. Plantation workers and their families have historically lived in 'line rooms.' They are cramped, small, and, although against the law, are often used by more than one family. They lack privacy and often do not have their own toilet. The oppressive conditions of estate housing are a particularly painful aspect of plantation life and thus building a house is significant for practical as well as social and emotional reasons (Chandrabose, 2015). A returnee migrant worker from Nuwara Eliya explains, "We do not have enough space in our home. I wanted to build a house. Our line rooms caught fire and we did not get any help. We lost many things."

Typically, when a family needs money to build a house or procure expensive equipment, they would approach a bank for a loan. However, in the plantation sector, especially in the interior, many people do not have bank accounts and rely instead on micro-financing (bin Rashid & Rafaithu, 2022). This is further exacerbated as most workers do not own their houses or any other assets through which they can obtain a favourable loan, as well as low wages that make repayment nearly impossible. Unable to get large loans they must earn income for basic necessities that other families carry out on credit.

What is more, those individuals who do decide to borrow money through unofficial channels (such as neighbours, money-lenders or wealthy individuals), they find themselves in a cycle of debt for which the only solution is migration. These loans are

often taken at exorbitantly high interest rates and under predatory circumstances (Jegatheshan, 2015: 112). Most interviewees said they migrated to pay off their debts as well as save money for a future project. Sadly, in many cases the money borrowed in order to migrate added to pre-existing debt cycles and the individuals were unable to save enough for their initial housing or familial goals.

A national stakeholder observed, "It is very unlikely that a migrant worker will be able to build a house with a two-year contract abroad. Due to poverty and having already taken a loan, they spend the money to repay the loan." It was also brought to light during all the FGDs that micro-credit organisations approach the plantation sector women through their agents in the estates. Women obtain loans for various purposes and when they cannot repay the loan, they decide to migrate. The FGD participants were sceptical about the heavy involvement of the micro-credit organisations in loan provision in the estates. Micro-credit facilities are given to women who lack proper financial collateral to access the formal banking system to fulfil their various needs, such as building a house, repairing a house, arranging dowry and puberty celebrations. Although micro-finance programmes elsewhere have been proven successful, the estate women who obtained micro-credits, according to the FGD participants, have become vulnerable to further exploitation as most of them have not spent the money in a productive way. In order to avoid such exploitative conditions and to repay the loans, women from the plantation sector have already started to migrate.

Sometimes decisions to migrate are influenced by a combination of reasons. The following quote is an example of how migrants try to achieve their multiple aspirations of well-being by engaging in migration. A female, returnee migrant from Matale District explained:

> I went to Kuwait when I was 18. My mother was working in the estate. The income was not enough. There were five of us at home. Due to poverty I decided to go to Kuwait. I sent money to educate my brothers and cover the food expenditures. After 12 years of my marriage I had to go abroad again, as I had to spend on my brother's wedding and educate my son. My husband did not have a regular income.

6.2.2 Unpaid Labour and Structural Exploitation

Some individuals have migrated not with dreams of improving their lives but out of sheer necessity. One interviewee pointed out that the cost of living had increased but that salaries earned on the estates had not reflected that. After much protest in 2021, the Ministry of Labour decided that LKR 1,000 would be the minimum daily wage of estate workers. However, this policy has taken time to be implemented and the management has found other ways to avoid paying the full wage. A member of the Plantation Workers' Society explained, "Although LKR 1,000 salary has been given to them, the number of working days is reduced to 20 now. Only if they pluck more than 20 kilos tea leaves they get the full amount. It is difficult to run a family in this situation. That is the main reason for migration here."

Now, with the increased cost of living, even the hard-earned LKR 1,000 wage is practically worthless. Thus, abject poverty on estates continues to be a major driving factor for migration.

What is more, not all estate workers are guaranteed work. Since the privatisation of the estates in the 1990s, many estate workers were unregistered, meaning that rather than being salaried as they were previously, they are paid by the day whenever the estate requires more workers. While this lends the management flexibility and reduces their labour costs, it completely disregards workers' need for secure employment. A prospective female migrant from Matale District elaborated:

> I worked in the estate. After my son was born, I quit the job. Later I went to work on a daily payment basis. They did not register me in the estate. What I earned was not enough. They gave us 40 rupees per kilo and only if we pluck 20 kilos, they will give us 1,000 rupees. If one family member works in the estate, it is not enough.

Many of the interviewees explained that they had asked the estate to register them for years before giving up and deciding to migrate instead.

Additionally, many women said that they migrated as a result of their husbands being unable to work. For instance, one interviewee explained that her husband had a chest illness and was thus unable to do hard labour. The cost of raising three children alone

and buying medicine for her husband drove her to seek employment abroad. While it is somewhat possible to survive (albeit with much difficulty) on the plantation with both husband and wife working, it is nearly impossible with only one breadwinner. Unlike other sectors, plantations have always depended on women's labour as much as—if not more than—on men's. The difficult work of plucking tea leaves from the tea bush is still done primarily by women. The plantation economy was thus structured around both spouses working and this context of two breadwinners per household facilitated lower individual wages. All these factors combined have made it very difficult to provide for and take care of a family through a job in the plantation sector. As one migrant worker from Matale puts it, "Hardships are the reason [for migration]. When you are not able to manage with what you have then your mind wanders without control to the possibility of going abroad."

Another participant from the Badulla FGD pointed out that, as male unemployment is high in the estates in Badulla, many males are engaged in internal seasonal migration to ensure their livelihood. They migrate to work as agricultural labourers in the east during the paddy harvesting season and to Kantale as agricultural labourers in sugarcane cultivation. It was also noted that some of them migrate as labourers in fishing. During the FGD held in Badulla, an agent revealed that with the onset of the COVID-19 pandemic and due to the current economic crisis, more women were approaching them to migrate to Middle Eastern countries.

He also mentioned that plantation sector women continued to engage in the migration cycle due to the alcohol consumption habits of their partners. During the lockdowns, liquor shops and bars were closed. As such, many men from the plantations started to engage in the brewing of illicit liquor, giving the other men in the plantation sector easy access to illicit liquor produced in their own estates. Youth who participated in the FGDs in all three districts mentioned that they were engaged in action programmes, such as awareness programmes and poster campaigns, to curtail illicit liquor production with political patronage. A returnee migrant woman mentioned that, in the estates, alcohol is easily accessible and very cheap. When men get together and drink, one of them pays for everyone. In such instances, she said, migrant women's husbands had more financial capacity to pay for others. Hence, they waste their wives' hard-earned money and force their wives to migrate. The returnee women also mentioned the deprivation of the needs of children due to the alcohol addiction of their fathers which

forced their mothers to migrate. A returnee migrant woman from Badulla District expressed her concern over the alcohol practice of her husband, stating, "I want to go abroad again. My husband does not like it. He is working. But he is spending all his salary on alcohol. I have children, so I have to think about their future too."

A school principal from the Matale FGD observed that the migrant women were forced to engage in the migration cycle until they retired as the remittances were not managed well by the families. The husbands of the migrant women in plantations spend the money sent by their wives on liquor. The youth in the same FGD mentioned that they were compelled to migrate in order to pay the lease for their three-wheelers and motor bicycles they had bought when they were working outside the estates because they had lost their jobs and could not pay the lease. The officer from the ISD who participated in the Matale FGD mentioned that youth in the plantation sector were attracted to the lifestyles in the cities, especially in Colombo.[28] Further, an important point was highlighted by the GN during the Matale FGD:

> Due to the COVID-19 pandemic and due to the ongoing economic crisis in the country, in many plantation sector schools, children are dropping out. Among them, while most of the boys are migrating for domestic work, young girls are migrating to work in the garment sector and shops in the nearby towns for a low salary. They want to earn quick money and these youths spoil the rest of the youths when they come to the estates.

The GN and the school teacher who participated in the Matale FGD also mentioned that those who sat for the GCE (Ordinary Level) examination did not wait for their results, instead they found low-paying jobs. They highlighted that Tamil-speaking youth from the estate, who left formal education early, were forced to engage in low-paying jobs because of the lack of proper vocational training facilities that offer instructions in Tamil. This situation keeps them in a disadvantaged position in national labour markets, as their paths to higher education, professional training or vocational training are compromised by jobs that can be easily found before completing one's school education.

[28] The section on myths and misconceptions discusses how youths from the estates are drawn to migration due to the attractive lifestyle that they want to enjoy.

6.2.3 Social Factors

For some people, however, social reasons rather than economic ones have prompted migration. Many women who lived in unstable family situations found migration to be a way out. For instance, women who have abusive husbands could use migration as a way to avoid domestic violence. A migrant worker from Badulla confessed that she hoped her husband would find work abroad so that she and her children could be left in peace. In other cases, men continued to initiate sexual relations with their wives despite sharing their one-bedroom house with children. In order to avoid this situation as well, many women choose to migrate, hoping to return with enough money to build a house that offers more privacy.

Social reasons tended to factor in most heavily when women migrated. For instance, many migrant women (particularly those who migrate abroad) suffer from social stigma upon returning (elaborated in Chapter 5). As a result, while the first time women migrate it may be for economic reasons, often the second time is in part, at least, because of social alienation. The way domestic violence and social stigma factors into the decision to migrate brings a uniquely gendered dimension to this issue.

It was also pointed out during the district stakeholder interviews and FGDs held in Bogawanthalawa, Nuwara Eliya, that some returnee women found their husbands not compatible with or suitable for them once they returned from abroad. The way their husbands dress, their cleanliness and their lack of employment creates many family problems to the extent that some marriages have ended up in either divorce or separation. The lifestyles in the destination countries have highly influenced some migrant women and altered their social identity. It was noticed that most of the female international domestic workers tend to change their appearance. Long skirts, big earrings, perfumes, shampoos, creams and branded mobile phones are connected to the migrant's social identity in the estates. Once the returnee migrants cannot sustain these signifiers of their new identities, they migrate again.

7. Pathways, Processes, Vulnerabilities and Support Mechanisms

The preceding chapters have pointed out how labour migration, both internal and international, plays a crucial role in the lives and livelihoods of the plantation sector. Our research confirms that, for both internal and international labour migration, the economic, socio-cultural and political causes are almost the same and that these are connected to 'push factors' as explained in migration theories documented in the literature on gender, development and migration. We found that the main motivation for internal and international migration is economic, with other factors also influencing migration decisions to various degrees. We also found that, unlike push factors related to outbound and inbound labour migration in other parts of the country, the push factors connected to labour migration in the plantation sector are connected to its inherent history, way of life and unique plantation sector identity.

This chapter focuses on analysing the pathways and processes being used, vulnerabilities that the migrant workers are subjected to, and available support mechanisms. In order to reach the destination countries or workplaces outside the estates within the country, the migrants take both legal and illegal pathways, which can be both safe and unsafe. Regardless of their legality, these pathways often involve several processes which push the migrants to unsafe migration practices and vulnerable situations. In this section, we discuss the pathways, processes, vulnerabilities and support mechanisms connected to unsafe migration under three stages: pre-departure, in-service and return.

7.1 Pre-Departure

Pre-departure is a very important stage of labour migration. Temporary labour migrants face a lot of challenges during the pre-departure phase. Interviews with migrant workers showed how they have to negotiate with different structures and processes when they try to find employment internally and internationally. Their narratives show various characteristics of unsafe migration connected to the dimensions of trafficking.

Deciding on who Migrates: A Gendered Decision?

Chapter 6 discussed the reasons which led plantation community to take decisions to migrate. It is clearly documented that personal, social, political, economic, and cultural factors influence migration decisions. These interconnected factors, which have worked negatively in the majority of cases, have forced people to seek employment opportunities abroad and outside their estates within Sri Lanka. Chandrabose (2015) clearly discusses the factors responsible for migration from the labour intensive and distinctly different plantation sector. Studies conducted on the tea plantations in Sri Lanka have highlighted the changing lifestyles (Bass, 2004), declining income (Chandrabose, 2015), youth aspirations for migration from the estates (Chandrabose, 2015; Kingslover, 2010), women's productive capacity (Jegathesan, 2019), their citizenship rights (Kanapathipillai, 2009), their culture (Dey, 2018), and the changing social structure (Bass, 2013; Jegathesan 2015), where authors directly and indirectly discuss the factors leading to migration decision.

The pandemic and the current economic and political crisis have severely hit the community of the plantation and exacerbated the situation. More than half of our informants expressed that their decision to migrate was prompted by severe economic hardships they faced at home. We found that the desperate need to migrate for employment, seeking work far from home, renders these migrants highly vulnerable to trafficking.

Our research shows that for both international and internal migration, in most cases, the decision to migrate is collective and influenced by several interconnected factors. Although we have identified and discussed the causes of migration, the decision on who migrates needs attention. In our study, we found such decisions are influenced by the economic cost of migration as well as the gendered socio-cultural expectations existing in the patriarchal plantation communities. A female prospective migrant worker from Badulla District explained how the cost of migration and their poverty influenced the decision on who migrates:

> My husband and I gave our passports to an agent in the town to go as a couple to work in the same house. We were told by the sub-agent that he could work as a driver and I could work as a housemaid. But my husband needed to pay 200,000 rupees. They said they could use the money that I get from the

> employer abroad to pay for my husband's departure. After waiting for nearly two years, the sub-agent said, he could pay us 100,000 rupees and could send only me. Finally, we had to accept it as we did not have any other options.

In terms of economic costs, finding employment in the low-paid domestic work[29] sector for women is the cheapest, whether locally or internationally. It is a sector where women and girls find jobs easily and a sector that sustains the reproduction of gender division of labour. As a consequence, a disproportionate female representation is visible in domestic work globally and our research endorses this pattern (Duffy, 2007). According to ILO (2018), the growing feminisation of labour migration was evident in other South Asian countries like Bangladesh and Nepal. What is most pertinent to this pattern is the associated risk of trafficking. Literature on trafficking also acknowledges that the shifting context of global care work has forced women into domestic work, making them possible targets and victims of trafficking (Mahdavi, 2013).

When discussing the 'plantation patriarchy,' Kurian & Jayawardena (2017: 3) identify it as "a comprehensive set of controls on plantations that incorporated social hierarchies and gender biases stemming from colonialism, race, caste, ethnicity, religion and cultural practices in the structure of the labour regime and in the social organisation on plantations." Even in the post-colonial period, some forms of patriarchy were retained in the plantation sector and this continues to subordinate women in various spheres of their lives in the estates. As a consequence, women in the plantation sector experience problems such as lower levels of income, lack of education and healthcare, as well as sexual abuse and domestic violence, creating preconditions for migrating from the estates. In our research, we found that the 'plantation patriarchy' extends beyond the social and geographical spaces of estates and influences both the internal and international migration of women.

One of the female domestic workers from Matale District shared her childhood experiences during the interview. She was asked by her mother to go to work as they did not have any other source of income. She recalled:

[29] The term 'domestic work' means work performed in or for a household or households. The term 'domestic worker' means any person engaged in domestic work within an employment relationship (ILO, 2013.

> In our family, we were six. I had three siblings. Two brothers and a younger sister. As my father left us, the income my mother earned from plucking tea was not enough. When my mother asked me to stop my education and go to work, I cried…..but I did not have any choice…I went to work as a domestic aid at the age of 10. I went through a lot of difficulties since then. I did not know household work… How am I supposed to do all that work at the age of 10? When I was sleeping, they poured water on my head or face, they pulled my hair. They have beaten me with a broomstick. When I said that I don't know how to wash clothes, they twisted my ears and taught me how to wash clothes….they forced all the work at that home on me…. This is how I learnt work…. I told my mother about all the difficulties I underwent, she asked me to tolerate them because I was the only one who could get that work in my family.

The above narrative, while reflecting many parameters of domestic work linked to the gendered expectations of society; also reveals child labour and exploitative working conditions, which are all part of human trafficking. The decision made by her mother to send her as a domestic worker, rather than her brothers, was influenced by the traditional notion and perception of the gendered nature of domestic work in the community as deemed by the concept of 'plantation patriarchy' which continues to influence the everyday life of the plantation sector. Thus, the perception of household work as being chores undertaken by women and girls within the families, still shapes, to varying degrees, today's views on domestic work. Domestic work is still a highly-feminised sector in Sri Lanka and one of the lowest-paid sectors (refer Table 6.1).

Another important aspect that is reflected through the above narrative is the forced labour and torture experienced by the informant at the age of 10, which is a punishable offence according to the Penal Code of Sri Lanka and against the ILO Forced Labour Convention of 1931 and the Convention Concerning Forced or Compulsory Labour of 2014, to which Sri Lanka is a signatory. However, the legal authorities find challenges in taking action against such exploitative labour conditions due to the nature of the work environments, which are private homes. Domestic work remains virtually invisible. Most of the domestic live-in workers who are employed at private homes in Colombo and the suburbs are from the plantation sector. They are also subjected to forced labour. They work excessively long hours for a little pay. As the majority of the domestic workers are females, the possibility of them being exploited is high, making

them more vulnerable. The nature of the environment where domestic work is performed creates challenges for legal interventions. There are few laws related to domestic work. At the same time international domestic workers are not included in the labour laws of the destination countries, making domestic workers vulnerable to exploitation. In addition, the subject of domestic workers within the country is politically overlooked, resulting in the negligence of domestic and care workers in political discussions.

The FGDs revealed that the families who have sent their children for work have decided to do so in order to draw more household income and secure a regular income flow for the family. For such families, child labour is essential for their survival. Working children are found in care work, the hotel sector and construction work. The FGD participants mentioned that, although the trend of sending children, especially sending girls as domestic workers, had declined, some boys were engaged in work in hotels, construction sites and grocery shops for very low salaries. Many families are trying to diversify their livelihood portfolio by engaging more family members including children.

In addition to this, the FGD participants (teachers) mentioned that many young girls in the study areas who have studied up to GCE (O/L) and could not continue their higher education had joined the garment industry in the neighbouring towns or outside the districts. With the opening up of the Sri Lankan economy in 1977, garment factories were established in the dedicated Export Processing Zones (EPZs), mostly confined to the Western Province. However, a project to geographically disperse factories commenced in the 1990s, with the objective of providing employment opportunities to youth in rural areas. Initially, it was expected to establish one factory per DSD. The factories constructed under this initiative in the upcountry areas attracted young girls from the estates. Hence, the decision on who migrates is not only determined by the socio-economic push factors, but also by the gendered nature of jobs available outside the plantation sector. The discussions with the FGD participants and some district stakeholders revealed that these young girls were also working under exploitative working conditions for lower salaries compared to what a garment factory worker in the EPZ in the Western Province would receive. They work for long hours, are exposed to gender inequality and poor working conditions. These conditions are not different from the poor working conditions experienced by young female EPZ workers (Hancock

et al., 2015). Hewamanne (2021) discusses how the COVID-19 pandemic and related lockdowns had increased garment factory workers' vulnerability to several forms of modern slavery, which was also confirmed by the FGD participants in Bogawanthalawa.

According to Bass (2013) and Kandasamy (2014), although such employment did not provide salaries commensurate with the strenuous work they performed, many young girls preferred to work in apparel factories. The FGD participants mentioned that these young girls were attracted by other girls working in the factory who showed off that they had an independent life and were happy about their work. Further, the FGD participants claimed that many young girls thought garment factory work gave them a steady income and a better social status than working in the estates. Bass (2013) notes that girls working in garment factories do not want to return to estates as it will portray them as unsuccessful migrants. During the fieldwork, it was revealed that many young girls who worked in the garment factories had lost their jobs as the garment industry was one of the hardest hit sectors during the pandemic. Their return to the estate increases their vulnerability to engage in unsafe migration.

The discussion above shows that though migration decisions are shaped by various factors, the decision on who migrates continues to be influenced by the economic cost, gendered expectations of the society and the gendered labour markets, among many other factors. It is important to note that the spaces where girls and women work as domestic workers or garment factory workers are often precarious because of the exploitative working conditions, which is a major characteristic of trafficking. According to Wu and Kilby (2022, cited Foti 2005: 2) precariat refers to a situation where the people are "hireable on demand, available on call, exploitative at will and fireable at whim." Further, their workspaces are not open to the outside world. Such a definition captures the working conditions of domestic workers as well as garment factory workers.

Receiving Information

In order to embark on the journey of finding a job, first the migrants have to receive information about available employment opportunities. According to the in-depth interviews with the migrant workers and other stakeholders such as recruitment agents,

young people seeking jobs outside their estates use a range of sources of information about jobs.

It is common among those seeking foreign jobs in the domestic and unskilled job categories to find work through known parties already employed abroad. Interviews and FGDs suggested that they receive information through their friends, relatives, neighbours or other people in the estates (sub-agents, union leaders or those who have already migrated) and outside. On some occasions, they use the same information channels to reach their employment destinations both locally and internationally. Social networks play an important role in spreading information about destination countries. Social networks also help the migrants with financial assistance and integration in the destination countries. Migration research has noted that social networks are important factors that influence migration decisions and the choice of destination (Haug, 2008). It is also important to note that the migrant workers seeking employment opportunities through social networks bypass the formal labour migration processes implemented by the state. Most of them do not register with the SLBFE.

While social networks are instrumental in connecting the migrants to the destination countries, they have also created flows of irregular migrants. We found the male migrants who migrate on visit visas have received information and have migrated with the help of social networks, as the procedure is cost-effective. However, such men have to undergo difficulties in finding consistent work.

Among the migrants, the youth mentioned that they obtained information about their jobs via internet sources, social media platforms and through mobile loudspeakers coming to the estates. The youth use social media and other sources to verify the information they receive regarding jobs. Those who choose personal networks for migration assume safety is ensured through such networks, although it cannot be guaranteed. In our study, we found many were influenced by the success stories of returnees and in-service migrants. Those successful migrants provide information about job opportunities. A young woman from Badulla, who is working in a leading clothing chain in Colombo said, "I got to know about the job through a local agent. But I searched for more details about the company on the internet." Another in-service woman also from Badulla stated, "My husband's sister was working in a house in Colombo. I got the job through her."

We met a youth from Matale who worked in a coconut estate in Kurunegala. He worked as an assistant in a lorry that transported coconuts. However, due to the fuel issue, the estate owner had to retrench many of his workers and the youth who participated in the FGD conducted in Matale was one of them. Now he is planning to go to Saudi Arabia. When we asked him about how he got the information about the employment opportunity abroad, he said, "My mother is working in Saudi Arabia. She is arranging the job for me in the same place she is working. I am going to work as a driver there."

While family and friends play an important role in arranging employment opportunities for prospective migrants, both internally and internationally, some women have received information through sub-agents too. The sub-agents are the main channel of migrant labour supply and they put migrants in touch with the agents. High-skilled professionals use formal advertisements to get information about jobs. The sub-agents that women approach in their estates or outside are recommended by their social networks. Most of the sub-agents live nearby and are well-known in the estate. They provide information about both local and foreign opportunities. Information is shared directly with the prospective migrants or through others who know the prospective migrants. Initially, the prospective migrants get sketchy information about the type of work, salary, cost of migration and processes related to migration. The prospective migrants make their initial contact through these sub-agents. One female migrant worker from Nuwara Eliya mentioned, "The sub-agent in our area told me about the job in Kuwait. I know the agent in Colombo. But I do not want to go to Colombo to get my passport or get my visa. He said that he will be doing everything necessary and I have to come for the medical only." Most of the prospective migrants from the estate trust the sub-agents, who are from their own communities. Familiarity and proximity influence the prospective migrants' decisions to approach them. As the prospective migrants are familiar with the sub-agents, they presume the sub-agents will not be involved in any malpractice. Given that most women who hope to migrate are uneducated and first-time travellers, many of them depend on the sub-agents to sort out medical check-ups, arrange their stay in Colombo and book their flights.

Some of our informants have received information about jobs through manpower agents. The manpower[30] agents connect the potential employee with the employer.

[30] Manpower agents operate to recruit workers catering to the demand locally and internationally.

There are registered formal manpower agencies operating in urban areas. At the same time, the role of manpower agents is also played by friends, relatives, and neighbours, who connect the employer with the employee. They normally get the first month's salary from the employee, for assistance rendered to the migrant to find the job. Sometimes, they may not charge any money. The formal manpower agencies obtain a commission from the employer on the salary given to the employee. This can be a one-off payment or taken monthly from the salary.

We also noticed that there are some traditional information-sharing methods still in practice in the plantation sector. A youth from Nallathanni, Nuwara Eliya District FGD mentioned that "We get information on employment via friends, relatives, newspapers and the internet. The agent or recruiters come and announce the vacancies, using a mobile loudspeaker. They mainly recruit garment factory workers and domestic workers through this method."

This mode of information-sharing focuses on employment opportunities within the country. Estates which are geographically isolated and remote benefit from this mode. However, the information shared about employment opportunities through this mode may not be reliable, making the prospective migrants vulnerable to unsafe migration.

Young migrants have used the internet and social media sources to find employment opportunities both locally and internationally. Compared to other migrants, the young migrants are more vigilant about the migration processes. They are aware of malpractices by recruitment agents. The social and printed media in the country continue to expose fraudulent agents and have shared the stories of victims.

Among the prospective migrant women, especially married, uneducated and those who had been widowed/unmarried/separated (such as women heads of households) are at a disadvantage in the process of migration. As these women are unable to contact or do not know how to contact the main agent directly, the brokering practices show how the sub-agents employ different strategies to convince the women and force them into unsafe migration. The research participants mentioned that some sub-agents had persuaded or forced some women to go abroad, because of the commission that they get from the agent when they provide domestic workers.

Clearing Official Requirements

Compared to internal labour migration, international labour migration requires many official procedures to be cleared before a migrant gets on the plane. During internal labour migration, the only document that may be requested by the employer is a character certificate from the GN, which hardly any of the employers ask for. As most of the internal domestic worker recruitment is done informally, verbal communication (as opposed to formal documents) is the only source of information.

International labour migration involves several official procedures that need to be followed before the commencement of the journey. The official clearance procedures are different for men and women. It requires considerable time to process the necessary documents. We found that, as most of the middle-aged women migrants who go abroad do not possess adequate educational qualifications, they are not aware of the official procedures. They depend on the sub-agents or agents to get the work done. However, some migrants get the official procedures done directly themselves. An agent who participated in the Badulla FGD explained that "In Badulla, most of the migrants are women and many of them have not gone to school. They come to us and we are help them to get their passports, medical certificates, contracts, training programmes and tickets."

A potential female labour migrant from the district of Badulla stated:

> As I have school-going children, the sub-agent told me that I have to get clearance from the school and the DS regarding the care arrangement of my children. Then I had to get a letter from the GN too. All these documents were submitted to the police station to get the police clearance report. I have handed over the police report and all other reports to the bureau and have signed the employment contract.

The female migrants who have school-going children have to prove childcare arrangements. This requirement creates an extra burden for other family members, such as elderly parents and in-laws, pushing them to take on additional responsibilities. The FGDs conducted in all three districts revealed that, when husbands assumed the re-adjusted gender roles, the majority of them were not able to cope**,** while only a very few managed to do well. In order to take care of the household responsibilities, with time,

they have given up the jobs they have been doing, depending solely on remittances from their wives. During the FGD held in Matale, a primary school teacher mentioned that care arrangements were not consistent and in cases when grandparents took the responsibility, they did not pay attention to the left-behind children's education and health. A school principal in the same FGD mentioned that children in such families, especially girls, were sexually exploited by close family members or others in the neighbourhood, adding that he has had to intervene in some cases to protect the child.

Another hurdle the international migrants have to pass is the payment of the registration fee. According to the SLBFE regulations, all migrants leaving Sri Lanka for employment are required to register with them. As of 11th March 2022, all migrants registering with the SLBFE need to pay LKR 15,000 excluding taxes. The registration is valid for two years. The labour migrants are expected to renew their registration before it expires by paying LKR 3,200 excluding taxes. The SLBFE spends the money collected through registrations on welfare programmes for both the migrant workers employed abroad and their left-behind family members.

Family Background Report (FBR)

As explained in Chapter 4 on migration governance, the FBR, a prerequisite of the SLBFE pertaining to the migration of women who have children under five and those who have school-going children, is viewed as a controversial document. The FBR process does not apply to single, married, separated, or widowed men. In the process related to the FBR approval, the Development Officer (Migration), who is based at the DS, is the key contact person. One of the main tasks of the Development Officer is to process the FBR of the relevant female domestic workers in consultation with the committee headed by the DS. The officer is also responsible for disseminating information on safe migration and following-up on the reintegration of returnee migrants at the local level.

A GN, while describing the procedures involved in getting clearance, expressed his views over the women migrants who leave their children behind. He said that, if the paper documents were correct and submitted to the DS office, they would process the application when the FBR review committee met. The review committee meets once a month and conveys the decision to the applicants. An applicant whose application has

been rejected has the right to appeal and the appeals are sent to the SLBFE. The SLBFE calls for a meeting every week to make decisions on the appeals.

The GN mentioned that he was not equipped with adequate physical and human resources to administer the document or follow-up with the migrants. The GN officers working in the plantation sectors have to oversee large areas. They often face language barriers when communicating with the residents of their administrative units.

However, another GN who participated in the Badulla District FGD mentioned that the role of the GN was limited to granting a certificate to confirm the applicant's residence. He further said that all migrants, regardless of their sex, needed to submit a police clearance report. In order to obtain the police clearance report, they need to prove their place of residence.

A female police officer from Matale described how migrants produced false documentation to migrate, "The migrant worker needs to get a police clearance report. Before that, they need to get a report from their GN and DS. Some are submitting fraudulent documents, especially mothers who have children under five years of age."

The Early Childhood Development Officer[31] from Matale District FGD mentioned that some mothers registered their names in another GN office and used fake information to get the FBR cleared. However, if there is a doubt, they contact the previous GN officer to verify. Another participant in the FGD mentioned that the sub-agents arranged the FBR for the migrants by bribing some officers. A development officer who participated in the Matale FGD mentioned that some pregnant women did not register with the midwife as they wanted to either sell their children or leave them behind and migrate. They feared that if they were registered with the midwife, the official records of the mother and the child would be a hindrance to get the FBR clearance.

The Child Rights Protection Officer at the Badulla DS office said:

> Mothers who do not have children below the age of five only register with us. We sign the form only if mothers do not have children under five years of age and those who can show a proper care system for the children that they are

[31] During the time of the interview (12.06.2022), the Early Childhood Development Officer mentioned that the relaxed FBR was in practice again.

> leaving behind. We check everything before we sign the document…some women are using fraudulent documents. They also hide their children. With the onset of COVID-19 everything has changed. Many women are migrating and they are not seeking permission from us. Their children are not protected.

He said that although arrangements regarding childcare were documented, they were not sure whether the children were getting proper care in the absence of their mothers. He also recalled an incident where a left-behind girl child was abused by her own father. Throughout the FGDs, district stakeholder interviews and national stakeholder interviews, improper child care arrangements were foregrounded as preventing children from gaining access to education. The FGD held with teachers revealed how the girls from their respective schools had withdrawn from school after their mothers had left for employment (both internal and international). They claimed that the impacts were more severe in the case of international migration. The teachers reported that children from such families did not come to school regularly, did not pay adequate attention to doing their homework, and had poor health and hygiene practices. They also confirmed that some of these children were exploited and abused sexually. Further, it was revealed that female children were entrusted with the responsibilities of cooking, cleaning, and childcare at very young ages and were deprived of their childhood and right to education.

The Development Officer for Foreign Employment who is working at the Badulla DS office explained:

> The migrant women come with the agents to our office. We check the documents and do a field visit related to the FBR. During this visit, we meet the GN and some neighbours. We check the birth certificates of the children and discuss with their husbands regarding his approval for his wife's migration, and care arrangements after the wife's migration. If everything is okay, we give the report within two working days. The decision-making committee on the migration of women who have children under five comprises the DS, Development Officer for Foreign Employment, Child Rights and Protection Officer, and preschool teacher. Although we make decisions on the migration of those women, we really can't understand some situations. When we go and talk with the children they like their mother's migration. It is difficult to believe.
>
> In the report, there are sections to be filled by the agent and the Bureau. Earlier, the Bureau used to inform us about the departure of the person for

> whom we are issuing the clearance. But we do not get any information from them now. We cannot follow them. The employer's telephone number given by the agent does not work sometimes.

Early Childhood Development Officer who is working at the DS office at Badulla explained at which stage he was involved in the process:

> We are depending on the GN certificate to know whether the migrant mothers have children below the age of five. Once it is certified by the GN, the foreign employment officer at the DS office forwards that document to the committee. We meet every month. The documents contain information on family members, their age, education, health and care arrangements. Then we visit their homes and inquire more. Only after these procedures, we sign the clearance certificate.

The Development Officer for Foreign Employment at Badulla District explained that, in order to get the FBR cleared, women migrants were expected to get the consent of their husbands too. She also pointed out that in some cases, if the application was rejected by the DS office on valid grounds, the Ministry would give the green light during their appeal board meetings. She mentioned that some migrants had used union leaders and other sorts of political influence to get approval from the Ministry of Foreign Employment:

> Our work ends with the issuing of the FBR. We do not follow-up after that. We don't recommend mothers who have children below the age of five to migrate. They also need to submit a letter from their husband. If we don't recommend, they can appeal. We forward the appeal to the Minister and if he allows, we too have to allow them to migrate. They use political connections to influence the appeal decision.

Despite several bureaucratic processes related to the clearance of the FBR, some women, including those whose FBRs had not been approved, have managed to leave behind children under the age of five years and migrate. Most of them did not have any proper support mechanisms to take care of their children. The sub-agents are increasingly playing a central role in facilitating the process of clearing FBRs. They offer unsafe avenues for women to leave the country for jobs. Interviewed district and national-level stakeholders, including the Child Protection Officer and the GN have professed their personal disapproval of the migration of women, especially those who have children under the age of five. However, a contradictory view was presented by a national stakeholder:[32]

[32] The Stakeholder wants to be anonymous.

> I'm totally in favour of mothers' migration, but by making informed decisions. I think women have the right to migrate and work as much as men do. The middle class has these stereotypical ideas. Even the organisations that talk against the migration of mothers are men and women who will never be in that position. They would never migrate as a domestic worker because they are in better jobs. So, they feel it's their job to judge poor mothers because they have no other choice. In my opinion, we have to enable them to look at choices and make good decisions.

Two national-level stakeholders approached for this study challenged the FBR as it denies women's right to work and discriminates against women based on the purpose of migration. An NGO worker explained:

> No one is concerned about the rights of women. Parents include both the father and mother. Nobody is thinking or pressurising fathers to take care of their children. As the community thinks taking care of children is the total responsibility of women, it does not like women's migration. The community perception is that women should stay at home and look after household work. When women go abroad for higher education, we do not set any limits. It is only when less or uneducated women migrate for work that limitations are coming to the forefront.

Although the FBR was introduced by the government to reduce the psychosocial cost of migration, there are arguments for and against it. IPS (2015) criticises how the state took over women's decision-making to migrate and assisted in perpetuating harsh family situations. The FGDs revealed that women take migration decisions not only for economic reasons but also to escape violent conditions at home.

They want to protect themselves and their children from alcoholic husbands. Within such dangerous personal circumstances, the state's intervention in the right of women to make their own decision to migrate, might force them to seek unsafe migration avenues. The state has handed down the approval of the FBR to the DS offices. The officers interviewed at the DS office mentioned that they were not convinced about the procedures adopted in issuing the FBR clearance, as they did not have any mechanisms to follow it up.

Further, they also pointed out that the state discriminates against female migrants. They added that the FBR is required only for those who migrate through registered

manpower agents, leaving out an equal number of women migrating through other social networks. There is a high possibility that the women whose FBR was rejected could be attracted by irregular migration channels. Feminist scholars have argued that the migration ban and control mechanisms such as FBR are sustained through the prevailing gender norms, which still maintain the position that men are breadwinners and women are nurturing mothers and wives (Withers *et.al,* 2022). Under the FBR, married women have to get the approval of their husbands to migrate internationally (ILO, 2018). At this decision-making stage, husbands can lodge a complaint at the SLBFE head office, regional offices or district office if he is not in agreement with his wife's migration decision**.** One of the district stakeholders interviewed mentioned that if they received complaints from the husbands it could lead to suspension or delays in the processing of the FBR. In such instances, the prospective migrants might take unsafe migration routes. It is important to note that wives do not make requests to the SLBFE to stop their husbands from obtaining foreign employment.

Abeyasekera and Jayasundere (2015) criticise the FBR requirements for reproducing the traditional ideology of caregiver roles of mothers and breadwinner roles of fathers. Apart from such criticisms, during our research, the FGD members at Bogawanthalawa mentioned that they maintain a record of women migrant families, where the father had to fill his daily activities in terms of household chores and childcare-related work. The children help their fathers to fill out the card if the fathers are not educated. Plantation Rural Education Development Organisation (PREDO) monitors this card every month. One of the FGD members attached to PREDO stated that, due to this practice the father could not lie about his role. An FGD participant confirmed that this arrangement was successful, but added that more resources were needed for it to be fully implemented.

Loosened FBR Regulations

The following were thoughts of government stakeholders on the loosened FBR regulations.

> During the COVID-19 pandemic, we made a slight change for the requirement regarding the FBR. We requested a GN certificate which is valid for six months. During the pandemic time, we allowed them to use the expired GN certificates also. Since last month many women are migrating compared to previous times. We are given a target of 100,000 migrants per year. We have reached that target.

(District stakeholder: Officer, SLBFE, Badulla District)

They have to get a character certificate from the GN. Earlier they had to get the FBR too. During the Corona pandemic, it was not compulsory. Now you can declare that you do not have a child under five and you can migrate. This process has allowed more women to migrate easily.

(District stakeholder: a registered agent from Badulla District)

The government is looking at abolishing the FBR and replacing it with a family care plan where they select a man or a woman and develop a family care plan by a development officer. I think it should be done fast.

(National stakeholder)

The above plan would be feasible and successful if it is delegated to a committee at the grass root level with the supervision of a responsible government institution.

The government officers we interviewed mentioned that they did not get clear directions about how to proceed with FBRs during the pandemic period. An officer at the Matale DS said that many mothers who have submitted their applications withdrew them during the pandemic. However, the migrant workers said they were requested to submit only the GN certificate. With the pandemic, many men who were working in the capital and other cities lost their jobs. Most of them were working in the construction and hotel sectors. These were the sectors that were immediately and severely hit by the pandemic. When the migrant labourers returned to the estates, they did not have any employment or income to upkeep the family. In addition, as reported in many parts of the world, COVID-19 has not been gender neutral in terms of its impacts. Many women and girls experienced human rights violations and abuses. As the tea plantation sector was also severely affected, many women (mostly married tea-pluckers) too lost their jobs. The situation forced many more women to take a decision to migrate simply for the purpose of survival. This desperation means they do not pay attention to the difficulties they might encounter in the migration process or at work, making them more vulnerable to trafficking. Further, such migrant workers are now increasingly opting to migrate on their own through their social networks without approaching the sub-agents or agents.

Pre-Departure Training

The mandatory pre-departure orientation, introduced by the SLBFE for first-time prospective international migrants, is conducted by its regional centres. Having been made compulsory in 1996, the main aim of this training is to prepare the migrants for work abroad and reduce their vulnerabilities in a new place. The length of the training and the components vary according to the types of employment and the requirement of the destination countries. Apart from employment-related training, the pre-departure training programmes provide information such as language, culture, lifestyle and stress management, that are necessary for the migrants to adjust to the new environment.

The migrants have to complete the training to register with the SLBFE. The registration also makes the migrants and their families entitled to welfare benefits. Upon the successful completion of this training, migrants receive the National Vocational Qualifications (NVQ) Level 3 Certificate (Weeraratne, 2018). When asked about the training experience, a female returnee migrant from Badulla District explained, "During the training they trained us on cooking, cleaning the house, cleaning the toilets and the bathroom. They showed us how to make Biriyani and how to bake chicken. But when I went there, the way they cooked was not the same. They do not eat spicy food." This shows that the training was not particularly useful. One of the prospective migrant women from Badulla District was sceptical about the training she received:

> I participated in an online training conducted by the Bureau. Due to COVID, the training was conducted online. I had 15 days of training. They taught us about cooking, cleaning, the Arabic language and how to behave in the employer's home. They also taught us about their culture and how we have to cover our heads. I do not know how the real situation will be in those homes.

Another prospective female migrant from Nuwara Eliya District raised a very important concern pertaining to improving future training programmes:

> It would have been good if the training programmes have covered how we can cope with loneliness, fear and depression.... It is a new land, we do not know the language; some women who have gone to Saudi have told the punishments for stealing and other improper behaviours. If we are caught wrongly, how can we get help?

Another returnee female migrant from Matale District had a different view: "As I underwent the training provided by the Bureau, I did not have any issues with using kitchen equipment. I wrote down some Arabic words, I carefully followed the instructions given. Without this training, for the first-time-migrant, it would be difficult."

The above narratives show that the training programmes have benefitted the migrants differently. It is also important that the training programmes are tailor- made according to the educational and language backgrounds of the migrants.

According to the FGD participants from Nuwara Eliya (PREDO), as the training is provided away from their homes, potential migrants have to bear the travel and lodging cost while also losing out on pay at their regular jobs. As such, some migrants have purchased fraudulent attendance certificates from the sub-agents.

For both men and women, considering the present economic crisis, following the course for 15 days or 45 days entails a financial loss. There is also evidence of poor implementation and low quality of the training provided especially during the COVID-19 pandemic. A district stakeholder, an officer from SLBFE from Badulla whom we interviewed detailed:

> We give training for all the migrants going via the SLBFE for work abroad. During the pandemic we provided online training. When the situation became normal we started to give training in our centres. Last week we also trained about 33 men to go to Korea and they have already left. We give country-specific training for migrants. Depending on the destination country, the training period varies.

Due to the pandemic situation, the SLBFE provided online training for prospective migrants. One of the national stakeholders expressed his concerns about and dissatisfaction with the online training:

> During the COVID pandemic, SLBFE provided online training to migrant workers. To be honest, this is not effective and these people have no infrastructure such as devices and data. Maybe the next generation is ok with online training but not this. How can they learn skills using a small mobile device?

Prospective migrants have expressed varying degrees of satisfaction regarding the online training. During interviews, prospective migrants stated that they had problems attending online training due to technical issues such as poor internet signal, not possessing a device and a lack of knowledge about using technology. The returnee migrants and a few prospective migrants said that the training programme provided neither had adequate information about the destination country nor a clear picture of the work there.

Weeraratne (2018) claims that pre-departure training equips the migrants with a feeling of empowerment as they are aware of most aspects of the working life in the destination countries in advance. For migrant women who are going for domestic work, such training is essential to reduce their vulnerability to unsafe working conditions. However, Ang *et al.* (2016), identify the weaknesses of the training, pointing out its timing, too close to departure, and difficulties in absorbing too much information in too little time. Randeniya & Farjana (2008) point out the problems in the training programme provided by the SLBFE. The major weaknesses they have noted are: the non-uniformity of training courses; non-provision of training materials; absence of systematic training for trainers; and lack of training on safe migration awareness. One of the national stakeholders we interviewed pointed out that the duration of the training would be difficult for women who have little school education with minimum exposure to the outside world. Dias & Jayasundere (2002), point out the positive impacts of the training programmes provided by the SLBFE as they have helped to eliminate some problems encountered by the migrants in their places of work. They assert that the pre-departure training programmes have helped the migrants to build their self-confidence.

Bearing the Cost of Migration

The research showed that the cost of migration is higher for male migrants compared to females. We found that, in order to finance their migration, some male migrants take interest-free loans from friends and relatives. Some men take loans from private money-lenders at high interest rates while others turn to agents for loans. Some men pawn jewellery to cover the cost of their migration.

In the case of female domestic workers, the employers cover the total cost of migration. However, some sub-agents often charge illegal, unreasonable recruitment

fees and deceive women about their prospective jobs. Registered manpower agents do not deal directly with the migrants while the sub-agents play the role of the go-between.

A female prospective migrant from Matale District revealed some of the malpractices she experienced, stating: "I was told that I will be given 300,000 Sri Lankan rupees. But they told me that they have to pay for my medical check-up and my stay in Colombo therefore I might get around 160 to 180,000 rupees only. I paid 10,800 rupees for the training."

A male returnee migrant from Badulla spoke of what he went through, saying, "They told me that the total cost of migration will be around 200,000 rupees. I have already paid them this amount. The sub-agent now tells me I might have to pay more money after COVID-19. I am not sure whether he is lying to me."

Most male international migrants find it difficult to finance their migration compared to female migrants, who are sponsored by their employers. Weeraratne (2018) and Wickramasekara (2011) discuss the hidden and open migration costs incurred by labour migrants. They blame the poor monitoring that creates spaces for sub-agents to charge higher amounts than the officially stipulated amount. There are several unregistered recruitment agencies operating in the country and they continue to recruit labour migrants through sub-agents. Illegal recruitment agencies avoid the registration process due to the cost involved and other procedures they need to follow. The unregistered agents connect with the migrants (mostly unskilled and low-skilled) through sub-agents. The agent pays the sub-agents a small amount or they are asked to collect the payment from the migrants. Many potential labour migrants approach these unregistered agents and sub-agents despite the fact that most of them charge high recruitment fees, falsify documents, and fraudulently change age and religion. The migrants are charged more money to get the fraudulent documents.

One of the informants, confronted with economic hardship, agreed to go to Lebanon on another man's passport, as he could not afford the migration cost. Some of the migrants are not aware that they have been cheated. In some cases, the migrants had to return home prematurely. The participants of the Nuwara Eliya FGD mentioned that there were similar incidents in their estates. They stated that two men who returned prematurely had committed suicide as they could not repay the loan that they have obtained from

their relatives to finance their migration. The research also documented that the absence of a recruitment cost and provision of upfront incentives for female migrants going for domestic work makes some husbands to push their wives to migrate abroad.

Unexplained Contents of Contracts

A mandatory requirement at the pre-departure stage is the signing of the employment contract, before the migrants leave. This strategy was adopted as an effort to curb exploitation. The SLBFE has signed several MoUs with recruitment agents in the Middle East, Singapore and Hong Kong. The standard contract contains information on the sponsor abroad and the domestic worker, conditions under which the contract is offered the monthly wage, duties and hours of work, rest days and leave, and details about food, lodging, medical care, transportation to host country, termination of the contract and disputation procedure, insurance cover, and provision in the event of the employee's death (Dias & Jayasundere, 2002).

The migrants are expected to understand the terms and conditions written in the contract. The employment contract should be signed in front of an authorised officer from the SLBFE and the registered agent. The contract also needs to be authenticated by the labour section of the embassy of the destination country (Randeniya, 2015). Generally, the contracts are written in Arabic in the case of Arab countries and in English in terms of other countries.[33] One pitfall of this official document is that it does not specify the roles, responsibilities and obligations of the employer (Jureidini & Moukarbel, 2004; Jureidini, 2010).

Our research confirmed that the contents of the contract were not fully understood by many of the migrant workers, especially women migrant workers leaving for domestic work. The workers who migrate through social networks do not sign a contract at all, putting themselves at a higher risk of unsafe migration and trafficking. Most of the female migrants in our research were either not educated or had very little education. The only information the migrants looked for in the employment contracts was the salary. The women leaving for domestic work rely on recruitment agencies and brokers and enter contractual bondage with employers whom they have never met before

[33] Contract Form available on the SLBFE web page.

without fully understanding the contract, making themselves vulnerable to abuse and exploitation. Thus, most migrant workers normally accept that they have willingly consented to the contracts thus unknowingly forfeited their rights. As such, they cannot later complain about any difficult circumstances they have to face.

A female migrant worker from Badulla who returned to Sri Lanka during the COVID-19 pandemic mentioned:

> We were not allowed to read the contract, we had limited time and there were so many other people waiting to sign their contracts….I went with the sub-agent to sign the contract but he was also not allowed to come inside the room… I can't read fast…further, the contract was in English…..what was important for me was the amount mentioned regarding the salary… people will check the salary mentioned in the contract and they would sign.

Some women labour migrants pointed out the contradiction between what was told to them by the sub-agents when they signed the contract, and the actual hours they should be working. A female returnee migrant from Matale explained that she had to do cooking as well as look after a farm:

> I think if we go with a one-year agreement, it would be good. If our employers are good, we can extend the agreement period. Otherwise, it would be difficult to work in a home if the employer is not good. I was told about the agreement. According to the agreement, we also have a holiday. But I was never given a day off. It was mentioned that we have to work only for 8 to 9 hours per day. But I have to work until 12 at night. I start my work around 6 in the morning. I remember in the agreement, I was recruited for cooking only. But when I came here, they asked me to look after a farm too.

A female returnee migrant complained that she was not paid her monthly salary in Lebanon in accordance with the contract. Her narrative shows that she had been deceived and exploited. Many migrant workers face unknown risks, with women being highly vulnerable. The sub-agents or agents are not able to provide accurate information to migrants about their service conditions, pay, social security and working hours, and, as a result, many of these workers are harassed and exploited. It is also pertinent to consider that, as the work is performed in the household, the chances of proving the case if a complaint is lodged by the victim are very slim. As seen above,

the characteristics of trafficking include deception, hiding details of the actual work conditions and breach of contract by the employer. The particular vulnerability of women also stems in part from their levels of education, skills, the type of work they do and the sectors they work in.

In our research, we found that most of the migrants had not made well-informed decisions as the contracts were not explained to them in detail and sometimes not at all. They are clueless about their future workplaces. A female returnee migrant from Matale District shared her experience in Lebanon:

> At the agent, the contract we signed was translated to us verbally. They told us about the salary, where we are going and our employer's phone number. I have gone to Saudi, Dubai and Lebanon before I went to Kuwait. It was only in Lebanon that they did not follow the agreement. They did not give the salary mentioned in the contract.

A male prospective migrant from Badulla District talked about his future plans:

> I am planning to go to work in a baggage clearing company at the airport. We were given training and I know what type of work I am going to do. In the agreement, it is mentioned that we cannot leave the job before the end of two years. If we want to leave the job, we need to finance our tickets. The salary after deduction for food will be about 110,000 Sri Lankan Rupees. There is only one holiday per week.

We found that unlike the middle-aged female migrants, young migrants read the contract or asked their agents to explain the content of the agreement in order to make informed decisions. Most of the female migrants do not understand the content of the agreement, as they are poorly educated or not educated at all. A female returnee migrant from Badulla District answered:

> Interviewer: Did you sign an agreement?
> Interviewee: Yes
> Interviewer: Did you read it before you signed?
> Interviewee: No, I cannot read…my husband also cannot read… but I signed.

Similar to the above case, although many of our informants had signed the agreement, they did not know the content as the document was in either Arabic or English**.** An overwhelming majority of the female migrants did not get any information regarding the work conditions in the destination countries from the sub-agents or agents. A registered agent from Badulla who is a district-level stakeholder mentioned:

> The agreement contains information on the address of the employer, agents in Sri Lanka and there (receiving country) phone numbers, and salary. All these information are there, but they are in English and Arabic. Many migrants cannot read, so they ask only about their salary. As agents, we are also under pressure from employers. Earlier they used to give us the money directly when they received the house cleaner…but now they give the money only after they do the PCR (Polymerase Chain Reaction) test for the migrants in their country.

Many informants blamed the agents and sub-agents for their lack of accountability and for deceiving the migrants regarding the contents of the contracts. In the above case, the agent knew that the migrant labourers cannot understand the contents of the contract. However, he does not seem to be worried about that, showing more concern about the money he is going to receive from the employer. He was worried about the time-consuming processes of migration due to the pandemic, which delays his profit in the business.

One of the district-level stakeholders, Manager, Plantation Work Society, Matale District mentioned that the "Agents are the culprits. They explain the information in the contract only orally. They do not show any proper documents. As the migrants are not educated or not aware of the migration-related matters, they sign in the place where the agent is asking them to sign."

The ISD officer during the FGD in Matale mentioned that the paper on which the contract details are printed was of poor quality hence even if the employees are educated, the text was difficult to read. He also added that the contract details were shown to the employee very briefly and most of the migrants looked only for the salary details. Some recruiters do not encourage the workers to sign a contract. As migrant workers find it difficult to get jobs, they too do not ask about a contract, especially in the internal migration context. A young male returnee migrant worker from Badulla District who is currently running a hotel shared his experience:

> I was recruited by a manpower agent in Colombo. I came to know about them through a friend. As I did not have any other job at that time, I agreed to work as a labourer. I did not sign any contract. I thought I was going to work in the construction sector. But I did not know that I have to work for a gas company and the job would be very tough.

The above returnee migrant was forced to work in a gas company as he was saddled with financial issues and unemployed. He got his job through a local manpower agent that sends out labourers to various places based on demand. In the above case, as the man had not signed a contract, until he got the job, he did not know he was going to work for a gas company, which is difficult work that makes him vulnerable to hazardous labour conditions. In some instances even those who have signed contracts could not fight against the recruitment agents. These types of workers are required to work long hours and receive lower salaries compared to those in the permanent labour force as the agencies deduct some amount from their wages as their commission. They are not entitled to paid-leave too. In this context, not signing a contract makes the migrant workers most vulnerable in the event of injuries or death.

Sub-Agents

The sub-agent is involved in various steps of the migration process. Their roles are discussed under other sections of this report too.

A national stakeholder who is a university lecturer from the plantation community described:

> There is a network of brokers working especially in the plantation sector to recruit women for domestic and international migration. Through this network, the agents know which family has problems, who will migrate and so on. Leaders in the estate are also supporting such networks. Women who are migrating through these channels do not know anything about foreign employment. The agent gives money (approximately a hundred to two hundred thousand) to the family members, telling them that the money is given as an incentive. Actually, it is their advanced salary. These women are bonded to work due to the advanced salary they already have got. They are caught in the process of trafficking without their knowledge. But many migrant women do not know that the money they received is a salary advance.

> The same thing happens in domestic migration also. The sub-agents are committing most of the crimes and do not disclose the contracts to the migrants.

As revealed in the above narrative, the sub-agents play a significant role in the recruitment of migrant workers. Additionally, sub-agents are informally connected to the migration chain as a bridge between the migrants and the registered agents. The agents operating in the town areas depend on sub-agents who operate informally in the villages, to approach their clients. Sub-agents help in the recruitment of low-skilled labourers of the lower economic strata. Female migrant workers, who lack the formal qualification for a job locally or who cannot find a job locally, often seek unskilled jobs. They could be easily deceived about the contract. For such women, approaching a recruitment agent in the town is complicated. They rely on sub-agents and believe that they are formal recruiters. Most of these sub-agents are often involved in overcharging, preparing forged documents, and trafficking, though this is not true of all sub-agents. Although the government, through the SLBFE, has taken various steps to regularise the work of the sub-agents, such attempts have not been successful (Weeraratne, 2018).

During the FGDs in Nuwara Eliya, it was mentioned that most of the young migrants from the plantation sector are employed in high risk and hazardous jobs in the construction and other sectors, receiving step-motherly treatment in the informal labour market. The recruiters who connect with migrants through sub-agents also prefer the labour force from the plantation sector. The general perception that plantation workers are more adaptable to harsh living conditions influences such preferences. Such migrants do not sign contracts or are unaware of contracts. It is important to consider that the plantation sector youth do not have access to a wide range of employment options owing to language barriers, level of education and skills. Therefore, they are forced into exploitative labour conditions both domestically and internationally. They become victims of deception.

Inadequate Social Protection

The research also revealed that some of the domestic migrant workers who are employed in the formal sectors are not aware of their social security benefits. The ILO's Social Security Convention 1952 (No. 102) (ILO C.102) specifies nine key areas of social

benefits: medical care, sickness, unemployment, old-age benefit, employment injury, family benefit, maternity benefit, invalidity benefit, and survivor's benefit (ILO, EFC, 2021). As the private sector (both formal and informal) was not able to resist the challenges of the pandemic, most of the small-scale private sector operators in various fields have closed their institutions resulting in job losses and under-employment. Some firms could not pay the salaries of their workers. The entry-level workers, such as migrant youth workers from the plantation sector, were immediately affected. The loss of work has long-standing impacts on the workers and, as we have pointed out elsewhere, could force them to seek unsafe migration avenues. Our study revealed that most of the domestic migrant workers from the plantation sector who lost their jobs during the pandemic have still not got their Employee's Provident Fund (EPF) or Employee's Trust Fund (ETF). Even before the pandemic, the migrant workers have faced issues related to the irregularities of EPF and ETF.

A young internal migrant from Nuwara Eliya who is working as a nurse[34] in a private hospital, was not aware of the social security benefits of EPF and ETF. She was not concerned about the non-deduction of her EPF, stating, "As I am working in a private hospital, they do not deduct money for the EPF. If they deducted it from my salary, it would be low. I did not sign any contract agreement."

Another young internal migrant worker from Nuwara Eliya District who is working at a jewellery shop in Colombo said:

> I worked in a clothes store and I left the job as my varicose problem started to worsen. I had to stand for a long time. The manager deducted 650 rupees from my salary for EPF, for eight years. But when I informed them that I was leaving the job, they destroyed my appointment letter and asked me to return the uniform. Now I am working at a jewellery shop and getting a salary of 25,000 rupees. Other workers in the shop are Indians and they are paid more than me. I am not asking about the EPF any more due to the problem I faced earlier.

The above statement also shows the lack of awareness about social security benefits. The above informant did not know about the EPF or ETF. She said that she desperately

34 Even though the above informant works as a nurse (it is unclear if she has any formal qualification), she does not want money for EPF/ETF to be deducted from her salary.

needed a job as she had lost his previous job due to the pandemic. She had approached a manpower agent in the nearest town to get a job. She had not asked about the salary or other benefits. Further, most of these jobs are confined to verbal arrangements rather than written contracts, making the workers vulnerable to exploitation. Normally, the local labour-supplying manpower agencies pool labourers and they dispatch labourers daily to different workplaces based on the demand. There are labourers of varying skill levels in their pool.

During the FGD held in Matale, three youths who have lost their jobs due to the COVID-19 pandemic and the current economic crisis mentioned that they did not get a single cent, apart from their last month's salary when they were laid off. None of them was aware of the EPF, ETF or other social benefits. An officer from the ISD mentioned, "We have conducted awareness programmes on EPF, ETF and approaching government offices, filling out forms and more importantly on the Right to Information. Some youth groups are very knowledgeable about this."

One domestic migrant worker from Nuwara Eliya District, who knew about the social security funds, had not received it. This worker, who worked at a garment factory in the nearby town said, "I worked at a garment factory for two years. They said I will be given ETF and EPF. Even after two years, I still haven't received it."

Members of the FGD in Nuwara Eliya pointed out that most of the youth who are joining the labour force outside the estates are not aware of the social benefits or they do not ask about them when they find jobs. This is partly due to a lack of awareness of their social rights, and poor communication and relationship with the Labour Department and other relevant government institutions.[35] The situation makes the migrant workers vulnerable to sudden shocks such as the pandemic and the economic crisis, though such shocks are infrequent. It is pertinent to note that domestic workers are not legally covered under any of the national social security benefits, as such the employers are not under obligation to make their contribution to the ETF, making employees vulnerable to various forms of poverty and placing them in difficulty when they are fired or if they want to terminate employment.

[35] We were told by the FGD participants that awareness programmes on social security benefits and right to information were conducted in their districts.

One of the FGD participants from Badulla pointed out the need for an insurance scheme for international migrants. The SLBFE provides insurance coverage for those who have registered with them.[36] However, a development officer attached to the Matale DS office mentioned the difficulties in accessing the insurance benefits. The difficulties she mentioned were related to both the official procedures and the lack of documents that should be submitted by the claimant. She also mentioned that the lack of awareness about the insurance procedure has made it difficult for victims to access the insurance benefits they are entitled to.

Victims of Fraud

There is no disagreement over the fact that private recruitment agencies play an important role in facilitating the labour migration process. Their role cannot be underestimated in the context of increasing internal and international labour migration from the plantation sector. However, our research reconfirms that the malpractices done by them in the process of sending prospective migrants to their destination make migrants vulnerable to various forms of unsafe migration. One of the key district-level stakeholders who is a school principal from Matale District notes the exploitative roles played by the agents who are targeting already vulnerable women:

> Agents are playing an important role in the migration of women. First, they come to the estates and help women to get their passports. Later, when they find that these women are in a difficult situation, the agents approach them with money. There are many sub-agents too. Each estate, they have a sub-agent who is giving false information about the destinations.

A youth who participated in the FGD in Matale approached one of our research assistants to verify information about a sub-agent who had asked him to pay the initial recruitment fee, which was around LKR 20,000, in order to go to Malaysia to work on the construction of a *kovil*. He was told by the agent that the work would be for three months at a salary of LKR 15,000 with food and lodging covered by the employer. However, our research assistant discovered that it was a fake job offer. Similar stories were heard during the FGDs conducted in other districts too. A strong regulatory mechanism should be put in place to monitor and control the illegal recruitment practices of the sub-agents.

[36] Available at: http://www.slbfe.lk/page.php?LID=1&PID=110? [Accessed on 30 June 2022].

Women migrants to Middle Eastern countries are attracted by the incentives provided to them before migration. The Middle Eastern countries such as Saudi Arabia, Qatar and Bahrain pay upfront incentives for female domestic workers, usually around LKR 900,000, which is shared by the agent in the destination country, agent in Sri Lanka and the migrant who is at the tail-end of the process (Weeraratne, 2014). A registered agent we interviewed from Badulla District said:

> If a housemaid is going to Saudi, she will get a higher amount of money than those who are going to Kuwait. That is the reason many women are migrating to Saudi. Those who are going to Saudi will get 500,000 rupees. But some agents will not give the full amount. They need to give money to the sub-agents and spend it on other expenditures. We give the first half when we start the process, the balance will be given when they are leaving.

According to our informants, the agent normally pays the balance money at the airport to a family member. This arrangement completely leaves out the migrant woman who should be the real beneficiary. The lack of transparency, corruption and inefficiency of the state institutions to control and closely monitor external migration will exclude many migrants from benefiting from migration-based livelihood strategies. Further, the migrant women do not have control over that money once they have left. Another point about the incentive payment is that the exact amount reaching the potential migrants varies considerably. While some of our informants have received different amounts of money from the agents or sub-agents, a few of them have not received any money at all. A female returnee migrant from Badulla District said, "When I went last time, the sub-agent told me that I will get 500,000 rupees. But later he said they had to spend for medical, lodging and travel and they did not have any money left to pay for me. Later on, I came to know that they had cheated me."

The agent or sub-agent does not give the actual amount of money that should be paid to the female migrants. A female returnee migrant from Nuwara Eliya District said "My employer asked me about the money I received from the agent. I said I received 250,000 Sri Lankan rupees. He said, he had given the agent much more than that amount and that I have not received the whole amount. He said that I have to work here for two years and I can't escape from here."

Like in the case of the above migrant, some migrants have not received the incentive at all and some of them did not know that there is an incentive, until we asked them about it. Before the incentive money is paid to the women migrants, the recruiters keep a share for themselves. They are obliged to provide a good labourer and failing to do so will be a financial loss for the recruiter. The migrant women are forced by the agents to stay in the employers' place for at least three months (until the recruitment fee is waived), even if they are in difficult situations. These types of pressures result in a situation where female domestic workers are compelled to endure abuse or bad working conditions at their destination.

Concealing Identities

One of the important traditional identity markers of Tamil womanhood is the *pottu*. The prospective female migrant worker from Matale District quoted below was asked by the sub-agent not to wear the *pottu* showing her ethnic identity in her passport photo. The sub-agent wants to show the employer that the migrant is either Islamic or Christian. She explained that "The sub-agent asked me to remove the *pottu* when I took the passport photo, because in my passport, they have mentioned my religion as Christian. They take only Muslim or Christian housemaids. If I have to act as a Muslim, I cannot do it, because they will ask me to read the Quran.

This shows how sub-agents bargain away the rights of migrants. According to international standards, such acts are a violation and a denial of cultural rights that are guaranteed in the constitution of Sri Lanka. As noted by Gamburd (1988), during the late-1980s, Arab countries preferred Muslim and Christian labour migrants. In cases such as the above, lying about the religious and ethnic identities of the migrants is risky for the migrants. If the deception is uncovered by the employer, the migrant might have to face legal charges. Dias & Jayasundere (2002) have pointed out that gender-based discrimination which intersects with other types of discrimination in the forms of 'otherness' based on non-national status, race, ethnicity, religion and economic status place women migrants in situations of double, triple or even fourfold discrimination, disadvantage or vulnerability to exploitation and abuse. In order to avoid such discriminations, the sub-agents, agents and migrants themselves are involved in preparing and producing fraudulent documents.

In the following case, the sub-agent requested the migrant worker to lie about her age owing to the age requirement for certain countries. The age requirement for a work permit for Saudi Arabia is 30 years for women and 25 years for men. A returnee female migrant from Matale District who had gone abroad using another person's passport mentioned:

> I am originally from Colombo. I married at the age of 15 and came to the estate with my husband. I had my baby when I was 16. We had a very difficult time. My husband did not have clothes to change when he wanted to wash the one he was wearing. He would wear my skirt until his clothes are dry. We had only one meal. That is why I decided to go abroad, leaving my one-year-old child with him. I was asked to tell my age as 33 by the agent. I was actually 18. The agent used another one's passport to send me. Until I came to the airport I was not told about this passport issue.

The migrant was not told that she was going to travel on a forged passport until all the travel arrangements had been completed. Although she was 18 years at the time of migration, she was asked to lie about her age and say she was 33 years. In some cases, either the migrants or the agents falsify passports and other documents, most frequently changing their age and religious identity to suit the requirements of destination countries.

False Promises and Trafficking-in-Person (TIP)

The recruiters paint rosy pictures of the migrants' workplaces. They entice migrant workers, mostly women, with promises of high salaries, a good work environment and a happy life. They also convince the migrants that they would be able to fulfil their future expectations. Although some migrant workers had good employers, satisfactory working conditions, and good salaries, most of the migrant workers we approached were not fortunate enough to have good employers. An FGD participant Nuwara Eliya District who is working with family members to bring a migrant back to Sri Lanka due to abusive working conditions explained:

> A woman migrant from our estate had to experience serious problems in Oman. Before she migrated, she was told that there are only two people in the place where she is going to work. But there were 16 people in that house. Work was extremely difficult and she wanted to return. When we approached the

> agent, he said that we need to pay him 700,000 rupees for bringing her back. When we asked about the documents which he said 400,000 is enough. But as the process to get her back was delayed, we could not communicate with her. We know she is still in Oman, but we do not have any communication with her.

The above narrative clearly shows the deceitful act of the recruiter which is also a violation of human rights. The FGD members, which included returnee migrants, said that many women who left for domestic work were given falsified pictures of the work conditions abroad. Another prospective female migrant from Badulla District shared with us her experience, the details of which qualify the act to be defined as trafficking. She was also given a false promise about the destination country. She is expecting to go abroad again. She described:

> In 2013, I was cheated by an agent. I was working in the estate for 13 years and the salary was not enough for our expenditures. I have to educate my children too. So I decided to go abroad. We were told by the agent that we will stay in Oman for three months and then will be taken to Canada to work in their family homes and factories. I did not know anything about the contract during that time. We believed the sub-agent and did not even ask more about the work. With me there were seven women, including two girls aged 16, all were promised to be taken to Oman. Actually, we thought it was Oman, but only after we landed we understood that we were in India. We stayed in a lodge and the agent locked the door when he was going out. We were given food only once per day. Finally, with the help of some boys coming for cleaning, we escaped and reached the police station. The police listened to us and helped us to give calls to our families. Then I communicated with the GN who introduced me to the agent. The police requested to do so. Finally, the Tamil Nadu police was able to arrest the agent in India. The agent was working with a human rights organisation in Badulla and was expelled from his job as he was cheating migrants…I do not know where he is now. I am planning to go abroad now through an agent in Haputale. As I have a good experience, now I know that they cannot cheat me.

Sri Lankan women are trafficked under the guise of being sent to Middle Eastern countries for domestic work. Most of the female labour migrants all over the country and especially in the plantation sector fall into the traps of the recruiters. Listening to the stories and experiences of our research participants, we understood that in both internal and external migration, trafficking took place in the form of deception and

coercion. Women within the plantation sector become more vulnerable to traffickers who could be their recruiters, due to the social environment of the migrants, which is connected to their historical marginalisation and exclusion. A national-level stakeholder, who is a lawyer and an activist, explained, "Trafficking is usually done by the sub-agent. This sub-agent could be a family member, friend, neighbour or even a group of people. Trafficking is taking place in the local labour migration also, but it is more visible in the international migration."

Another national-level stakeholder who was engaged in a research project on migrant women in the plantation sector said that her research had revealed that nearly 80% of migrants had migrated through illegal means and they did not know that they were migrating through an illegal channel. Some of her research participants had also revealed that they had been subjected to sexual abuse. With the spread of the global COVID-19 pandemic, in Sri Lanka too irregular means of migration are on the rise (IOM, 2020). Many migrants are recruited through the internet. During the FGDs it was revealed that young girls from the plantation sector, who had lost their garment factory jobs due to the pandemic, are becoming victims of recruiters who initially give these girls employment in beauty salons, spas and tourism-related services and then deploy them for sex work. Furthermore, it was pointed out that such unethical recruitments targeted women and children.

A national stakeholder, Human Development Organisation, Kandy District warned about possible TIP cases if parents are not vigilant:

> I know about a case where a small boy from the plantation sector was working in Colombo. His employer is a pilot. We came to know the boy's kidneys were removed and he died… A girl was forcefully taken for employment and after a week they dropped her at her home…Later it was found that she was pregnant…First of all we should stop sending children to work. If young people are working in Colombo, the parents should be vigilant on what they are doing. Some young people are engaged in sex work during the night time. If a son or a daughter who has not even studied up to GCE O/L is sending home 50,000 rupees monthly, the parents should know where this money is coming from. The children do not understand…. Many of them are trafficked without knowing that they are being trafficked.

Abuse by the State

A national stakeholder, a former Ambassador to Saudi Arabia brought up a very important point about how the state should be more involved in curbing unsafe migration. He explained, "We always blame the agent for exploiting or abusing migrant workers but the biggest abuser of migrant workers is the state, because the migrant worker brings in remittances to the country without any investment from the government."

As documented widely in research, the role of the state has been critical in promoting international labour migration to help address many domestic economic problems in the absence of suitable employment opportunities locally. State institutions should be fair, accountable, impartial and effective to counter all forms of malpractices within the entire spectrum of migration**.** The migrant workers' remittances support a large number of families (Gamburd, 2011; Withers, 2016). The state must ensure the availability of formal support mechanisms to migrants to safely engage in migration.

Lack of Awareness of Safe Migration

Although internal and international labour migrants experience a range of problems that push them to unsafe migration processes, many potential migrants, especially women, are unaware of safe migration practices. When a potential migrant has lower knowledge of the risk of migration and of the living conditions at the destination, he or she has a higher possibility of falling into the trap of unsafe migration. A national stakeholder stressed the importance of awareness programmes in reducing unsafe migration:

> One of the areas, I believe, that hasn't been explored enough is the decision-making among migrant workers to understand traveling without safety. The push to migrate is so much that they would go even knowing that it is unsafe. And their lack of awareness of the process even though there's so much information available at the divisional level. But why do people choose not to make themselves aware? We are so used to point fingers at others and demand many things. But I personally feel we do lose that. If someone accesses the information so that they understand the burden of the decision that they are making, the unsafe migration might be much less.

Another national stakeholder who is a university lecturer from the plantation community mentioned how the lack of information on fake employment prospects has resulted in unsafe migration:

> Recently a group of young girls from the plantation sector was taken for nursing training by a sub-agent. They were told that they will be sent abroad after three months of training. They have done two rounds of fake interviews in a lodge in a city. Then 10 of them were selected and taken to Colombo. They were told that they will work in Sri Lanka and they have to change their appearance as modern girls. They were given good makeup and asked to change their hairstyle. The agent has shown some pictures of girls who came from the plantation and how they look now after the makeover. They were later introduced to another woman who pushed them to prostitution. We were able to meet two of them who were there for two to three years. They did not want to go back to the estates as the life they enjoy now is satisfactory for them. We found that migrant women do not have adequate knowledge on formal and legal migration processes.

As discussed in other chapters, a combination of factors functions as push factors contributing to labour migration from the plantation sector. Our research has pointed out how such factors are unique in the case of youth who are caught up with the socio-economic changes taking place in and outside the plantation sector. During our field work, in all our FGDs and in-depth interviews, it was revealed that the youth are attracted to the new lifestyles. They are influenced by the internal and international returnee migrants, TV, films and social media.

We were informed about newly-established community-level migrant societies. These are very informal committees operating at the DS level. The committee includes returnee migrants and prospective migrants. The society provided a space for migrant workers and their families to meet, discuss problems, share information and support each other. If these societies could be promoted they could play a crucial role in ensuring safe migration. We also noticed that community-level organisations, NGOs and volunteers are working on awareness programmes on safe migration.

Siddiqui *et al.,* (2008) describe the action taken by the government sector through the SLBFE to conduct awareness programmes. As stated in the section on migration governance and elsewhere, the SLBFE plays a crucial role in ensuring safe migration in

all phases of migration, commencing with the recruitment process, registering outbound labour migrants, right up to their return and reintegration. A district stakeholder, an officer of SLBFE from Badulla District mentioned:

> The recruitment agents who have formal connections with the agents abroad connect with us for registration. Before we register them we make a reference check with the police and their banking history. Only when we have satisfactory proof, they are allowed to register. The agents have to pay a deposit of 850,000 Sri Lankan rupees and they have to renew their license every year. We follow how they handle problematic cases. If they have not followed the rules and regulations, we ban them. We do not have any connections with the sub-agents. But we know they are the people who cheat the migrants. We need to expand our awareness programmes.

An FGD participant, a school principal from the Matale mentioned that "We have come to a stage where we cannot avoid migration and it has become the only way for many people to move out of poverty and to fulfil their various expectations. However, the most important thing the government has to do is fully support the process with proper changes to the system."

He further added that the migrants, especially young men, who are migrating, should at least possess an NVQ level certificate in the field that they are going to work in. The principal, with the support of the DS office, conducts programmes on the NVQ level certificates for relevant students. He preferred sending a trained labour force rather than sending workers for unskilled or low-skilled work due to poor salaries and exploitative working conditions.

The section to follow provides an analysis of and discussion on the in-service migrants' experiences.

7.2 In-Service

The abusive in-service working conditions of Sri Lankan migrant workers have been researched widely in the context of both internal (Chandrabose, 2015; Hancok *et al.*,

2015; Hewamanne, 2020; 2021)[37] and international (Abu-Habib, 1998; Amirthalingam & Jayatilaka, 2015; Arokkiaraj & Rajan, 2021; Fernando & Lodermeier, 2022; Frantz, 2008; Jureidini & Moukarbel, 2004; Shlala & Jayaweera, 2016) migration experiences.

In our research we found that migrant workers, mainly female domestic workers, who work locally or internationally, experience poor working conditions. The migrant workers described a range of abuses that they had experienced while working abroad. Many said their employers did not pay the agreed salary, forced them to work excessively long hours without breaks or days off, denied them adequate food and a proper place to sleep, and did not allow them to communicate with their families or restricted such communications. They typically have few welfare rights, health benefits and access to legal services. International migrant workers are also caught up in the *Kafala* system. Although the *Kafala* system has been recognised as oppressive and has since been reformed; in Saudi Arabia the reforms did not include domestic workers and thus are not beneficial for most women migrants. In April 2021, 41 such workers were detained for over a year because of issues with the *Kafala* system (Amnesty International, 2021). In fact, except in Jordan, migrant workers are not covered under any local labour law whatsoever. In most host countries, there is neither a minimum wage nor a standardised contract for migrant workers.

The recruiting agencies that send workers overseas are well aware of the abuses these women face. Similarly, the governments of the labour-sending countries too are aware of the facts but do not fully disclose these to the migrants.

Our informants reported multiple types of rights violations that impacted their physical and mental well-being. Their social life is completely reduced and restricted to the workplace. Their actual living and working conditions are hidden and they vary according to the types of employers they get. Unlike other workers, the care workers who are employed in houses have limited power to negotiate their work rights or they are unaware of their rights or what they have signed up for in their labour contracts. They hardly take action or have limited space for taking action when they face harsh working

[37] The research on internal migrant workers in Sri Lanka concentrates on migrant garment factory workers.

conditions. International migrants' actions are shaped by the social, political, economic and cultural contexts of the host countries.

On Arrival

For some migrants, their vulnerability starts on the day they arrive at the airport of the destination country. A national stakeholder who was a former Ambassador to Saudi Arabia shared his experience:

> I remember in Riyadh, Saudi Arabia, there is a section in the airport similar to a dormitory. Female migrant labourers are kept in that place until their sponsors come and pick them up. The manager of the dormitory asked me to see the facilities and one day I went there. I remember there was a Muslim woman from Slave Island waiting to be picked up. I spoke to her and she said she wanted to go back home? Then I said "You have just arrived, why do you want to go back home." She said "I have a 2-month-old infant. I had given my passport to the agent a long time ago and we had taken money from him. As we could not repay the money, I had to come." Because of the desperation, because she's poor, the woman might have agreed without thinking about the impact of leaving the baby. Now she misses the baby.

As the national stakeholder elaborated above, that the migrant worker in this case was not mentally or physically prepared to work abroad. In such a situation, there will definitely be a conflict of interest between the employer and the employee. Although pre-departure physical medical check-ups are required, there is no mental health screening process for migrant workers prior to their departure.

Abusive and Exploitative Work

Upon their arrival in the destination countries, migrants experienced a different reality to the one they had been promised or were expecting. We found that most of the returnees had experienced psychological or verbal abuse when they were working as domestic workers. This occurred partly because of language barriers, particularly at the early stage of their employment.

To understand the abusive, exploitative and precarious work conditions of migrant women, it is important to listen to their stories. A female returnee migrant worker from Badulla District expressed:

> Although the sub-agent told me that my salary will be increased after three months, nothing happened. Further, the work was not what I expected. I would wake up very early in the morning to start cooking and sending the children to school. I need to feed them and arrange their clothes. Once they left, I had to clean the house. I had to wash the toilet twice a day and clothes should be done twice a day. If they find I am resting they would send me to another house. I do not have time to rest. When the children return from school, they will play. In the afternoon I have to give them a shower and change their dresses. I make dinner and feed them. Even if I do all this work for them, they yell at me and humiliate me... They will play again and I have to give them a shower after dinner too. They will go to bed around 9pm and I have to be with them until they go to bed. Even if I do all the work they yell at me and they have tried to hit me. But I tolerated everything as I came here to create a better life for my children.

The above migrant's narrative includes many dimensions of exploitation, both physical and verbal. Her expectations of migrating abroad were far from what she experienced. She endures the hardships as she does not want to compromise her aspirations for the future. Employers' criticism is common for many domestic workers. Just like in the above case many workers even experience humiliating treatment from the children they care for.

Most of the returnee migrants we interviewed have experienced psychological and mental abuses, particularly during the early stages. The returnee migrants' stories of psychological abuse have not been given due attention by the embassies and the detention centres. We found that migrants with limited skills were given jobs that were not accepted by the locals. Such jobs are dangerous and difficult. Some of the international migrants said the people in the host countries treat labourers differently. They explained that generally, the migrants from South Asia and some African countries are considered uneducated, poor, hardworking and submissive. The domestic labourers from these countries are viewed as inferior. The migrant women said they were not even considered as human beings by some employers, which affected their identity and survival.

Another returnee migrant worker from Matale District shared her experience of living abroad. Before marriage she had served as a care worker in Kuwait and Lebanon. She went to Kuwait when she was just 18 years old. Just like the majority of the migrants in our research, her decision to migrate was influenced by the poverty of her family. Twelve years after her marriage, she decided to migrate as she had to spend on her brother's wedding and she pawned her jewellery to cover the expenditure. She explained the difficult work she had to do in Kuwait:

> After finishing all my work I usually go to bed around 12 or 1 in the night. My boss had a farm and I had to work on that too apart from doing work at home. My boss's relatives visit home every day. For dinner, there will be around 20 to 30 people. I have to prepare dinner for them. Once the dinner is over, they will ask for coffee. No time for me to rest. In the morning after cleaning the home, I iron their clothes and prepare lunch. I cooked three times a day. I have to take care of the chickens on the farm too….the agent never told me that I have to work on a farm apart from the household work.

The above migrant said that she often worked 16 to 18 hours per day. She added that the house she worked in was large, which made her daily chores extremely difficult.

At an FGD another returnee migrant worker from Nuwara Eliya District who had a difficult time described:

> The second time I went to Saudi. In Saudi, they did not give me the agreed salary. I escaped from that home and surrendered to the police. I was sent back to Sri Lanka. Altogether, I have worked in nine places in Saudi, Lebanon and Kuwait. In the last house I was employed I had to look after 60 children and grandchildren altogether as the boss had many wives. I escaped from that home. The agent took my passport and did not allow me to come back to Sri Lanka. It was through the embassy that I came back.

A male returnee migrant from Badulla District said "They give us the jobs where their people are not employed. What we are doing here is a dangerous job. It is difficult too. We have to tolerate this as we have to feed our families."

Working hours for the migrants are exceptionally long, in some cases more than 14 hours per day. Although the agents might know about the working conditions, they hide it from the migrants. Most of the migration agents have deceived, misled or failed to warn

prospective contract migrant workers about abusive conditions. As the households in the Middle East often consist of extended families, work can be arduous and it could include cleaning, washing, cooking and taking care of children and the aged. The following two migrants reflected on abusive, exploitative working conditions and working at multiple homes. A female returnee migrant from Badulla District explained "If I finish the work early, they will ask me to go and work at their father's home. They also asked me to work in another home. In those homes, they do not pay me a single rupee."

A female returnee migrant worker from Matale District had this to say:

> Since 2004 I have gone to three countries—Qatar, Kuwait and Saudi—as a housemaid. I returned from Kuwait in 2021 due to Corona. It was difficult at first. They did not give me good food. I was given a cup of tea and a bun, both in the morning and evening. Work was also very hard. I said I want to return to Sri Lanka. Then my madam told me that they have paid for me in advance and I have to work for two years. I got only 80,000 rupees from the agent. I contacted the agent and told him that I would kill myself if he did not rescue me. I think the agent would have called my madam. My madam sent me to several homes during the first three months. I worked in six homes during the three months.

In addition to the exploitative working conditions, the above migrant had to work in other houses too. As noted by Khan & Harroff-Tavel (2011), the loaning of migrant workers to other households is widely practiced. In addition to this experience, the agent deceived the above migrant too. As conditions laid down in the contractual agreements are not clearly understood by the migrants, once they have signed, they do not have the right to fight against it. Some of our informants also said that the intermediaries and sub-agents verbally provide them with fabricated contents of the contract documents. Consequently, most migrant domestic workers did not know the fact that they had a three-month probation period. However, in some cases, even if they knew the conditions laid out in the contract, they might have accepted it considering the serious push factors of migration. Further, it was revealed to us that even after the probationary period, the conditions of work had remained unchanged.

A national stakeholder said how male migrant workers are forced into very harsh work in the desert. Most of them, according to the stakeholder, were not told about the work

prior to their departure—which clearly qualifies as deception under trafficking. Some women also mentioned that if the employer's family went camping in the desert, they also had to go with them and do all the work there. A former Ambassador to Saudi Arabia explained, "Sometimes male migrants are tricked into working in deserts to look after camels and goats away from civilised life. Then imagine the impact that person has."

Domestically too, many migrant workers suffer from similar abuse as they too work in intimate spaces such as wealthy individuals' homes.

What makes the various wage violations, abuses, and struggles worse is that migrant workers are often disempowered from addressing them. For instance, a domestic worker from Badulla who migrated abroad said that although she was paid less than her stipulated contract, she did not complain about it out of fear that the employer would not drop her at the airport when her employment was complete.

Agencies provide little to no support for workers facing such issues. They often scold the workers and hang up when they try to contact them by phone. According to a lawyer and a researcher, many agencies also send workers on tourist visas rather than work visas, making it difficult for workers to seek legal assistance in their host countries and creating fear about raising wage issues. Working in an unknown country with dubious travel documents, surrounded by stories of employers confiscating passports, and with unsupportive agents, it is no wonder that migrant workers are too afraid to report wage violations and instead prefer to settle for whatever they receive.

In another instance, a migrant worker who went to Malaysia explained that although she worked in a house for nearly a month before moving to another, she was not paid for her labour in the first house. While wage violations typically do not enter into the realm of trafficking, cases such as the one mentioned above throw such rigid definitions into question. After all, when workers are unable to resist months of non-payment of salaries, their situation becomes more akin to slavery than migrant labour.

Such labour violations frequently occur with internal migration as well. Many interviewees said that they had unusually long 'training periods' during which they were underpaid. One worker said, "I worked in a welding shop. They did not give me a salary. They told me after the training they would give me the salary. But they did not

give the salary and only paid for the transport. What we are left with is the estate work. But nobody wants to go." On top of the exploitative wage system, when underage individuals migrate internally from the plantation sector, their income goes directly into their parent's or guardian's account, giving them no ownership over their own labour. Sometimes this money is squandered by relatives and the worker finds there is very little left for her/him.

Migrant work is also exceptionally unsafe because their experiences of exploitation occur far away from existing support systems. Many international domestic workers we approached described instances of sexual abuse, beatings, overworking, and starvation. In some cases, when workers tried to flee their employment, they were kept in detention for not having documentation or even returned to their employer by the police.

The female returnee migrant worker from Nuwara Eliya District quoted below, had been to other Middle Eastern countries since 2008 before she went to Saudi Arabia. During the time of the outbreak of the COVID-19 pandemic, she was in Saudi Arabia. She shared her experience:

> I went to Saudi in 2020 January. Before that, I have been in several countries since 2008. The last time I went I had a very bad experience. It was the beginning of the Corona spread. I worked in that house only for three months. The work was very hard as all of them stayed at home during Corona. They did not give me the salary as mentioned in the agreement. The boss and his wife took all my jewellery and told me they will give it when I go back to Sri Lanka. They did not give it to me. I was not given good food. They gave me the leftover rice. They hid all my contact details from Sri Lanka. I was also asked to work in their daughter's home. I had to fight with them to get to the embassy and finally I reached my home after 8 months.

An internal male in-service construction migrant worker from Nuwara Eliya District reflected:

> During COVID, we were stuck in Colombo. We could not come to the estate without a pass. We did not have anything to eat. All the shops and hotels were closed. Finally, we were able to get a pass from the police and we came home. Our employer had deposited some money to my account. So we are using it to cover food expenditures.

A national stakeholder shared her experience:

> During the COVID pandemic, the Sri Lankan migrant workers who were in Lebanon had the worst experience. They lost their jobs, accommodation and food. Our government or the embassy did not pay any attention to them. There were a lot of pressures from different parties. We were able to send some dry food to our migrant workers in Lebanon. It was only after all these the government brought the workers back to Sri Lanka. Actually, we are working on issues related to migrant garment factory workers… but we don't have adequate mechanisms to monitor what is happening to care workers at private homes.

Emerging research confirms that migrant workers' positions were further deteriorated with the outbreak of the COVID-19 pandemic and domestic work became unsafe and precarious, with increased vulnerability for workers due to the lack of protection in the host countries and in their countries of origin (Aoun, 2020; Foley & Piper, 2021; Jayakody, 2020). The lockdown measures such as curfews and mobility restrictions pushed migrant workers to live in a volatile environment. The migrant workers, especially the female domestic workers, are disadvantageously positioned in the *Kafala* system. With the onset of the pandemic, in a situation where the migrant domestic worker's passport is confiscated by the employer, it was widely documented that the domestic workers were forced to work without pay. They also had to endure physical, sexual and psychological abuses.

Another national stakeholder expressed her concerns over the situation of the exploitative working conditions of the internal migrant garment factory workers who were severely affected by the COVID-19 pandemic:

> During COVID, the migrant workers had a hard time. They had to work hard. Already they were working for low salaries. But with COVID, the situation got worse. Factory management is going behind the target per day. Workers' rights were not respected during the COVID. Further, due to their working conditions, they were the most affected. The government did not help them. Many NGOs and other voluntary organisations helped them. If they do not go to work, due to COVID, they are given no-pay leave. Some companies asked their workers to come to work even if they were sick. They were asked to take Panadol and vitamin C if they were sick…Garment workers were the first to lose their jobs due to COVID.

The pandemic had a devastating impact on the lives of many apparel industry workers. Some of them were fired from their jobs without prior notice. In addition, they were not paid their salaries in full, bonus provisions were curtailed and their work hours were reduced. In some cases, they were not given leave and forced to work long hours as the government also supported business owners to continue their businesses without any interruptions. The garment sector, which contributes nearly 6% of the GDP, was one of the hardest-hit sectors. Due to the pandemic, many were forced to close down, either permanently or temporarily. The closure of the factories affected hundreds of workers, who were predominantly females from rural areas, mainly the plantation sector.

The story below is from a 36-year-old internal domestic migrant worker from Matale District who started to work at the age of 10. Most domestic workers from the plantation sector start to work at an early age and are vulnerable to various forms of exploitation and abuse including sexual harassment:

> My parents forced me to work to feed the family. I started to work at the age of 10. I did not go to school. I can't read or write but I can sign. I have worked in multiple houses. I was able to cook for more than 10 people when I was around 11 years old. When I was working at different homes in Colombo, I have undergone some problems that I can't tell now as my children are here. I never saved anything for me. I married at the age of 19. At that time I did not have a single rupee in my hand. I had some clothes. I thought, that after the marriage my husband would not send me to work and look after me well. But life was not what I thought, even after marriage, I am continuing the same work.

Although we could observe a declining trend in engaging underage girl children as domestic workers outside the plantation sector, mainly in Colombo and other cities, the FGDs highlighted that the continuation of the practice could not be ruled out. The above narrative reveals the exploitative conditions forced on an underage girl by the employer. The migrant worker said that she agreed to the marriage arrangements made by her parents, expecting that her marriage would liberate her from the work she was engaged in. However, after marriage, as her husband did not have regular work, she was forced to shoulder the responsibility of providing for the family. The above domestic migrant worker continues to engage in the same work to feed her family. The above account reflects the stories of many women regarding their past, though their present circumstances are diverse.

Another case of exploitative working conditions was described by a young male security officer from Badulla District who is currently employed in a company. He expressed his worries over the type of problem that he faces in his job:

> I have a lot of issues in the job that I am doing now. If I get sick, it is difficult to get medicine. If there are any problems at home, I cannot attend to it immediately. I have to wait until my shift is over. There is no alternative to finding another person. I do not have any freedom in this job. Rights in this job are very limited. We cannot use phones or read newspapers. If the person who should come next in the shift does not come, I have to work until he comes. I have worked two to three days like that. This job is not suitable for me. I am not getting a good salary. I did not like this job. As I did not have any other options during that time, I chose this job.

The FGD participants said youths who are educated up to GCE (O/L) or GCE (A/L), engaging in work (such as security officers in firms) outside the estate is an emerging trend, which is also connected to the changing employment aspirations of the plantation sector youths. The above account shared with us by the youth who serves as a security officer in a firm revealed an exploitative work environment in a different job than what we have discussed in other cases. These are poorly paid jobs that demand the willingness to take risks. Another young male returnee migrant from Matale district, who was employed at a gas company described his risky work, which is also exploitative in nature:

> The work that I did at the gas company was very risky. I have to place my finger print sharp at 7.30am. Even if there is a one minute delay, they will cut half a day's salary. We have to work until 7.30pm. The salary is given to us through the manpower agent. We have to do overtime work every other day. It is not voluntary. We have to do it. On certain days, I have worked until 4 in the morning. If I take leave on the following day, it will be counted as a no-pay day. If cylinders accidentally fall on a leg or a hand, we cannot work. The manpower agent will decide where we have to work. We don't have any direct contacts with the company. We actually do not know how much salary the company gives us. The manpower agent takes money from our salaries. When I was working there I was not given any insurance option. Later I came to know the workers were insured.

Most of the migrant workers, both internal and international, mentioned the lack of leave entitlement. In the case of international workers, their leave entitlements are mentioned in the contract. However, most of our informants who were engaged as

domestic workers had to work seven days a week. In the case of internal migrant workers, most of them request leave from their employer once a month or once in two months. They also take leave during festivals. A male in-service security officer from Badulla District explained, "It is difficult to get leave every two months. After three months, I would say my child is not well and I want to go home, then they would allow me."

The following NGO worker who hails from a plantation background expressed her concerns over the poor working conditions of migrant workers. Two of her siblings have witnessed the worst forms of labour exploitation. She described:

> The reason I became interested in this area of research is that many of my family members went abroad for work. My own sister went to the Middle East and she had to face a problem as her employer was not allowing her to return. We communicated via the Bureau and we were able to get her back to Sri Lanka. She has gone abroad again. My brother was hired by an Indian company to work in the construction sector in Qatar. He told that the team that went from Sri Lanka was treated as slaves. They were not provided with proper accommodation or food. When my brother went to complain, his boss attacked him with a belt.

Apart from the exploitative working conditions, the above account also shows the marginalised position of a construction worker from Sri Lanka. A migrant family member whom we interviewed in Matale was in a desperate situation to bring their son back from Qatar,[38] where he went to work as a labourer in the construction industry. According to the mother, her son had fallen from the fourth floor of a building while working and broken his spinal cord. At the time of the interview, her son was still in the hospital. They have communicated with the agent and the embassy, however, no action was taken.

It is important to note that a large number of construction workers from Sri Lanka are working in Qatar. Amnesty International has written a detailed report on the dark side of the labour conditions in the construction industry of Qatar. The report criticises the system that permits abuse and traps workers (Amnesty International, 2013). The report further

[38] In the run-up to the 2022 FIFA World Cup, Qatar has commenced massive infrastructural programmes to uplift the cities, airport, roads and stadiums. It continues to recruit labourers from neighbouring countries.

notes abusive and exploitative work conditions such as salaries that were different from what was agreed on, salaries withheld or partially paid, passports confiscated, excessive work hours, failure to protect workers' health, and improper accommodation.

Another male in-service migrant worker from Nuwara Eliya District who is working in Colombo in the construction sector shared his experience:

> I was working in Saudi from 2012 to 2013. I did not do any job after that. Later, I bought a three-wheeler and I had to pay the lease. The lease is 15,000 rupees per month. Now it needs a repair. So I have to work to pay the lease. I got this job through a friend of mine. Many of our men are working in the construction sites in Colombo. I have experience. But this job is risky. I know some have fallen from higher floors and died…we do not know at what time a thing would fall on our head or we fall. Some got injured. These days it is difficult to find work and I decided to choose this as this is the one available now…..but I cannot continue to do this work until I die… I know it is a really tough and a risky job that we are doing. It is even more difficult during the rainy seasons. At least I am able to pay the lease for the three-wheeler. With Corona, construction work was affected everywhere. So I came home.

Sri Lanka's construction sector witnessed an unprecedented growth after the military end of the 26-year-old war between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE). However, the construction sector faces a huge labour shortage as men have started to migrate as labourers to other countries, mainly to Middle Eastern countries for similar work, as such employment provides higher salaries. During our study, we found that many middle-aged men were employed in the construction sector in various parts of the country, particularly in the capital. The above account of the construction worker reflects the associated risks in the job. But he is forced to engage in the job as he has to pay the lease for his three-wheeler. Currently, there is an increasing trend of labourers being drawn from the plantations to work in the construction sector.

In Detention

Although women migrant labourers migrate with lots of expectations, the work and life of the destination countries for most migrants do not provide the financial benefits that they dreamt of. Some of them escape from their employers as they cannot tolerate the torture, abuse and exploitation in the homes that they are working.

The Olaya detention camp in Riyadh is where hundreds of migrant women from the South and South-East Asia are held.[39] There are similar camps all over Saudi Arabia that detain migrant workers if they have not received exit permits from their employers. Some migrant workers are held by the police for various other reasons. Those migrant workers who run away from their abusive employers are also sent to detention camps.

An officer who was approached for an informal discussion[40] said that the files related to the cases of Sri Lankan migrant labourers are sent to the SLBFE by the host countries. The above informant mentioned that the Sri Lankan Embassy remains silent regarding the Olaya detention camp. A female returnee migrant from Badulla recalled her experience in the Olaya detention camp:

> I got good houses to work in the first and second times. But, the house I went to work at this time was the worst. When I arrived at that home, the maid who was already working in that home told me about the difficult times she had and advised me. They did not give me any food. On some days they gave me the food that they had eaten and left on their plates. I have to start my work after having a cup of plain tea. I started very early in the morning and went to bed around 12 in the middle of the night. When I started to complain, they locked me in a room. I cried and said, I want to talk to the agent.... When I talked with him, he said not to return. As I continuously cried, they sent me to the embassy. The people in the embassy sent me to a camp. They did not help me. The name of that camp is Olaya camp. It is in Riyadh. Life there was very difficult. Although I worked in that house for nearly two months they did not give me any salary.

When asked about life in Olaya camp, she elaborated:

> We were taken to that camp in a vehicle with tinted glasses. We were told to hide and lower our heads when we saw the police. In the camp, we were given a small bottle of water to wash our faces. Our food was a small roti with dhal curry. We were also given a cup of tea. I came to know that some people in the camp had gone mad. I have seen some women being kicked by men who were

[39] Kusuma Nandani, a Sri Lankan migrant worker who was tortured severely, has been an inmate of Olaya since 2009, when she was rescued from her employers after 15 years of involuntary servitude.

[40] The former officer at the Embassy in Saudi Arabia was reached through a personal contact. He did not want to disclose his identity.

> wearing boots. I came to know that there were detainees living in that camp for six to seven months. In the camp, only Sri Lankans are treated like slaves. Other women from countries like Ethiopia and the Philippines were not scared of them as their embassies are powerful. Anyway, it was such a difficult life in that camp and I always prayed to God for my safe return.

The above narrative clearly captures how human, labour and migrant workers' rights are grossly violated. Migrant workers living in the detention camps are also vulnerable to trafficking or other abusive situations. While the above migrant's story is only one of many similar stories, the action taken by the embassy was not adequate to protect her. While it is a well-known fact that remittances of Sri Lankan migrant workers are one of the important sources of foreign exchange for the country's economy, the increasing exposure to mistreatment, exploitation and abuse of Sri Lankan migrant workers in the Middle East is not something that should be taken lightly.

A national stakeholder, a former Ambassador to Saudi Arabia reflected on the workers who are running away:

> ...if migrants run away, they manage to come to the embassy. The problem is sometimes the embassy can't intervene because the maid doesn't know the telephone number or address of the employer...in case where they have the contact information, the embassy calls them and the employers' respond is that "we have nothing to do with it, we don't have to respond to you" to that extent the consulates are handicapped... Of course, this situation will vary from country to country. For instance, Kuwait is a city state. It's a small area so getting to the embassy is not difficult. The maids can escape to the embassy easily. Due to their lack of education they face other obstacles on the way. Firstly they don't know the language; secondly, when they get caught...we lack physical and human resources.

The Sri Lankan embassies in Middle Eastern countries are not adequately equipped in terms of human and physical resources to attend to the issues faced by the migrant workers.

Cheated by a Fellow Sri Lankan

Most Sri Lankan migrant workers initially go on a two-year contract. While some workers leave prematurely, others try to continue to work in the same place depending

on working conditions and their personal circumstances. At the same time, some migrants run away from their workplaces before the end of the stipulated contract period. They live in rented apartments on a shared basis. Some of them work in supermarkets, offices (as office cleaners), and hospitals or in houses on an hourly payment, though these types of work arrangements are not legally permitted. A female returnee migrant from Matale District shared her experience:

> I was working in Kuwait when this happened to me. Before that, I had been to Saudi as a housemaid. After staying for seven years in Sri Lanka, due to poverty I decided to go to Kuwait for two years. Before my contract ended, I went to work for a company. But I had to be hospitalised and admitted to the ICU as I had diabetes. I fell into a coma and stayed in the hospital for more than two weeks. My visa also expired. I stayed with some Sri Lankan girls who were working in a company. One of those girls from Kandy told me that she would help me to get my visa extended. She asked me to give her 150 dinars twice to get the visa through the company. I gave my passport and 300 dinars. Later I came to know that she had left the company. I lost my passport as well as 300 Dinars. Later some girls helped me to go to the embassy and with much difficulty, the embassy sent me home.

The above returnee migrant ran away from her employer's home before her contract expired, but she did not tell us the reason she left her employer. She faced a health issue while in Kuwait. During our research, we found that a few women have left their employers due to harsh working conditions. Most of them have sought help from the embassy. If they do not report to the embassy and are living in hiding, they become undocumented workers and risk legal action, deportation and other types of vulnerabilities such as TIP.

A district stakeholder, an officer at the SLBFE from Badulla mentioned that migrant workers who find employment through their friends and relatives and are not registered with the SLBFE cannot be traced easily when they run into problems. The SLBFE is responsible solely for the migrants who are registered with them. The officer further mentioned that all the migrants who are registered with them receive free insurance from the government.

> I think those who are going under the visit visa are falling into a lot of problems. They become victims of the traffickers. There is no contract…. the

> sub-agents send them without any guarantee. A majority of them are going to Dubai…there are people who are going to Canada and London by ships.

He further explained:

> During the training, we teach how they should behave during a difficult time or a crisis situation. We have told them to report to the agent there or to the embassy. But they are influenced by other migrant workers and they escape from their employers. This creates a lot of problems for us. Actually, in some houses the workers face problems and there are ways to solve those problems.

In our research we noticed that some of the migrants who go abroad for the first time via their social networks do not go through the SLBFE and are not covered by its benefits. As mentioned by the above officer, they are vulnerable to trafficking. At the same time the migrant workers who leave their employment prematurely and seek job opportunities via other sources in the destination countries rather than with their legal sponsors also place themselves at risk of various forms of exploitation and unsafe living and working conditions. The migrant domestic workers cannot change their employer or break a contract unless the employer agrees to sign a release. The worker needs their original sponsor's permission to be released from their contract.

Kafala Sponsorship System[41]

The *Kafala* sponsorship system followed in the destination countries of the Middle East has been criticised for its various shortcomings which deny the rights of labour migrants. Some elements of the *Kafala* system practiced in certain Middle Eastern countries have left both male and female migrant workers vulnerable to unsafe working conditions and trafficking. With the increase in labour migration to Middle Eastern countries, the *Kafala* system has become an informal labour migration governance system which all migrants are bound by. A female returnee migrant from Badulla District shared her experience:

> As I cannot manage with my madam, one day, I left home. When I was walking in the street the police arrested me. They knew, if anyone is going without an

[41] Several aspects of the *Kafala* system are discussed in different sections of this chapter and in other chapters of the report.

> Abaya is a maid. They took me to the police station. When I was in the police station the police got a call from my boss about me. He was asked to come to the police station. I told him that I couldn't work in that house and I wanted to go to another house or send me to Sri Lanka. He said he has taken me to work in his house and couldn't send me to Sri Lanka. Again, I had to go with him. But the difficult work continued and I could not tolerate the yelling of my madam. I escaped for the second time too. But before I reached the police, my boss caught me and told me that he would send me to his brother's home. With that hope, I returned with him. He did not send me to his brother's home immediately, but after some months he sent me and his children to his brother's home as it was difficult for me to handle his sick wife. I tolerated all the difficulties for two years…. If I had my passport with me, I could have easily escaped from that home.

Without the entitlement to protection from the domestic labour laws of the destination countries, and without adequate protection from their home countries, most of the migrants are in vulnerable positions in their workplaces. A national stakeholder, a former Ambassador to Saudi Arabia, raised a point on passport confiscation which is one of the serious shortcomings of the *Kafala* system:

> The other issue is when the employee arrives in that country the employer takes the passport to their custody. If you want to leave the country, you have to go to the embassy or police station. Then they have to get the employer to come. Because even if the dispute is resolved, the employee can fly out if the employer's consent is conveyed or participates through an exit visa.

The above narrative resonates with that of other migrants too. Another returnee domestic worker mentioned that her employer would lock her up when they went out for work or for other purposes, as they feared she might escape.

Not Allowed to Use Phones

We found that the majority of the migrant workers complained that they did not have access to phones when they were abroad. With limited access to devices, networks, information or other resources, migrant workers face many issues in communicating with their families or complaining about any issues of abuse. A female returnee migrant from Nuwara Eliya District stated:

> The last time I went to Kuwait, I took two mobile phones with me. I had a lot of problems. During the fasting period, I go to bed at three in the morning and wake up around six in the morning… which means I have slept only for three hours. I wanted to inform the Embassy, but I did not have a phone. My boss said that in the agreement, it was mentioned that I can't use a phone.

Similar narratives were echoed by another informant:

> When I first reached my boss's home, I received a call from my family. After that, I did not receive any calls from them. I think my boss blocked the number. I was not allowed to make calls. Before I left, I handed over the file given by the agent to my husband. In that file, all the information about my employer was there…My family did not know where I was, until I returned home after two years. I tolerated everything. Whenever I thought of escaping from that home, thoughts of my family and the future of my children stopped me.

A female returnee migrant from Badulla District said "Although the agreement says that we are allowed to use the phone, we cannot use the phone when my madam is around. I hide my phone when she comes to the kitchen."

Our informants mentioned that their employers suspected that they might misuse mobile phones and breach the privacy of household members. The migrant workers had been using mobile phones at their homes before their departure. A registered agent from the Badulla District said that the migrants do not buy a phone before they leave, explaining, "Even though we give money, they are not buying a phone to take with them before they leave. They spend the money on other expenditure …there are problems with the women who are going for work too. They cannot listen to songs on their mobile phones when they are working."

FGD participants said that even though the migrants carry a phone with them, they are not allowed to use it in many houses. Many migrant workers have felt homesick and lonely immediately after travelling from their homes. Facing these issues alone can be even more challenging. Many of them were unable to contact their families as their employers did not allow them to do so. Their mental health was seriously affected and they had problems in overcoming the new challenges that unfolded. We found that women were more at risk of depression than men. Mobile phones provide the migrants with some social support within the host country and help maintain a closeness with

their family members. However, we were told that though migrant men had the opportunity to use mobile phones (as they lived separately) the women migrant workers, especially live-in domestic workers, were refused that opportunity.

Threatened

A female in-service migrant from Badulla District explained her difficult situation:

> When I went there, my Madam was pregnant. After giving birth to the child she was not looking after the children. She had some mental problems and I had to take care of all the work at home. One day she asked me to feed the baby; and when I was trying to feed, the baby slipped from my hands. My boss told me he would kill me if anything like that happened next time. I was threatened and on that day, they did not give me any food. Actually, I was brought here to do only the household work. I was not told that I had to look after a baby. If I knew, I would not have accepted this job....I have heard scary stories about women who were killed and tortured when babies are hurt.[42]

The above migrant worker was not given proper information about her job. In the workplace, she had to double up as a nanny too. The nanny work makes her daily life challenging as she had not agreed to look after a baby. Many migrant women mentioned the double roles that they had to perform, which their recruiters had not informed them about.

The returnee migrant women who we interviewed and those who participated in the FGDs mentioned that while some of them have been directly threatened by the employer (boss and madam), some of them have seen other domestic workers being threatened. According to them these threats included deportation, killing, physical and sexual abuse, and false accusations of theft.

A national-level stakeholder, who has considerable activist experience in the plantation sector, mentioned that the women domestic workers who go abroad are threatened by the sub-agents as well. She recalled an incident where a young female prospective migrant worker (a young mother) had been sexually exploited by a sub-agent in a lodge

[42] In 2013, the execution of Rizana Nafeek, a young domestic worker charged with murder after a child died in her care in Saudi Arabia, received considerable attention among Sri Lankans.

in Colombo where she had to stay for the medical check-up. She had not made a complaint as she was afraid she would not be able to go abroad. She had spent two years there and returned with the intention of going back as she could not complete the construction of her home. Knowing of her arrival, the sub-agent had started to threaten her, demanding money. Finally, the woman had sought legal assistance through an NGO. Similar incidents about young girls and women who have migrated internally were also reported during the FGDs.

Food and Shelter

Domestic workers are often forced to live in inadequate living conditions or work in unsafe environments. In Sri Lanka, the domestic workers are given a room adjoining the kitchen or toilet. In some modern houses 'servant quarters' or 'servant rooms' physically separate them. In most cases, the domestic workers may be allowed into employers' bedrooms and bathrooms only to clean those rooms. The returnee internal domestic workers mentioned that most of them were not provided with proper sleeping arrangements. One of them, who has been working as a domestic worker for nearly 20 years said, it was only in the last house she worked at that she was given a mattress to sleep on. She was not allowed to use the fan or watch TV.

Many internal migrant workers too are not satisfied with their lodging. A male in-service security officer from Badulla District said:

> In my room, there are four beds. Each bed is shared by two people. It is difficult to sleep like that. The person who is sharing mine is not bothered that there is another person next to him. He uses his phone to talk with his family when he goes to bed. He also listens to songs at night. It disturbs my sleep.

A male in-service construction worker from Badulla District elaborated that "In our workplace, they have made a kind of bunk beds with the discarded construction materials. They are not properly made, we do not know when it would fall on us. People steal our personal belongings as we do not have a separate room."

The experience of a female returnee migrant worker from Matale District, who was working in Kuwait, depicts how difficult the returnees' living condition was, stating "I

did not have a place to sleep. On certain days, I would sleep on the kitchen floor…on some days I sleep under the stairs."

When they are not provided with a safe place to sleep and proper privacy, they could become vulnerable to sexual abuse.

Most of the internal domestic workers did not complain about the food they received while in service. But the returnee international migrant domestic workers complained about their food. Some of them have not been given food and some of them were not given the same food the employers had. A female returnee migrant from Badulla District said:

> I was not given good food. I had to eat the leftovers and spoilt food. I had to buy milk and other food from my salary. I was told by the agent that food would be given by the employer. But I had to pay for my food. In Saudi, food was okay. I had the freedom to cook…but in Malaysia…it was different even though they were our people.

Similarly, a female returnee migrant worker from Badulla District who had worked in Saudi Arabia narrated that "Usually, my madam gives me the leftovers to eat. I felt humiliated. I told her that I couldn't eat leftovers…there was plenty of food in the kitchen."

A national stakeholder pointed out that many migrant workers working for companies and staying in either company or private accommodation had severe problems in getting food during the pandemic.

Salary Issues

Although labourers often migrate both internally and internationally because the wages promised are higher than what they could earn in their places of residence, many receive a relatively low pay for the hours they work and in some cases their wages are withheld for months or not given to them at all. In our study, a reasonable number of migrant workers complained that their employers had failed to pay them the salaries agreed on. They also pointed out that the salaries were not paid on time; a very few of them have never received their salaries. This issue was widespread among migrant workers who were stuck abroad during the pandemic.

In the plantation sector, the brokers play an important role in facilitating the internal migration process for domestic work. They have a strong network. An FGD participant mentioned that these brokers are now serving as sub-agents connecting the prospective outbound migrants with registered agents. Still, the broker's role in the internal domestic worker migration has not decreased. Some of these brokers take a monthly commission from the domestic worker's salary or receive a one-time payment from the employer and employee.

An internal female domestic worker from Matale District mentioned, "When I went to work at the age of 10, my salary was given to the broker who found me the job. He gave the money to my mother. My mother said he might not have given the full amount which either my mother or I did not know."

The brokers in the estate or nearby town do not allow the domestic worker's family to communicate with the employers. The situation makes the domestic workers vulnerable to various forms of abuse. The brokers want to dominate and monopolise the domestic worker recruitment market. The participants in all FGDs highlighted the role of the brokers, which they said is similar to a leech sucking blood.

Several international labour migrants talked about irregularities in their salaries. A female returnee domestic migrant worker from Badulla District said:

> My boss told me that he would give my salary once in every two months and he would directly send it to my husband….When my husband told me that he had not received my salary, I was shocked. I asked my boss about this and he said he would give it to me after two months. I worked hard hoping that he would give me the salary….he didn't….then I asked my husband to contact the agency and then I returned home… Actually I escaped from that home with the help of a Bangladeshi driver.

A female returnee domestic worker from Nuwara Eliya District said "I was not given the promised salary even though I was told that it would be increased after three months… my agent lied to me.

Another female returnee domestic migrant worker from Nuwara Eliya District who was employed in Qatar, explained her experience: "With the onset of COVID-19, my boss

sent the two maids back to their home countries. I was the last one to join. They kept me. My salary was paid irregularly and finally, they stopped giving me my salary. At that time I was forced to do the works of two maids."

We were told by the participants of the FGDs that the sub-agents and the employers take advantage of the vulnerable position of these women and deceive them about their salaries. In some cases we came to know that they were denied their salaries for nearly one year with false promises to prevent the migrant workers from escaping.

7.3 On Return

The role of return migration as one of the key pillars of the migration-development nexus has been noted by many scholars (Geiger & Pécoud, 2013; Piper, 2009; Sinatti, 2019). Wickramasekara (2020) points out that return and reintegration are very important in the temporary migration cycle and its link to development. It is expected that the returning migrants will bring back financial, human and social capital which can promote development of the home country. However, these expectations are not always materialised. The experience of the migrant workers whom we interviewed for this research showed that very few were able to achieve their expectations.

With the onset of the COVID-19 pandemic, migrant workers returned to their home countries amid many difficulties. While some returned voluntarily, many were forced to return by the employers. Many migrant workers were unable to return and were stuck in host countries without food, shelter or adequate protection. Many of them were abandoned by their employers. A national stakeholder said that many migrant workers, especially women, were in the process of seeking aid to get back the confiscated travel documents to secure exit clearance. According to her, migrants did not have the financial means to afford their travel. In this section, we try to shed light on how migrants negotiate economic and social reintegration upon their return.

7.4 Stories of Return and Reintegration

In Sri Lanka, although much is known about why migrants leave home, considerably less is known about their return and reintegration. We approached the returnee migrants to understand their return and reintegration. Some of them were not able to

decide whether they would go back or remain. A few of them have returned permanently as their employment contracts were over.[43] Both categories of migrants shared with us their unfulfilled hopes for economic betterment, the difficult paths they took to reach the destination countries, the loneliness, physical and psychological abuses, and the humiliations they underwent when living as migrant workers in an unknown land. They also shared stories of abusive and exploitative living conditions.

7.4.1 Economic Reintegration: Back to Square One?

The economic reintegration of the migrant workers is an important part of the discussion on the migration-development nexus. In our research, we found that economic reintegration was a big challenge for many returnee migrants. The returnee migrants who did not want to migrate again were very few. This group was able to achieve their goals to a certain extent**.** Their goals were: buying a land, building a house, repairing their houses, providing for their children's education, repaying a debt, supporting their husbands to start a job, assisting with a family member's medical expenses, and getting their sons and daughters married. Some migrant workers we met said that they had bought a three-wheeler, while a few were able to start a job on their own as they had sufficient capital. However, the majority of the migrant workers are left in limbo. A female returnee migrant worker from Matale District said: "I returned from abroad two years back, but the estate has not given me work."

Another female returnee migrant Badulla District expressed her displeasure: "Even after returning from Saudi, I am still working in the estate. But they have not registered my name yet. I am working for a daily salary. I have asked them to register. They are not doing it. I am fed up now. I might have to look for another job now or I might have to stay at home without a job."

The above narratives show that the plantation administration does not provide permanent jobs for the returnee migrants and instead employs them on a casual basis. Their salaries are lower and measured by the kilos of tea they pluck. If returnee migrants, especially women, cannot find work back in their estates, there is a likelihood that they might migrate again.

[43] Both these groups are categorised as returnees.

Furthermore, it is important to note that, during the past two decades, Sri Lanka's tea plantation sector has been facing production and marketing-related issues resulting in declining profits, threatening the availability of long-term jobs and sustainability of the industry (Chandrabose, 2015). Adding to this precarious condition, the COVID-19 pandemic had brought the migrant workers (both internal and international) back to the estates.[44] Within this context there is also a high likelihood that returnee migrants will opt to pursue migration once again due to the challenge of finding a viable livelihood in the estates. As returnee migrant labourers cannot find employment in the estates, they try to find employment outside the estates. A female returnee migrant from Badulla District explained, "After I returned, I went to work at the estate. Then I worked in some private estates too. But I did not continue as I was bitten by leeches. I stopped working in the estates. But due to some problems at home, I had to go to Colombo for work."

This proves that access to wage-employment remains scarce in the plantation sector. This is a very scary situation where the migrants can become victims of unsafe migration, as the urge to escape poverty is increasing rapidly. Another female returnee migrant from Nuwara Eliya District regretted her decision to migrate: "I know that I can't go abroad again. I regret that I went abroad. Now I think it would be better if I can do tailoring, rear goats and chicken and stay at home with the family. I can't get any job in the estate either. I have to look for another job."

A district-level stakeholder mentioned that previously the estate management had allowed the migrants to re-join work. However, according to the informants, re-joining is difficult at present. They are not entitled to a monthly salary and are provided with a daily amount of money for the work they do. Such workers face many difficulties as they lose access to other benefits. At an FGD in Nuwara Eliya District migrant workers mentioned "Those who work outside the estates are hardly recruited to the estate work. They are not entitled to get any benefits from the labour unions."

A district-level stakeholder, an estate union leader from Badulla District pointed out that "Earlier there was an agreement with the estate administration that if a worker

[44] The FGD participants and a national-level stakeholder mentioned that some migrants are less likely to return amidst the declining conditions in the host countries, as they think they would face an even worse situation in their estates after their return.

migrates for two years, they can join the estate work after the two years. Before they leave, the worker gives a letter to the manager stating that he or she will re-join the work after two years."

As a non-estate worker in the estate, the worker can lose a few advantages such as bonus payments, holiday payments and ownership of housing (Chandrabose, 2015). The above narratives explicitly show that economic reintegration has been extremely challenging for the returnee migrants. Challenges to economic reintegration are not simply limited to economic factors. Even in the plantation sector, social identities play an important role in the identity of individuals. A female returnee migrant from Matale District who started to run her own business was worried: "After I came back from Kuwait, I was selling snacks to the school canteen owner. I can cook well and I can make good snacks. But when they came to know about my caste, they stopped buying from me. This happened to me when I was selling snacks at home too."

Kurian and Jayawardena (2017) discuss how caste was used in the plantation sector to control, recruit and organise labour in the estates. Though it is not explicit, a national stakeholder too mentioned the caste hierarchy prevailing in the plantation sector.

A district stakeholder, the Women's Club Leader from Badulla District, explained why economic integration is difficult for migrants, stating, "Some women go abroad to settle loans they have taken or due to low salaries in the estate. But they return with the same problem. They are currently in a worse situation than before. They continue to migrate but their expectations are never fulfilled." She further pointed out that even the money given by the agents before migration is used to settle loans, lease a three-wheeler or motorbike, and obtain a TV connection and for other unnecessary expenditures. We found that the international migrant workers continue the migration cycle until their expectations are fulfilled. But their expectations are endless and we found that the majority of them could not fulfil those expectations even after engaging in repeated migration. A national stakeholder, Human Development Organisation, Kandy also mentioned why the migrants find economic reintegration difficult:

> Some migrated women send money to their family members…husbands, brothers, sisters or even to their children. But upon return, they find no money has been saved… We advise migrants to save some money in their own saving

> accounts to start a livelihood activity once they return…We know estates cannot provide jobs for them anymore.

As pointed out elsewhere in this chapter, the migrant women do not have any control over the money given to their family members at the airport by the agent. As explained by the above stakeholder, many informants shared similar experiences during the interviews. We found the above situation makes the migrants' economic reintegration even more difficult. District stakeholder, an SLBFE officer from Badulla mentioned that, while supporting the migrant family's welfare, they also offer assistance with economic reintegration after the migrants return:

> We support the returnee migrants in many ways. We give books and other necessary things for their school-going children. We provide scholarships for students who pass the scholarship examination. They will receive 20,000. Those who pass the GCE (O/L) will receive 25,000 rupees while those who pass the GCE (A/L) will receive 35,000 rupees. We also provide 25,000 Sri Lankan rupees to start a self-employment. If they need more capital, they need to find the extra money on their own.

We noticed that the migrants whom we interviewed had hardly any savings. They also had no intention of starting self-employment, even though the SLBFE is willing to provide financial assistance. The migrant workers hardly learn any skills while they are abroad. Those who migrate, especially women, learn only to cook new food and speak Arabic. They cannot transfer these skills to gain any economic benefits in Sri Lanka. The migrant workers, especially those who were engaged in domestic work abroad, do not want to work as domestic workers again in Sri Lanka. There is also another issue that needs to be taken into account. Youth who migrate from the estate for jobs within the country work for very poor salaries. They hardly get a day off. Even if they get a day off, they spend that time hanging out with friends or watching films or visiting their homes. Though they get a small salary, continuing in such jobs means they miss opportunities to follow a professional course that could increase their employability. Although vocational training centres have been established in the plantation sector districts, the reason such institutions do not attract youth is also related to the fact that youths are attracted to other jobs outside their estates. During our FGD in Nallathanni, the teachers pointed out that the youth were not making use of the vocational training centres. The principal in the FGD was worried about the future

of the youth in the area. He expressed his concern about having another generation that is outside of the formal labour markets and that they will transmit their poverty to the next generation. Although educated community members are making various efforts to create awareness about opportunities for a good employment path, they are worried to see that the youth are attracted to routes that lead them to earn quick money. One male teacher from Nuwara Eliya District in the FGD mentioned:

> The main problem in our community is that there is no one whom we can show the youths as role models. All educated people are leaving the estates. I bought this pair of shoes for 1,000 rupees. At the same time, a student who dropped out of my school and is working in Colombo wears a pair of shoes worth 4,000 rupees. In such a context, other youths in the village will definitely not follow my path. They are attracted to my dropped-out student.

At the same time, our research discovered a youth from Badulla, who is a prospective migrant with a clear migration path who has even planned for his own economic re-integration. He has been working in the construction sector. He is also running a plant sale stall. He wants to migrate as his income is not enough. He has explored the employment opportunities available abroad well and approached a popular recruitment agent in the city. He is also well aware of the terms and conditions of the employment:

> My father is working at the estate bungalow. He is doing a security job there. Now he is 55 years old and can't continue that job. If he retires, our income would not be sufficient to run the family. That is why I decided to go abroad. My father will take care of the family, if I leave. If I get the salary I am promised, I will be able to save at least half of it. I am currently engaged in selling natural flowers that I grew in my garden. My sister can continue that and cover the family expenditure. I do not have to send more money to Sri Lanka. From my childhood, I thought that I should not become a slave to someone else. After returning from Qatar, I plan to buy a vehicle. My mother is also working in the Middle East. I hope we can have a good future.

Another youth who is a male internal migrant worker from Badulla District and is successfully running a small hotel business explained:

> After my GCE (O/L), I could not continue my education as we did not have money. Like many boys in the estate, I too went to Colombo to work as a shop

> assistant. I had to do a lot of work in that wholesale shop. I had to open the shop at 5am and close it at 10pm. I was given 10,000 rupees. The accommodation given was very bad. It was full of dust, noisy and there were a lot of rats. I worked for one year and found a job in a restaurant. There too the work was hard and the salary was low. Later I came home and looked for a job for 6 months. I did not get any job and I found a job at a gas company through a manpower agent. I worked there for some time and I find it extremely difficult to cope with the working conditions. The job is risky. I decided to return to the estate. I started a small hotel. Actually, I do not have much experience in this sector. But I employed a person who knows the work. I am happy now.

Our research found that the economic reintegration of internal domestic workers is even more difficult compared to that of international migrants. A domestic worker's access to social security in Sri Lanka is either absent or incomplete. Both the EPF and the ETF Acts omit the domestic worker from social protection. At the end of their work (mostly due to marriage or old age), many of them find that they have not saved anything for their future. Some of them continue their work even in their old age. When their physical abilities to do work deteriorates, they are forced into the very same position that pushed them to migrate. For some migrants, a meaningful economic reintegration is difficult due to poor management of the income they receive through migration

7.4.2 Social Reintegration

The gendered nature of the social cost of migration in the country has received considerable academic attention. In the literature, the critique centres on patriarchal views about women's roles in households as mothers and wives (Azmi 2007; Brochmann, 2019; Gamburd, 1995; 2005; 2011; Thangarajah, 2003; Pinnawala, 2009). Just like in other parts of the country, the patriarchy prevailing in the plantation sector views women as responsible for the well-being of their families. Hence the migration of women, especially married women, for work outside the geographical boundaries of the estates, is still deemed negative. This view influences the way women and men socially integrate back into their communities.

At the societal level, there has been a lot of criticism on women migrating alone. The women are blamed for the adverse things their children and husbands do during their

absence. It is assumed by relatives and neighbours that former migrants have been sexually harassed by their employers or have worked as sex workers to earn more money while abroad. It is within this societal context that most women decide to migrate to fulfil their various expectations. Some women we interviewed showed agency and actively negotiated the associated social stigma about their migration. The interviewed migrants said that non-migrant women played an important role in upholding, interpreting and perpetuating the negative social perception of migrant workers, especially women. These views are applicable to internal migrant workers too, especially those who are working in garment factories. Although many women migrants are actively negotiating their agency, there are some women who silently undergo alienation, negligence and rejection by their own family. The interviews with the migrants, especially women, showed that the economic benefits the migrants are trying to achieve come with a social cost.

The impact of migration of mothers on left-behind children has received adequate research attention from different disciplines. The impacts that such studies have pointed out include disruption to family relations, diversion from education, psychosocial effects of loneliness and abandonment, and a high risk of child labour or abuse (Hugo & Ukwatta, 2010; Jayasuriya & Opeskin, 2015; Moukarbel, 2009; Ukwatta, 2010). The above impacts have implications for the migrant mothers when reintegrating with their own children. At the same time, the literature has also pointed out how women migrants feel when they leave their children behind (Pinnawala, 2009). A returnee woman migrant from the Matale District who had to leave her three-year-old son said, "When I went abroad, my son was three years old and I left him with my mother. He could not receive his mother's love at that age. Even now he is living with my mother and it worries me a lot."

The community which rejects the social reintegration of migrant women is either ignorant or has very little knowledge of the struggles migrant mothers undergo. Many FGD participants and some district stakeholders did not agree with women's international migration. However, some FGD participants and national and district stakeholders supported the migration of women from the plantation sector for the betterment of the families. Such contradictory views also influence the successful social reintegration of returnee migrants. A teacher from Nuwara Eliya District explained:

> Those who go abroad want to live a luxurious life. It is important to make them aware of real-life situations before they leave for abroad. Most of the migrant women who had a good life abroad want to go back. When they return home, they look beautiful…their skin colour has changed, and the way they dress has changed. Some of them do not like their husbands. They go back abroad. They find it difficult to cope with the family and estate people.

According to this teacher's view, migrant women distance themselves from their families and societies. The FGD participants shared stories from their estate about women who ended up in divorce as they found their husbands were no longer suitable for them. A national stakeholder said:

> After going abroad they get used to a particular lifestyle. Sometimes it's hard to fit in when they come back. So they keep pace and keep migrating. Especially women. The inability to fit back in, depends on the family left behind and how stable their families are when they come back. Some keep going back because they can't cope with their families or the society.

The view held by the society hinders the social reintegration of many women, and they strategize to overcome such negligence by distancing themselves from society. A female returnee migrant from Badulla District said: "In our estate, the community does not have a good impression of women who are working in other districts or outside the country. Even if we behave well and return, society gossips about us. There may be one or two women who have behaved badly. It is better to avoid them."

One of the female returnee migrants from Badulla District expressed:

> Before I went abroad, my husband used to scold me for everything and he would hit me. Now he listens to me. Earlier I was under his control. I had to get his permission to go abroad earlier. His permission was requested in the form that I had to submit to the DS office. I had to convince him with much difficulty. If I decide to go abroad now, he will not say anything. I am the one contributing to the family. He is spending his money on alcohol.

The above quote shows the agency of the woman migrant as opposed to being a victim of the gendered structure of the community. One of our informants, a male in-service security officer from Badulla District, mentioned the need for creating space for women's social reintegration: "I was involved in many social activities in the plantation

community. I have established pre-schools, clubs and other organisations. I always thought there should be a space for social reintegration for women and I have done a lot of awareness programmes on that."

As noted earlier, unlike in the case of female migrants, male migrants' social reintegration is not difficult after their return.

A male returnee migrant from Badulla District said:

> Before I went abroad, nobody cared about me. But after I returned, I had a good place in the family as well as in the community. I think the recognition men get in society is different from women. Although women migrating from the estates are married, they are not accepted well by the society when they return from abroad. I think it is good if women could stay at home while men migrate to work.

The FGD participants from Nuwara Eliya explained some actions taken by them to socially reintegrate the migrants and make the community aware of the valuable contribution made by the migrants to the Sri Lankan economy. One of the FGD participants said, in the initial years of migration from the plantation sector to foreign countries, women migrants did not even inform their neighbours that they were migrating as they feared humiliation and discrimination of their children and husbands. The community-level organisations are engaged in building awareness among the community about the migration of women. Another FGD participant said that the community organises a ceremony (*pooja*) where the married migrant woman removes her *thaali* (wedding chain) and hands it to the *kovil*. Through this, they are trying to give emotional support to the migrant and her family members as well as create a sense of responsibility in the community. Upon her return, another ceremony will be held to return her *thaali*. The process facilitates smooth social reintegration.

The above discussion has tried to achieve one of the core objectives of the research by analysing the pathways and processes being used by labour migrants, the vulnerabilities they are subjected to in the process of migration until their return, and existing support mechanisms. From the in-depth interviews, stakeholder interviews, FGDs with community-level organisations, teachers, youth and migrants themselves, and informal discussions conducted for this research, we understood that the

recruitment for overseas jobs involves several complicated processes and pathways that make the migrants vulnerable to unsafe migration resulting in trafficking. We found that unsafe migration and trafficking go unnoticed among the various actors involved in the process, either purposely or through ignorance and that this is also influenced by the definitions of trafficking and unsafe migration. The migrants involved in internal migration also face a number of issues which reveal many dimensions of trafficking. Compared to international migration, internal migration does not have a strong institutional set-up which makes the migrants more vulnerable to unsafe migration and trafficking.

8. Impact of Migration

8.1 Introduction

The research investigates the impact of migration on the migrants' family members, those left behind and on the migrants themselves. It also looks at how migration impacts the migrants' future life prospects as well as the prospects of their families, community, the sector and the country as a whole. As noted by Massey (2002), migration, rather than being an individual decision, is a collective strategy. In an attempt to increase and diversify income sources, the family unit determines the best course of action for their well-being and an individual is chosen to migrate. What this means is that the family is a very important stakeholder in studying migration and needs to be understood both as being impacted by migration and as impacting migration.

The examples below illustrate some of the effects that migration has on workers and their families. What is worth noting is that these impacts in turn affect workers' decisions on whether or not to migrate again. The well-being of the family is then critical in determining future migration patterns as well.

8.2 Economic Situation

Most of the informants have migrated both internally and internationally with the hope of improving their family situation—to build a house, buy a vehicle and educate their children. However, not all of them have been successful.

When asked about whether she was able to fulfil all her expectations, a female returnee migrant from Badulla said:

> I thought I would be able to save money, build a house and have a good future for my children when I decided to migrate. But the money I sent was adequate only to cover the daily expenditure of my family. Immediately after receiving the salary from my boss, I sent all the money to my family. I did not save anything.

The FGDs held in all three districts highlighted the lack of knowledge on financial management as an important problem among the migrants and the left-behind family

members. A school principal from the Badulla FGD mentioned: "When women migrate, their husbands quit the job they were doing previously. The claim is that they want to look after the children and attend other household chores. But actually what happens is that they leave the children with another family member and waste the money sent by their wives."

Another principal during the Matale FGD mentioned "The money sent by the mother is wasted by family members. The father will buy phones for the children and he spends a lot of time in the liquor shops with his friends."

A GN hailing from the plantation community from Badulla shared many interesting experiences about those left behind:

> During the COVID pandemic, people brewed liquor illegally as they could not move out to buy liquor due to lockdown measures. While one group earned through the sale of liquor, the other group spent lots of money on illicit liquor. Husbands from migrant families spent a lot of money their wives sent on liquor.

An agent who participated in the Badulla FGD mentioned:

> When money is not managed well, the migrant women are forced to migrate again and again. They go abroad until they are 55 years of age. When they return, many of them find that they are still in the same situation they originally were. The reasons for women to migrate repeatedly is due to the fact that they do not save money or they do not have knowledge about how to save. We advise them to open an NRFC account before they leave.

A Development Officer from Badulla who participated at an FGD stated that "The major problem in the estate is the fact that they hardly know what their wants and needs are. Due to this, they cannot prioritise their essential needs. In migrant families, hard-earned money is spent unnecessarily."

The ISD officer from Matale and Badulla districts at an FGD gave another example of how money is wasted on wants rather than basic needs: "Though their roofs are leaking, all of them will have dish antennas on their roofs."

As shared by the above migrants, some employers have looked after not just the economic well-being of the migrants, but their social and psychological well-being too.

A female international returnee from Badulla shared her success:

> When I was working in the estate my salary was low. It was not enough to continue my life with my family. I got to know about this job abroad through a relative of mine from Haputale. She is a sub-agent. I went abroad. I got a very good family. They treated me as one of their family members. No problem with salary, food or clothes. I had a lot of dreams before I migrated. All of them are now fulfilled. I was able to buy a land and build a house, I was able to arrange a big wedding ceremony for my daughter; bought jewellery for her and I have some savings too. My husband looked after the family well.

This story reveals that the returnee migrant was able to fulfil her various expectations. Her husband too has fulfilled his duties as a good father and as a good husband. It was one of those rare success stories where a female migrant worker was able to achieve her aspiration due to the husband's ability to manage the money sent by her. During our fieldwork we did not hear many similar stories. During the latter part of the fieldwork, we noted that the economic crisis had severely drained the financial resources families had, pushing even the few successful migrants to seek employment outside the country once again.

8.3 Social and Psychological Impact on Workers

In addition to the violations of rights and labour issues faced during the period of migration, migrants and their families struggle with psychological and social issues. Migrant workers suffer from depression and stress, often exacerbated by being unable to communicate properly with their families. One female international migrant worker from Nuwara Eliya District explained, "They did not give me the phone to call home for two months… In the third month I cried and cried begging them to call home for me and only then I was able to talk to my family, but only for 10 minutes. In that time I just explained that I am here in this house and things like that."

This is, of course, a particularly abusive circumstance, but even individuals working in relatively good conditions struggle mentally. Mental difficulties are generally under-discussed in society and migrant workers do not have access to facilities to deal with these problems. A migrant worker from Badulla noted that having video call facilities would greatly alleviate the hardship of being separated from family. With only

photographs of her children to look at, she became very homesick and depressed during her service even though she had a relatively kind employer. Some migrant workers said that they returned home early primarily due to being unable to cope with being apart from their families. Unfortunately, returning does not necessarily improve their social and mental conditions.

There is a lot of social stigma that surrounds migrant workers upon their return, with many people assuming they had migrated to avoid domestic problems or insinuating that women migrant workers had worked in the sex industry. This kind of social stigma is extremely gendered, with men rarely being subject to the same level of scrutiny. As a result, many women migrant workers felt detached from their community upon returning and often cited this as one of the reasons for choosing to migrate again.

Many interviewees spoke of the sorrow they felt when they returned home to find their children estranged from them. When women migrate they leave their children in the care of either their father or a female relative such as an aunt or grandparent. Schools on estates do not have hostel facilities and thus children must continue their studies while staying at home. Often mothers feel dissatisfied with the way their children are raised by members of the family. One migrant worker from Badulla said that she felt her children had not been raised properly and that they did not respect her.

We also heard a different story from an internal returnee migrant from Matale, who has left his job temporarily. He was with his wife who was nine months pregnant. He wanted to support his wife as there was no one to look after her during the time of delivery. He said, “I went to work at a jewellery shop in Wellawatte at the age of 16. My sister was also working there. I like the job. Apart from the salary, they arrange cricket matches, take us on trips and there are lot of functions.”

A national stakeholder, who is a former ambassador, mentioned that some migrant workers are looked after well by their employer, stating, “When I was working as the ambassador, I came to know about a Sri Lankan domestic worker suffering from cancer. The employer’s family took full care of her. Even though they knew her chances of survival were slim, they spent a lot of money on her medical expenses until, she passed away.”

A few internal and international migrants said that their employers were good. Those migrants were happy not only because they were given the promised salaries and other benefits, but also because the employer treated them as a member of their family.

A female returnee migrant from Badulla District explained:

> I was there continuously for seven years. They treated me well. I did not have much work. They increased my salary every two years. I was able to buy a land and build a house, build a small shop and arrange a marriage for my daughter. When I first arrived there, although I was worried during the first two to three weeks, as they treated me well, I felt happy. I still can't forget those people.

This quote shows how happy the migrant was as she was treated well. When migrants are able to fulfil their various expectations due to good employers, they repeatedly go to the same home.

8.4 Impact on Children and Gendered Responsibilities

Often, children become vulnerable to various problems when kept in the care of someone other than their mother. In extreme circumstances, in the absence of a female relative, girl children have suffered sexual abuse. For example, one mother said that she returned home after her relatives informed her that her daughter should no longer be left alone with her father, strongly implying the occurrence of sexual assault. Of course, these matters are not spoken publicly hence it cannot be determined without a doubt if this is a significant problem in families of migrant workers. Nevertheless, mothers are often the only source of protection for their daughters and sons. When they are working abroad or in another city, their children are especially vulnerable and extra precautions need to be taken. A Child Protection Officer commented, "Even if the father is present and even if the female children are over 18, it is better always to leave children with a female guardian." Even if children do not experience sexual assault or other nefarious forms of violence, they still struggle without the presence of a mother.

Children left in the care of the father are often not raised as well because fathers tend not to take on caregiving responsibilities with ease. While on the one hand, many children who would have been unable to continue school for lack of finances are now

able to continue their studies, on the other hand, without the support of the primary caregiver the children struggle in school. The principal of a school in Matale pointed out that while mothers tend to pay attention to their children's education, fathers spent very little time with their kids and even less on their schoolwork. Fathers also tend to prioritise children less in household spending. In fact, financial mismanagement by male heads of the family can sometimes be so problematic that some working mothers choose to remit money to a female relative instead.

The lack of attention combined with financial mismanagement has meant that children with mothers abroad or in other cities often find it difficult to succeed in exams. There is a gendered element to this as well. One migrant worker from Badulla said that although she was able to buy a house, she was unable to ensure her children's education. Due to this she insisted on getting her daughter married early, elaborating, "I had to stop my daughter from school and arrange a marriage for her. She did not study well. Further, I thought as I was not at home, it would be good if I got her married." In this way the difficulties that children face at school and at home are exacerbated for girl children.

Furthermore, girl children often take on the housekeeping and caregiving roles of their siblings. A migrant worker from Matale explained that she had no choice but to leave her daughter to care for her elderly mother when she migrated abroad. Even in situations where a female guardian such as an aunt is present, she often has children of her own and thus caregiving responsibilities are handed over to the eldest female child. A teacher from Badulla noticed that family estrangement often happened due to the unhealthy relationship between siblings burdened without the presence of a parent. What is more, the love and affection of a parent cannot be easily replaced by other guardians. The son of two migrant workers living with his aunt explained, "The love is not the same as from a mother and father. I do get love from my aunt, but even then…" He further stated that those of his friends who lived only with their father found it emotionally very difficult. Since they felt closer to their mother than to their father, they miss her care and become distressed if she is unable to call often. A study (Wickramage *et al.,* 2015) found that two in every five children who had a parent working abroad suffered from clinically relevant psychiatric disorders. This number is far higher when compared with children from families without migrant worker parents.

All of these issues do not originate from female migration but rather from oppressive gender roles. While men's role in the family is primarily that of the breadwinner, women in the plantation sector often juggle the roles of breadwinner, caregiver, and family representative in social spaces. Fathers have historically played a far smaller role in caregiving than mothers have, and that means that, in the absence of the mother, they are unable to meet expectations. Alcoholism further exacerbates the issue. As a migrant worker from the Matale District, explained, "Whether its girl children or boy children, many of them go and drink or do drugs on the sly. Further girls get into some kind of trouble.... Some fathers care for the children but there are many fathers who will go out to work, drink, and come home to lie drunk outside. They do this without any concern for what the family will eat or wear."

Even amongst the caregivers who do take responsibility, the absence of a mother is strongly felt. A father from Badulla, whose wife migrated abroad, said that he struggled to juggle both his work on the estate and the duties to his children at home. He found it hard initially to cook and wash the children's clothes. He also felt that his wife was better able to address the problems his children faced, explaining, "If the children have problems, they used to ask their mother and get them resolved. But the children cannot ask me about everything. My eldest child is a girl child, and thankfully because my mother is around and she takes care of her." The socially- created discomfort that fathers have towards caregiving, particularly for female children, is a barrier to proper family cohesion and well-being.

Policies like the FBR, however, focus on women migrating for work and attempt to restrict women's freedom of movement and economic opportunities. They do not address the fundamental problem of male negligence and patriarchy. If policy decisions are to have a positive impact, they need to consider that for many women and families, migration is the only option and that it can be done in a healthy way. The interviews revealed the possibility of mothers being able to migrate without damaging their children through the adaptability of some husbands and fathers when needed. Many women did trust their husbands with remittances and expressed pleasure with how their children had been raised by them. Such men were able to rise to the occasion and complete household and caregiving duties. This suggests that the majority of men who fail to adapt to having a wife abroad could do so with a little bit of support.

Following on from the above discussion, it was noted that changing gender roles have positively contributed to the impact of migration. When migration is a calculated family decision, adjusted gender roles are more readily accepted by men and women. The greater income earned by migrating women empowers them in areas such as family decision-making and how income is distributed between expenses and savings and the types of expenses and savings. "The newfound power to make decisions and the financial freedom and new authority induced [a] sense of self-worth and independence. Many workers, especially women, had not experienced this before; having lived sheltered lives under the authority of their fathers, brothers and husbands" (Hettige *et al.*, 2012: 49).

On the other hand, in a highly-patriarchal community, men's roles have also changed due to the migration of women. During the FGD with teachers in Nuwara Eliya, one of the participants mentioned that a girl student whose mother had migrated had stopped schooling. When teachers met the father of the student to ask the reason, he had told the teachers that he did not know how to braid his daughter's hair to ensure she followed the school's dress code. Then the teachers had taught him how to braid his daughter's hair. Since then the student has been attending school regularly. Similarly, the family-monitoring-card, practised by PREDO, has brought considerable success, according to the FGD participants from Nuwara Eliya. The family-monitoring-card assigns the household responsibilities to men (fathers) in families where women (mothers) have migrated. The system, according to the FGD participants, has also reduced alcohol practices and other undesirable habits of men.

8.5 COVID-19 and Migrant Workers

While the COVID-19 pandemic affected everyone, its impact on migrant workers was severe. Before vaccinations were rolled out, migrant workers, especially men living in close quarters with one another, easily contracted and spread COVID-19. However, since they were living in foreign countries at that time, migrant workers did not have the state support or access to proper healthcare.

Additionally, the economic impact of COVID 19 on the families of migrant workers was also significant. In Qatar, all the major employers of foreign labour terminated the contracts of hundreds of employees. Qatar Airways alone terminated the services of

over 9,000 foreign workers (Ekanayake & Amirthalingam, 2021). Nearly 50% of migrant workers said that, at the very least, they had experienced a major salary cut. Typically, when there is a disaster in the home country, remittances to the country increase as migrants overseas send more money to support their families. But owing to the global nature of the pandemic, migrant workers were unable to support their families during the crisis. Since Sri Lanka is so dependent on migrant worker remittances, this had a huge impact not only on the individual families but on the economy as well.

During the COVID-19 pandemic, the Sri Lankan government followed a strict policy that included lockdowns and airport shutdowns. As a result, many migrant workers, international and internal, were stranded abroad or in Colombo often without work, accommodation or a way to return home. Domestically, the government restricted travel between districts which made it difficult for migrant workers who were working in Colombo to return to their hometowns, despite being out of work and having nowhere to stay. Internationally, the government refused to repatriate migrant workers for many months, asking that they stay on a long waiting list and pay absurd amounts of money in order to return. Reports of migrant workers stranded abroad, sleeping in parks and begging outside the Sri Lankan embassies were rampant during this period (Jayakody, 2020).

The lucky migrant workers who were able to get waitlisted for repatriation and make it onto a plane, often had to cover quarantine fees and other charges. Especially in the early stages of repatriation the government did not have a clear, standardised system and many migrant workers, went into debt in order to pay for their passage home. This mistreatment of migrant workers had a significant impact on the migrant population as a whole, with many fearing returning to host countries for work. Nevertheless, the on-going economic crisis leaves people with few options, and migrants continue to go abroad and to cities in search of better incomes, in much greater numbers than before.

9 Myths and Misconceptions

Another objective of this research was to explore the myths and misconceptions pertaining to migration. Most people move in search of better prospects, hoping to combine their own skills with opportunities and resources in the destination country so as to benefit themselves and their immediate family. The previous chapters have documented the reasons, pathways, vulnerabilities and support mechanisms of migration. Accordingly, it has been noted that poverty, the deficit of decent work and other socio-economic situations in the plantation sector and in the country play a crucial role in the migration decision. During our field work, it was revealed that there are myths and misconceptions about migration among those who are already involved in migration, returnees as well as prospective migrants.

9.1 No Myths or Misconceptions

One of the national stakeholders mentioned, "…there are no myths and misconceptions of the whole migration process in both countries… migrants have access to a wide array of information." However, we found that there are myths and misconceptions about the destination countries, which have created both negative and positive images of those places. In the section to follow, we will analyse the interview transcripts to show the myths and misconceptions that are prevalent among migrants.

9.1.1 Rosy Pictures

We found that the youth have their own dreams of going abroad for a better life. Most of the youth we interviewed and who participated in the FGD had not been exposed to international migration. Some of them were in-service domestic migrants and prospective migrants targeting both internal and international labour markets. Those who are planning to migrate internationally have a rosy picture painted in their minds about life in destination countries, sometimes with unrealistic expectations. As these high expectations are built with no actual experience of living in the destination country, they make it difficult for the prospective migrants to deal with and mitigate the challenges they may face. A young male, prospective migrant from the Matale District expressed, "If I go abroad, I can do the job that I want to do. I can live freely without any restrictions. I also can travel to many places. Some people say going abroad

is difficult and life there is difficult. But if I do not go at this age, at what age can I go? That is why I want to go…further, I might get good respect from others in the estate."

During the interviews and FGDs we found that some of the migrants did not speak much about the hardships they had been through, but falsified the experiences they had in order to protect their dignity and motivate others to migrate. We found that a few women did not want to share such experiences. The experiences shared in the research are anonymised to protect the identity and dignity of the informants. However, the individual interviews created a space for genuine discussion, where the informants revealed their hardships to the researchers.

9.1.2 Exaggeration of Positive Impacts

During the reflection workshop, it was found that most of the myths and misconceptions about migration were shared and spread by recruitment agencies and intermediaries. They exaggerated the positive impacts by discussing only the good stories of migration and creating the wrong picture of destination countries. Those who portray life in destination countries on social media use fraudulent photographs of the house they are working in, their rooms and other facilities they have. Some of the returnee migrants have shared false information about their daily work routine, which has given the impression that the work in the destination countries is easy, involving the help of machines, and conveying that they get adequate resting time.

During the FGDs held in all three districts it was revealed that in terms of internal migration, most of the youth who work in the capital Colombo bring the latest fashion to the estate and create positive images of city life and its entertainment. A male, internal migrant worker from Matale District who is currently working in Colombo mentioned, "If you move to another place, such as Colombo, you can enjoy a lot more than in your own province because it has different lifestyles, many bars and many entertaining activities."

9.1.3 Beyond Reality

Despite what has been claimed, not all migrants are fortunate to enjoy city life as they receive very poor salaries and most of them are not provided with basic facilities, such as a place to sleep, by their employers—who are mostly hotels, security firms, shops

and construction agencies. A male construction worker from Nuwara Eliya District, who is working as a mason shared his experience: "My family does not know what I eat here or how I sleep. I use cardboard as my bed. I do not even have a pillow. But I do not tell this to them."

Another male domestic migrant worker from Matale District stated: "When we work in Colombo our estate people think that we are earning 50 to 60 thousand rupees, but they do not know about the difficulties that we are undergoing everyday within the four walls. We cannot tell it to everybody."

Both the internal and international migrant workers are attracted by higher salaries and other job-related facilities that have been promised and mostly unfulfilled. As discussed in Chapter 7 on vulnerabilities, many of them have returned to their places of origin permanently, without a promising future. We highlighted the stories of women who, having migrated from the estates to the Middle East, are now struggling to find a job in the estate once again, ending up with daily paid jobs in the same estates they used to work, thus degrading their previous positions as permanent labourers.

During the FGD conducted in Nuwara Eliya, it was revealed that many youth work in the construction sector both in the capital as well as in other major cities. Although such jobs provide a comparatively higher daily pay, issues related to occupational safety or social security are not explained to the potential migrants before migration. Some of these experiences have been discussed in Chapter 7 (source: informal discussions with relevant stakeholders, March 2022).

9.1.4 Gendered Recognition

The research found that misconceptions about female migrant workers exist in the estates, though an FGD participant in Badulla mentioned that the strength of such misconceptions are diluting due to the unprecedented rate of migration of women from the plantation sector. We have discussed this in detail in Chapter 7 under social integration challenges, which are directly connected to the misconceptions held by the migrants' communities about them. The commonly held perceptions were that migrant workers, especially women, had crossed the patriarchal boundaries and lost the identity of the 'Tamil woman' of the plantation sector. Thus, the migrant women who

migrate outside the plantation sector are subject to harsher patriarchal and sexist attitudes, which portray them as bad women. Although we were told that the misconceptions about the migrant women were weakening, the FGDs and informal fieldwork chats with community members showed that such attitudes are still prevalent.

The 'nimble fingers' perception still prevails in the global labour market open for women, and the plantation sector women not exempt from this view. The community believes that women's work is easier or has a lower value than men's work, they are inherently at risk of abuse, and they can work hard. Such attitudes result in women being directed into roles considered low-skilled and of low value, such as domestic and care workers, entertainment workers, and workers in manufacturing and food processing. The commonly-held beliefs also contribute to the narrative that conflates women's labour migration issues with sex work and trafficking and commonly portraying women as victims of migration, rather than empowered agents contributing to their families and societies (ILO ROAP, 2011). The media also commonly depict women migrant workers as victims who are vulnerable to employer abuse.

Social labelling of women domestic care workers as badly-behaved women and unfaithful spouses is a misconception that hinders women, especially young women, from migrating to Middle Eastern countries. In practice, negative attitudes can result in women migrant workers facing an increased risk of violence, whilst also facing barriers to accessing services as a survivor of violence. Shifting attitudes of public officials and service providers are also crucial to challenge cultural stigma and victim-blaming. Changing attitudes could enable women migrant workers to report cases of violence and receive respectful care in the country of destination.

A female returnee migrant from Badulla District explained:

> When women migrate again and again, people in the estate say that the migrating women might have an illicit affair. Society also says that if a woman works in the estate, it is good for her family. But in fact, we women go abroad to look after our families. We want to educate our children. If we know how to behave with our employers, then there won't be many issues, everything will be ok. Many women migrant workers do not make any complaints against

> their employer whether it is in Sri Lanka or abroad as they do not know how to make complaints and they are scared of getting a bad name.

Generally, women migrant workers are concentrated in low-paid and informal sectors with limited social protection where they can face economic exploitation. The risk of gender-based violence is greater in informal, low-paid, gender-segregated, and non-unionised workplaces (Pillinger, 2017). In a study by the ILO, it was found that discrimination against migrants was reduced when people had more interpersonal contact with and exposure to migrants and that the discrimination continued to decrease as contact with migrants increased (ILO ROAP, 2011).

Another misconception existing in the plantation community is that people assume migration is not a correct decision. The FGD participants in Badulla and Matale districts overwhelmingly accepted that migration from the plantation sector in the future will increase considerably and no one can say it is a wrong decision. They emphasised that the government and relevant authorities should guarantee safe migration and take actions to protect the rights of migrant workers.

10 Discussion and Conclusion

The main purpose of this project was to assess and understand the processes of unsafe labour migration and trafficking within the plantation sector and associated socio-economic dynamics in Sri Lanka which would lead to a stakeholder dialogue on the issue to stimulate an adequate and appropriate policy and institutional dialogue and lobbying. As such, it explored the current trends in migration, both internal and international, the underlying causes or factors that influence migration from the plantations sector, and myths and misconceptions held by the people in the plantation sector seeking labour migration. This study also analysed the pathways and processes being used by the migrants and the vulnerabilities they are subjected to, including the support mechanisms and associated vulnerabilities, and the impacts of labour migration on the migrants' future life prospects, their families, community, the plantation sector and the country as a whole. The section to follow summarises our findings and concludes our discussion.

10.1 Plantation Sector

Sri Lanka's plantation sector has been a struggling enterprise for some years now. Crops, such as tea, require a lot of labour and thus many people live and work on the plantation. However, the working conditions are very difficult and, since the sector has suffered from heavy competition and mismanagement, working on plantations is gradually becoming even less lucrative. One community in particular has worked on plantations for generations—the Upcountry Tamils. They generally have lower standards of education and healthcare as compared with other demographics in Sri Lanka though considerable improvements have been noted. What is more, unlike other groups, they rarely own property and thus have few opportunities to work outside of the plantation. The plantations were nationalised in 1975 and again privatised in the 1990s. This period of change created a lot of volatility in terms of employment, with people losing jobs during both periods and also facing changes in their working conditions.

Since the mid-20th century, many plantation workers have started to migrate out of the plantations in search of better opportunities primarily in cities. A large portion of rural-urban migration is made up of plantation workers who work in shops, who

work as daily-wage labourers, or as domestic workers. This outpouring of migration has also meant that there are fewer people who are willing to work on plantations for exploitative wages, which shows that the relationship between the plantation economy and migration is reciprocal. The plantation economy has pushed workers to migrate and in turn, migration has made it difficult for the plantation economy to survive on its colonial era model of cheap labour.

10.2 Causes and Trends of Migration

Since its inception, plantation work has been exploitative and has provided few opportunities for upward mobility. Thus, migrating for work outside the plantation has always been a feature of plantation life. Even prior to independence, plantation workers would migrate seasonally to paddy lands to earn an income as farm hands. Throughout the mid-1900s families would send their children to work as domestic workers in wealthy households. Internal migration then is not a new phenomenon for plantation workers. What is unique about the last three decades is that the opportunities for and manner of migration have drastically transformed. As of the 1990s, with the opening up of the economy and with the privatisation of plantations, people started to migrate internationally in addition to internally. From the 1970s until the 1990s, the vast majority of international migrant workers were Sinhalese; however, the privatisation of plantations changed this demographic and since then many of the international migrant workers are Upcountry Tamils who have worked on plantations before.

Another trend is that there has been an increase in work opportunities outside of the plantation but in close proximity to hometowns. The boom in the garment sector, in particular, was visible through the increased number of factories in the hill country areas. However, the wages at these factories are far lower than wages in urban centres and so many people have resorted to migrating anyway. The implications of this is that many migrant estate workers today have had some work experience outside of the plantations before they have migrated.

Another noticeable trend is the changes in the gender makeup of migrant workers in general. While initially international migrants were men who worked in the construction boom in the Gulf countries, by the mid-1980s construction opportunities

had reduced and domestic workers, typically women, were in high demand. What is more, Arab countries such as Egypt, Palestine and Yemen, which traditionally provided domestic work to the Gulf States, no longer did so, thus creating a high demand for non-Arab domestic workers. Sri Lanka was one of the countries that responded to this demand, sending a large number of female workers. Trends in gender shifted again when the FBR was introduced in 2013 which limited women with children below age five from migrating. The steep decline in women migrant workers since then has meant that men once again constitute the majority of migrant workers, even as women (especially through unofficial means) still continue to migrate.

10.3 Governance

This study documents that in Sri Lanka, various concerned parties have focused on how best to manage migration by adopting a wider range of practices and mechanisms, which we termed 'labour migration governance' (see Chapter 4 above). Despite the availability of many recognised, formal institutions (international conventions, treaties, acts, laws, rules, regulations and policies), informal governance systems and various actors dominate the institutional landscape of the labour migration process in Sri Lanka as well as in the destination countries. This situation challenges the authority, credibility and position of formal institutions which are handling labour migration. This study also questions the NLMP on the lines of gaps and implementation challenges. These informal institutions and actors contribute to unsafe migration and trafficking. In the section on institutions, the research discussed the '*Kafala* sponsorship system,' a punitive labour migration governance system in operation in many Middle Eastern countries (with slight variations across the countries), which are the destination countries of the majority of the migrants included in the study. This system directly and indirectly pushes migrants into an unsafe migration spectrum.

In our research, the analysis of the interview transcripts of the international migrant workers revealed cases related to exploitative working conditions, underpayment, delayed or non-payment of salaries, severe psychological, physical and sexual abuses, passport confiscations and exit control. We emphasise that all of these are clear indications of extreme human rights violations, unsafe migration and trafficking. The

characteristics of the *Kafala* system completely deviate from the existing local and global institutional landscape pertaining to labour migration governance. Under this system, there is a clear power imbalance between the employer and the employee which pushes the employees to the brink of vulnerability. In addition, it is clear that the government of Sri Lanka is at the bottom of the power hierarchy of the global institutional landscape in the migration governance.

In the context of labour migration governance in Sri Lanka, the SLBFE plays a crucial role in all the important stages of labour migration, starting from the pre-migration process to return and reintegration. The scope of the SLBFE covers safeguarding and improving the situations of labour migrants abroad and so it attempts to take all possible measures to ensure safe labour migration. However, their focus is mainly limited to labour migration taking place through formal channels. The SLBFE is inadequately equipped to handle issues related to registered migrants, as it faces constraints in physical and human resources. In such a situation, the irregular migrants are completely outside the radar of the SLBFE. The research revealed that even the registered migrants and agents are bypassing the SLBFE due to the bureaucratic, time-consuming processes involved in formalising labour migration.

One of the notable arrangements made by the SLBFE is the pre-departure training provided for prospective migrants at its island-wide centres. This orientation programme was designed to familiarise the migrants with the situations that they might face abroad and how to deal with any conflicts or problems. Our informants had different views on the training provided by the SLBFE. While one group of migrants appreciated the programme, another pointed out the weaknesses in its components, mode of delivery and time period. In terms of the components, migrants complained about the discrepancies between the training and the real situation they faced abroad. The research showed that the components of the training programmes were not adapted in keeping with the changing local and destination country contexts. Further, the inadequate attention to health and psychosocial aspects, and the short duration of the training were also highlighted as major weaknesses by the informants and FGD participants. The potential migrants who are expected to undergo training were not willing to forego their daily salaries in order to attend the training, as they are living in poverty. Furthermore, with the low level of education of most of the female migrant workers, it would be difficult to achieve the targets of the training. With the gradual

shift to normalcy following the COVID-19-related restrictions, the provision of the physical mode of training has resumed.

Since the introduction of the controversial FBR, there has been a sharp decline in the migration of women who have children under the age of five (Ministry of Foreign Employment, 2017). This strategy was criticised extensively for curtailing the participation of such women in the labour force as well as the economic viability of the decision in a context where the country is plummeting to its lowest level in its economy in terms of its debts. It was also criticised on the basis of human rights violations. Narratives of some returnee migrants revealed that such restrictions did not prevent them from seeking alternative paths which is connected to irregular and unsafe migration. The most controversial FBR requirement was relaxed or misinterpreted during the pandemic, which, according to the stakeholders, has already paved the way for female migrants to get into the process of unsafe migration. We understood that the officers at the ground level were not aware of the procedures adopted regarding the FBR during the pandemic and none of the relevant officers we approached was knowledgeable about the NLMP, let alone the return and reintegration policy. It is also pertinent to point out that some officers did not understand the unique gendered nature of migration taking place in the plantation sector.

It was also noted that the ground level government officers do not have adequate physical, infrastructural and human resources to carry out work in the plantation sector to help make people aware of safe migration practices. The officers mentioned that the same resource constraints prevented them from following up on cases after the migrants had left, especially on adhering to the care arrangements for children. The lack of resources has affected the transfer of knowledge on safe migration. It was evident that the resource issues, both physical and human, are also faced by the Sri Lankan embassies in the host countries. Some migrants expressed a lack of trust in embassies and consulates. It is also important to question the power and capacities of the embassies to explore such matters.

The sub-policy and a National Action on Return and Reintegration were introduced by the Ministry of Foreign Employment with the hope of ensuring the meaningful reintegration of migrants. Our research revealed that the strategies for both social and economic reintegration listed in the policy document veer far from the ground reality.

The majority of our informants have migrated abroad for jobs that hardly give them any new skills. Although there is no policy on internal migration, a similar situation exists in the domestic labour migration too, with few exceptions as documented in our research. Our research found that as most people migrate to fulfil their various aspirations of material well-being and support their families to make ends meet, saving money is limited or they cannot save at all. Further, our research documented that mismanagement of remittances forces the labour migrants to be continuously trapped in the migration cycle. Although the strategy on economic integration points to securing local employment as a possible option, the availability of such employment is limited in the estates due to the very nature of the plantation economies. The returnee migrants (both internal and international) are not fully-reintegrated into the plantation economies. Even if they are employed they have to work on a temporary or casual basis.

Although the SLBFE facilitates economic reintegration through the provision of an initial start-up fund, that is hardly enough to start any business given the increasing cost of production and economic instability the country is currently undergoing. The present political and the economic crisis has worsened the situation of the migrant workers who have already returned. The situation forces them to once more seek jobs outside Sri Lanka, especially in their former destinations. However, the post-pandemic economic restructuring measures taken by the host countries which resulted in job cuts, limit the opportunities for employment for migrant workers and this extends to internal migrants as well.

The participants of the reflection workshops made a strong appeal to include and strengthen the role of plantation sector trade unions in the area of labour migration. They pointed out that, though they were consulted during the preparation of the NLMP, they were ignored in other areas related to migrant issues. The participants emphasised the need for the involvement of trade unions in the reintegration processes. According to Gunawardana (2014), the National Workers' Congress (NWC) and the All Ceylon Federation of Free Trade Unions (ACFFTU) are involved in addressing migrant workers' issues. However, some of the FGD participants were not happy about the involvement of trade unions in the migrants' issues, as they feared politicisation.

Another notable aspect of labour migration governance in the country is the role of actors such as sub-agents, registered agents and other intermediaries. Although their roles are undeniably essential in the labour migration process, some of these actors are the primary facilitators of unsafe migration under the guise of labour recruitment, which directly contributes to trafficking. The registered agents depend on sub-agents and other intermediaries to connect with the migrants. The registered agents are not aware of the misinformation transmitted to the prospective migrants by the sub-agents, who fabricate the cost, processes and situations in the host countries despite being aware of the facts. The registered agents rarely share information on the exploitative working conditions abroad. The research findings confirm that the responsibility for migrant recruitment, facilitating transportation and placement lies mainly in the hands of private recruitment agencies, and intermediaries, while a thriving migration industry that promotes irregular migration is emerging rapidly.

On the other hand, although the international labour migrants have formal institutions like SLBFE and other regional and international organisations to promote safe migration and decent working conditions, the internal migrants are not covered adequately and do not receive the same attention the international migrants receive. During the FGDs, the role of NGOs and CSOs was highlighted and we noticed that very few institutions work in the area of domestic migration in the plantation sector. However, the labour laws applicable in the local context cover all domestic labour migrants, though most of the informants were not aware of such provisions.

The research found that the youth are increasingly migrating to different sectors than those mentioned above. While young boys migrate to work in the construction industry,[45] a majority of the young girls migrate to work in the garment industry. Our research found that the precarious working conditions in these sectors, which came to light during the pandemic, were in clear violation of the local labour laws (Ruwanpura, 2021). In addition, our research revealed that migrant domestic workers, garment factory workers and construction labourers are engaged in jobs that do not assure full social security benefits, making them more vulnerable to poverty and exploitation during sudden shocks like a pandemic and an economic and political crisis. Further,

45 It was interesting to find that a few youths whom we interviewed had received formal training as backhoe loading (JCB) operators.

some of the migrants have been trafficked into these jobs either without their consent or without them being aware that they have been trafficked. Based on our research, we emphasise that the main distinguishing features between internal and international migrants are regulatory measures, requisite qualifications, financial capacities to cover the cost of travel (mostly for international migrant men), access to recruitment channels and knowledge about labour market conditions can be seen only in international migration. However, both these groups suffer from a similar range of disadvantages and deprivations, leading to unsafe labour migration conditions.

Another important dimension that our research highlights is the lack of a clear understanding of the term 'unsafe migration and trafficking,' though the issue is becoming increasingly grave. We caution that this situation undermines the gravity of the problem and has implications for addressing related issues, taking measures to curb it and in policy-making. According to Lecamwasam (2021), both internal and external TIP exist in Sri Lanka. However, she warns about the reliability of the officially available data on trafficking as revealed by the CSOs working on counter-trafficking. Though the reliability is questioned, the official SLBFE data on the nature of complaints received by the migrants clearly indicates various characteristics of trafficking and unsafe migration. Within the Sri Lankan context, forced labour and forced prostitution have been identified as the most important forms of trafficking and these are evident in both internal and international labour migration.

10.3.1 Pathways, Processes, Vulnerabilities and Existing Support Mechanisms

When discussing the pathways, processes, vulnerabilities and existing support mechanisms under three stages, namely pre-departure, in-service, return, and reintegration, it was found that, in all three stages, the migrants experienced different characteristics of unsafe migration and trafficking. It was noted that, during the pre-departure stage, the most important decision the migrants and their families had to make was on who migrates. The analysis revealed, though for many families migration has become the most important exit strategy to overcome their various problems, the decision on who migrates and for which work was largely determined by the economic cost of migration as well as the gendered social expectations influenced by the

'plantation patriarchy,' which is continuously reproduced within and outside the plantation space. We noted that this trend was connected to and did not deviate much from the global and national trend on feminised labour markets. The migration of males for foreign employment entails a higher cost compared to the cost of migration of females. In terms of the cost, the sub-agents, agents and other intermediaries charge exorbitant recruitment fees, with excessive interest rates, forcing workers into debt bondage. These debts often trap workers to remain in exploitative conditions in the destination country, as they have few or limited alternative employment options to repay the money they have borrowed if they return home. Internal migration does not involve a high cost for both males and females and migration cost does not influence migration decisions.

Another important matter related to the pre-departure stage is receiving information on migration. We found that the prospective migrants, both internal and international, received information on migration through both formal and informal sources. Friends, relatives, migrants abroad, sub-agents, social media and other social networks played a key role in providing information as well as sending the migrants abroad and to workplaces in Sri Lanka. It is pertinent to note that the youth are increasingly seeking jobs via social media and other internet sources. They inquire about jobs before they take the decision to migrate. They are becoming aware of unsafe migration practices and most of the time take informed decisions.

Clearing official documents related to the migration process poses another problem for many prospective migrants due to delays connected to official procedures and the lack of education of migrants which leads to a lack of knowledge on the subject. In order to clear the official procedures, the prospective migrants are dependent on sub-agents as well as other intermediaries. We found that when the formal support mechanisms for migration become inaccessible for various reasons, migrants have resorted to informal support mechanisms, which has resulted in irregular migration. In the process of clearing the official procedures, some migrants were caught in the wiles of sub-agents and others who prepared forged documents, making the prospective migrants vulnerable to take legal actions against forgery, if caught during the process of migration. The internal migrants who work as shop assistants, construction workers and domestic workers require hardly any documents to engage in jobs outside their estates, unless the employer asks for a certificate from the GN to confirm their

residence and a copy of their national identity cards. The government requests these documents for the security of all the migrants working mostly in Colombo and other major cities. Almost all the migrants complained about the contract signing procedures. The contracts are only given shortly before departure for the destination country and the content of the contracts is not explained to the prospective migrant.

It became evident that the migrants are concerned only about their salaries. In the case of internal migrants, the informants we approached were not aware of social protection benefits. Even if they were aware, they were not willing to accept it, as money for such benefits is deducted from their salaries too. The prospective migrants in our study have become victims of forgery as, in some cases, their ethnic and religious identities, as well as their age were falsified to suit the requirements of the employer or the destination country.

The second stage related to the migration process is in-service, where most of the abusive, exploitative and precarious incidents occur in the case of both internal and international migration. A large number of labour migrants have become victims of unsafe migration and trafficking, lured by promises of good working conditions and deceptive information on salaries and other benefits before they depart. Hence, the route to exploitation is laid in the home country. The narratives of the victims clearly portray the working and living conditions (having to work in multiple homes, no rest, not being given a salary, not given the promised salary, denied communication with their families, language barriers, lack of food and sleeping arrangements, threats, physical, sexual harassment and psychological abuse and humiliation), both in and out of Sri Lanka. Their living conditions affected their physical and mental well-being. We found that some victims could not take any action against the employers apart from escaping from the workplace, which increased their vulnerability to ending up in the hands of traffickers or other exploitative employers.

The third stage connected to the migration process is return and reintegration which includes both social and economic reintegration. We found that some of the returnee migrants were not sure whether they had returned permanently or temporarily. The older migrants who worked abroad are compelled to wrap-up their temporary international migration due to their age. However, for some, the push factors that forced them to seek migration the first time were still prevalent and these have pushed

them once again to seek employment opportunities even in their old age. In the absence of locally available opportunities, some of them seek opportunities outside the estates. Economic reintegration is a great challenge due to the nature of the estate economy. Their savings or the incentives given by the government as part of economic reintegration are hardly adequate to start any employment or business outside the estates. The economic reintegration strategies suggested in the policy by the government are not compatible with the ground situation of the plantation sector. The plight of internal migrant workers is worse than that of international workers, where the latter earn a relatively higher salary.

It was noted that a few migrants who were able to fulfil their expectations of well-being to a certain extent, have decided not to migrate again. But the current economic and political instability has already pushed many more people, including returnees, to migrate from the estates. A large number of migrants said that they wanted to engage in the migration cycle as they had not been able to fulfil their expectations or there were no suitable economic opportunities. We found that the financial mismanagement by family members, (mostly the husband) and the migrants themselves, forced them to continuously engage in migration. Further, women migrants are continuously engaged in migration, even after their children are married, in order to support their grandchildren or support their own children to buy land, build a house or start a business. We highlight that most of the migrant women we interviewed continued their productive and reproductive gendered roles, which benefitted their families, community and the country, without adequate recognition and acknowledgement.

Social reintegration is another important dimension of return and reintegration. We found that the social reintegration process of female migrants was not as easy as for male migrants due to associated stigma and gendered social expectations. However, the FGDs revealed that the negative image of the migrant women (internal and international) is gradually changing in the plantation community, due to the increased level of female migration from the plantation sector and socio-economic changes taking place in the estates. In addition, as exposed by our research, community-level organisations are taking measures to ensure smooth social reintegration of the migrants. We also noticed that the social reintegration strategies suggested in the policy were not fully evident in the estates, as estates are socio-culturally and economically unique places.

The analysis of pathways, processes, vulnerabilities and support mechanisms revealed the various inter-connected, overlapping and complex systems of unsafe migration taking place in internal and international migration, paving the way for trafficking. We observed that, although unsafe migration and trafficking are taking place in the domestic context too, it has not been acknowledged and has not received adequate attention. Our research found domestic workers, construction workers, shop assistants and garment factory workers to be clear examples of unsafe migration, as these jobs entail many dimensions of trafficking. Our research shows that among the migrant workers, internal and international domestic workers face greater possibilities of exploitation and increased vulnerabilities, as the homes they work in are not considered as workplaces and such workplaces are not visible.

We caution that the COVID-19 pandemic and the ongoing economic and political crisis have already pushed migrants, especially women and children who are more vulnerable, to seek unsafe migration paths. We noticed that, due to various socio-economic issues, plantation sector children have been forced to become active in the informal labour markets. Many poor families cannot cope poverty under the present political and economic crisis and this will have long-lasting impact on the already battered plantation sector.

The research confirms that the plantation sector has become one of the sectors most vulnerable to unsafe migration and trafficking today, due to a host of factors as explained through the narratives, FGDs, reflection meetings and stakeholder interviews. Based on the pathways, processes, vulnerabilities and support mechanisms that were examined through our research, we found unsafe migration and trafficking are gradually and systematically becoming institutionalised, both formally and informally. As migration from the plantation sector is expected to rise in the future due to various factors that are discussed in our report and migration as a livelihood strategy is deeply-embedded in the local and global labour markets, careful attention should be given to safeguard the migrants. Although the NLMP does not explicitly deal with trafficking, it acknowledges exploitative working conditions in destination countries. However, it excludes internal migrants who are forced to migrate due to the same push factors that are at play for international migrants. It is obvious that the government is making significant efforts to address the issue of trafficking. However, addressing the broader socio-economic, political and historical backgrounds and processes that underpin and

drive the processes leading to unsafe migration and trafficking in the plantation sector, which is a unique socio-economic space, should be acknowledged and the research shows that it is long overdue.

10.4 Impact of Migration

All forms of migration have a significant impact on the individual, family and community. This is especially true for labour migration as it impacts financial as well as socio-psychological well-being. In this section, the study focused on the impact of migration on the worker and on the family that they left behind. The study found that migrant workers were severely affected not only by financial hardships and exploitation but also by the mental stress of being parted from their families and detached from their communities. It was clear from interviewees that a major cause for depression and other mental illnesses during migration was the lack of proper communication with family members. This situation did not necessarily improve upon returning home. There is a strong social stigma attached to migrant work, with many societies assuming that migrant workers, especially females, engage in sex work or choose to leave in order to avoid problems at home. Such a stigma makes it especially difficult for women to reintegrate into society and live a peaceful life.

It was also noted that the impacts of migration also function as an impact on migration. That is, when migrant workers and their families are struggling due to the migration of a parent, that has an impact on whether the migrant worker chooses to return or not. Since many migrant workers go abroad or to cities, more than once, the emotions they experience and the feelings of their families at home play an important role in determining whether they will migrate again.

The impact on children was especially severe. Many children of migrant workers report serious psychological issues. Since in traditional Sri Lankan society the mother is the caregiver, families with female migrant workers struggled the most. Children reported having difficulties in school, struggling with alcohol and drugs, feeling unloved, and feeling detached from the family. These concerns were especially acute with female children who were often expected to take on the role of the mother and as a result harboured resentment towards siblings and the family.

Since mothers typically take care of the household responsibilities and the children, fathers who were left behind found filling this gap particularly difficult. Some fathers reported depending on female relatives to support them, while other fathers seem to have shirked the responsibility altogether. Such patriarchal understandings of gender roles have a serious effect on the upbringing of children and their access to opportunities, love and support.

A number of studies have pointed to the severe impact that a migrant mother has on children. Such studies have contributed to policies such as the FBR which limits women's access to migration and thus their access to certain economic opportunities. However, a number of stakeholders pointed out that women's fundamental right to migrate must be protected and that such studies and policy conclusions contain the inherent bias that the mother must necessarily play the role of caregiver in the family. Such analysis must be taken into consideration to ensure that future policies address the root cause of the issue, which is gender roles, rather than the superficial cause, migrant mothers.

The crisis the country faced with the COVID-19 pandemic and the current economic and political turmoil, these problems are evolving and they need thorough research attention in the future. The unfolding phenomenon has opened spaces for unsafe migration practices. Although internal migration has been historically prevalent in the plantation sector, international migration has been taking place relatively recently. The trends, causes, consequences, processes, vulnerabilities, and existing support mechanisms are all interconnected and entangled with the impacts of migration creating winners and losers. Migrants are placed within a spectrum based on their education, gender, ethnicity, economic situation, political affiliation and family backgrounds. Human traffickers capitalise on these dynamics, luring frustrated and despairing people and thus making the situation worse. The research found, although Sri Lanka is well-positioned in the national, regional and global migration governance, unsafe migration (the whole process) is moving towards an informal institutional set-up, which needs immediate attention and action. One of the important challenges that the government and other stakeholders need to work on to curb trafficking is conceptualising trafficking as labour exploitation.

Our research has proved that human trafficking is taking place in the study districts under the guise of labour migration. The increasing cases of fraud, deception, exploitation and other grievances in internal and international employment fulfil the definition of human trafficking, as we have clearly shown under the section on labour migration governance. The most important takeaway our research offers, based on the voices of migrants and stakeholders and the problems highlighted through our analytical chapters, is the necessity to recognise that trafficking and unsafe migration have the face of labour exploitation, which cannot be ignored, as it has implications for capturing the complex problem, curbing it and making policies. With the emerging uncertainties, the very last stages of our research found that unsafe migration and trafficking were on the rise and had permeated the plantation sector, which is already in a disadvantaged position. We recommend that the new trend warrants scrutiny, with a new way of narrating the problems unfolding.

11 Policy Recommendations

Based on the research findings and in consultation with different types of migrants, FGD participants, district-level stakeholders, national-level stakeholders, and informed by our informal discussions with community members and reflection workshop participants, we outline the policy recommendations in this section. The recommendations made are relevant to both internal and international migration.

Recommendations to ensure migrant workers can make informed decisions

1. Make information on the migration process, complaint mechanisms and labour rights easily accessible to all. Regulations that ensure migrant workers have not only read but also understood their contract, must be put in place, while contracts and all other documents must be available in Sinhala, Tamil, and English.
2. Make pre-departure trainings free of charge and ensure they are available in Tamil, Sinhala and English. Include rights and mental health training as part of migrant workers' training.
3. Increase awareness on labour rights at a young age, including it to the existing school curriculums.

Recommendations pertaining to legal protection and regulations

4. Require contracts for domestic workers and connect the employer and employee through a local administrative authority with a clear mandate. Legally recognise domestic workers by incorporating them into existing labour laws.
5. Create a separate institution to handle domestic migrant workers, recognising their diversities.
6. Amend the extremely outdated Domestic Servants' Ordinance.
7. Eliminate the FBR and instead incorporate a gender-neutral framework for protecting young children.

8. Regulate private sector industries to bridge the wage disparity between rural and urban areas, and ensure that there are safe working conditions particularly for women.

9. Enforce a minimum age requirement for employment, particularly migrant work.

Recommendations pertaining to abuse during service

10. Develop a smartphone app to record complaints and an information system to record issues of migrant workers.

11. Strengthen administration to protect the victims and witnesses of sexual and other forms of abuses. An easily accessible 24/7 system should be in place to report cases.

12. Increase the number of SLBFE offices in rural areas and strengthen complaint mechanisms at the local and regional levels.

13. Internal migrant workers should be protected and the brokers should support the family members to communicate with the employers, especially those who are working as domestic workers at homes in cities.

Recommendations pertaining to trafficking

14. Strengthen embassies in host countries to be able to address concerns of migrant workers, especially if they have been trafficked illegally or do not have proper visas.

15. Regularise procedures to prosecute those who conduct trafficking.

16. Establish more safe houses for migrant workers and provide funding to embassies to do so.

17. Introduce bio-passports to minimise trafficking and unsafe migration.

18. Publicly advocate for the abolition of or, at the very least, reforms to the *Kafala* system.

19. Re-assess the definition of trafficking so that it includes the gendered and socio-economic dimensions of migration.
20. Strictly enforce licensing of agencies and close monitoring of brokers.
21. Require the registration of sub-agents at police stations.
22. Ensure that blacklisted agents are not in operation and strictly penalise them

Recommendations pertaining to migrant workers' financial well-being

23. Introduce a pension scheme for migrant workers.
24. Encourage workers to send remittances only through an NRFC account.
25. Make it a requirement for internal migrants to be paid during their training period.

Recommendations pertaining to the development of plantation communities

26. Immediately grant title deeds to all those in the plantation sector who do not have legal ownership of their houses.
27. Require that plantations register regular employees and have a mechanism for registering returned migrant workers.
28. Invest in employment opportunities outside the plantation but close to home.
29. Establish Tamil medium vocational training centres to develop the community's skills and enable them to take up opportunities besides migrant work.

Recommendations pertaining to the well-being of families left behind

30. Conduct trainings to encourage men to participate in household and caregiving duties.

31. Host awareness programmes to eradicate the stigma associated with the work done by migrant women. Promote the attitude that "migrants are partners in development."

32. Care arrangements for dependents should be done in discussion with the relevant parties, especially the school community.

33. Create tailor-made programmes for children of migrant workers to ensure their education, as well as their physical and mental well-being. Awareness programmes should be conducted to stop school dropouts and child labour.

34. Establish hostels or boarding schools for children of migrant workers.

Recommendations pertaining to international and regional level policy

35. Empower UN mechanisms to protect and promote migrant worker rights.

36. Sign MoUs or BLAs with host countries. Consider multi- lateral agreements with other countries that provide workers (the Philippines, Ethiopia, etc.) to ensure greater leverage when negotiating terms with host countries (Saudi Arabia, Qatar, etc.).

37. Set up a regional mechanism to gather information and documents and to monitor the process of labour migration.

Recommendations pertaining to future research and policy

38. Ensure access to the plantation sector for frequent monitoring and make follow-up visits easy for relevant officers. Adequate physical and human resources should be made available to the offices.

39. Involve local trade unions as important partners in the process of migration and make decisions through a collaborative approach with a clear agenda and without politicisation.

40. Consult with migrant workers whenever implementing policies related to their lives.

41. Review the problem of unsafe migration and trafficking within a broader framework, rather than limiting the approach to mere considerations of law and order, and address the root causes of the problem.

42. Take appropriate measures to mirror adopted conventions in acts and policy implementation.

43. Explore existing successful measures taken by the community and the migrants themselves to minimise the negative impacts of migration.

44. Expand the use of qualitative research methods to capture true stories and empower migrants through their own voices.

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On the Move in Search of Greener Pastures: Unsafe Migration and Human Trafficking in Sri Lanka's Tea Plantation Sector

By

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The tea plantation sector, which is closely-connected to the colonial history of Sri Lanka, is important in terms of foreign exchange earnings and securing millions of peoples' livelihoods. Despite the contribution of tea to its economy, Sri Lanka, as a state has yet to address the persisting economic, social and political issues of the people living in the tea plantations. Amongst other issues faced by the workers in the tea plantation sector, like poverty, low wages, issues in access to healthcare, housing and education, the outflow of labour from plantation communities caused by an increasing numbers of workers leaving the estates in search of work outside, has been identified as an important phenomenon. Available anecdotal evidence from the tea plantation sector in the study districts of Badulla, Matale and Nuwara Eliya suggests, that migration—both internal and increasingly international—is becoming an important livelihood strategy. However, the total volume of migration taking place is unreported and under-reported, leading to unsafe migration that is resulting in different types of vulnerabilities to migrants and their families. Hence, such migration trends and patterns warrant further consideration and scrutiny. This research attempts to fill this gap by situating itself within the framework of migration, development and gender. In doing so, it draws from the lived experiences of returnees, in-service and prospective migrants through the use of extensive, participatory qualitative methods, and through individual articulation of migration experiences. This research provides an understanding of the causes, trends, processes and myths surrounding labour migration within the tea plantation sector and the associated socio-economic dynamics that would lead to a stakeholder dialogue on the issue to stimulate an adequate and appropriate policy, as well as institutional dialogue and lobbying.

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