

# ***Migration of Sri Lankan Women***

*Analysis of Causes & Post-Arrival Assistance*



**Caritas Sri Lanka - SEDEC**



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Caritas  
LUXEMBOURG

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# Abbreviations

ACTFORM	Action Network for Migrant Workers
ALFEA	Association of Licensed Foreign Employment Agencies
CEDAW	Convention on Elimination of All forms of Discrimination against Women
CBO	Community Based Organisations
FHH	Female Headed Households
GAMCA	Gulf Cooperation Country's Approved Medical Centres Association
DS	Divisional Secretariat
GCC	Gulf Cooperation Council
GCE OL	General Certificate of Examination Ordinary Level
GCE AL	General Certificate of Examination Advance Level
GOSL	Government of Sri Lanka
GN	Grama Niladari
HIV/AIDS	Human Immunodeficiency Virus /Acquired Immune Deficiency Syndrome
HR	Human Rights
HRC	Human Rights Commission
HRW	Human Rights Watch
IDP	Internally Displaced Persons
IOM	International Organisation on Migration
IMF	International Monetary Fund
ILO	International Labour Organisation
INGO	International Non government Organisation
ME	Middle East
MOU	Memorandum of Understanding
NCPA	National Child Protection Authority
NCP	North Central Province
NGO	Non-Government Organisations
NMC	National Migration Centre
P&CC	Probation and Child Care Department
SLBFE	Sri Lanka Bureau of Foreign Employment
WDMW	Women Domestic Migrant Workers
UAE	United Arab Emirates
UN	United Nations
VAW	Violence against Women

## Foreword

This research study is the latest addition to a variety of publications launched by Caritas Sri Lanka in recent times to highlight the issues connected to migration.

The Linguistic Guide and the Safe Migration Handbook published in all three languages with the collaboration of the Sri Lanka Bureau of Foreign Employment were of immense value to aspiring migrants. A collection of case studies titled Hopes and Dreams gave a shattering insight into the nightmarish experiences of some Sri Lankan housemaids in the Middle East countries.

Yet for all, the need was also felt throughout this period for an in-depth study of various aspects of the migration process as a whole. Thus it was that Caritas undertook this extensive research across several Districts in the country, meeting with several Governmental and Non-governmental agencies, interviewing migrant returnees and capturing their stories of both success and failure, analyzing the related issues and, finally, coming up with important recommendations to surmount the numerous problems that have made migration such a hazardous undertaking and an unhappy experience for many Sri Lankan women.

This research study is a pointer to the fact with all the well-intentioned measures taken at various levels to make migration safe and fruitful for the citizens of our country, there are severe gaps in the entire process that

implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. This would be the appropriate time to ratify the convention as the "Convention on Domestic workers" was also adopted by ILO annual conference recently.

It is in this sense that we hope that publications such as this research study will open a new window of opportunity to re-focus our attention on the affairs of this important segment of our community. Let us firmly resolve that we shall no more permit our migrant workers to be exported, exposed and abused. They too are human. Let us prepare a conducive working environment for them to work as decent human beings.

Fr. George Sigamoney  
National Director  
Caritas Sri Lanka - SEDEC

## Acknowledgment

The findings of this report are the results of field research and interviews with various stakeholders in six Districts in Sri Lanka.

Caritas Sri Lanka would like to thank the women migrant returnees and their families in the studied locations sharing their personal experiences and making their valuable time available.

Our gratitude needs to be expressed to the Sri Lanka Bureau of Foreign Employment, the Divisional Secretariats and all other State organizations for having cooperated to provide necessary information. The non Governmental Organizations, UN affiliated organizations, ALFEA and Foreign Employment Agencies who supported this field research by providing vital information also deserve our grateful thanks.

Caritas Sri Lanka wishes to extend our gratitude to

## Abstract

Statistical Reports of SLBFE reveal that the unskilled, poorly educated women outnumber men and other skilled worker categories that migrated shouldering a high percentage of inward remittance. Women migrant domestic workers make up a larger percentage of migrant women. It is a fact that there are many incidences of harassments faced by such migrant women domestic workers.

This study aimed to determine the causes of migration of women migrant domestic workers, obtain a deeper understanding of the situation of affected women, assess the status and nature of post-arrival assistance to affected migrants, identify the personal, household and community assets and opportunities that encourage migrant workers to stay behind their families.

The study was conducted on a 122 purposive sample of "Affected and Returned Migrant Workers" from six Districts of high and low labour sending regions in Sri Lanka. Ampara, Anuradhapura, Colombo, Nuwara Eliya, Puttalam, and Vavuniya were the six Districts covered by the study.

The majority of migrant women belong to disadvantaged communities where the traditional livelihoods are not viable. The reasons for migration are noted as being due to lack of access to regular and substantial income and the inability to bear the rising cost of living. In addition, some of the major aspirations of the migrant women were to build houses, collect dowry and to educate their children. Among the specific problems of the women that force them to migrate are high indebtedness, domestic violence and the alcohol addiction of spouses. Female-headed households remain a fair segment of the migrating population. Abdication of male responsibilities is noted as an increasing phenomenon that pushes more and more women to migrate.

A total of 120 women out of 122 of the study sample had contacted Sub Agents for migration and 15 of them have paid the Sub Agents. Nine respondents revealed that they were trafficked across borders by the agents.



*It was revealed that the majority of WMDWs have faced harassments at the workplace. The most number of complaints from the respondents were of abusive workplaces such as absence of a day off (74%), absence of rest and sleep (56%), non payment of wages (34%), verbal abuse (65%), restricting communication(61.5%) and of food deprivation(44%).*

*A majority of the respondents have not been able to get the benefits of the insurance scheme, scholarship programme and welfare center services (Sahana Piyasa) at Katunayake International Airport, according to the study.*

*Only 30 respondents in the sample have been able to meet their expectations of migration to a certain extent. Even to meet their expectations of building a house alone, the respondents have had to migrate several times.*

*The study comes up with certain recommendation also to remedy the identified issues pertaining to women migrant domestic workers.*

# Introduction

There are 214 million estimated international migrants in the world today where they comprise 3.1 percent of the global population. This number of migrants worldwide would constitute the fifth most populous country in the world<sup>1</sup>. The majority of migrant workers, especially who migrate to the Middle East countries (ME countries), namely; Saudi Arabia, Kuwait, U.A.E., Qatar, Jordan and Lebanon are women from Asia who come with the expectation of working in dignified conditions as domestic workers. Out of these Women Domestic Migrant Workers (WDMWs), the majority constitute a large proportion of today's migrant worker population of Sri Lanka. It is important to note that remittances sent home by this category of workers constitute a large proportion of the foreign exchange earnings as a country. In 2008, remittance flows were estimated at USD 444 billion worldwide, USD 338 billion of which went to developing countries<sup>2</sup>. The Human Rights Watch (HRW) report of 2007 reports that Labour Migration is extremely lucrative to Sri Lanka's mobile labour force bringing in USD 2.33 billion in remittances, more than 9 percent of the Gross Domestic product and USD525 million more than the country received in foreign aid and foreign direct investment combined. Remittances, therefore, are a greater source of revenue than tea exports which is Sri Lanka's second most important export commodity after apparels. Hence, it is evident that labour migration relieves unemployment in Sri Lanka and serves as a crucial source of foreign exchange for the country.

Worldwide, women account for 49 percent of global migrants<sup>3</sup>. The domestic workers, a majority of who are women, constitute a large proportion of today's migrant worker population of Sri Lanka, primarily focusing the Middle Eastern region for employment. This feminization of the migrant labour force is a unique character in Sri Lanka's migrant labour force. National level estimates indicate that in 2000, women represented 75 per cent of some 1.2 million Sri Lankan migrant workers abroad<sup>4</sup>. According to the Annual Statistical Report of Foreign Employment 2009, the share of females which was 24 percent during the period 1986-1987, had been increased from 55 percent in 1988 to 75 percent in 1997 was it is

1 United Nations' Trends in Total Migrant Stock: The 2008 Revision

2 World Bank's Migration and Development Brief 11- November 3, 2009: Migration and Remittance Trends 2009

3 United Nations' Trends in Total Migrant Stock: The 2008 Revision

4 International Labour Standards on Migrant Workers' Rights; Guide for policy makers and practitioners in Asia and the Pacific

51.73 percent in 2009. Out of the 51.73%, 89% were housemaids. In 2009, 113,777 (46.04%) housemaids migrated as against 119,276 (48.2%) males. It is important to note that remittances sent home by this category of workers constitute a large proportion of the foreign exchange earnings as a country.

The high percentage of women seeking work abroad comes from disadvantaged, low income families having lower levels of marketable vocational skills than their male counterparts. Sex-disaggregated data on the occupational distribution shows that while male workers could find jobs or have more options in different occupations, women largely concentrate on domestic work. However, the lack of education of WDMWs, lack of knowledge of their rights as well as the propensity for employer abuse make these women extremely vulnerable to many forms of human rights violations throughout the migration process, from both sending and receiving countries. Annual Statistical Reports of SLBFE reveal that a higher percentage of complaints were made by women migrant domestic workers.

**Table No.1: Nature of complaints**

Nature of Complaints	2008		2009		2010	
	Male	Female	Male	Female	Male	Female
Non payment of agreed wages	3,512	6,937	9,911	6,524	0,553	3,322
Lack of communication	561	2,019	2,650	1,521	6,196	1,591
Sickness	87	763	850	1,149	411	0,515
Harassment (Physical & sexual)	1,151	1,857	911	4,810	5,379	1,992
Death	172	112	284	208	125	333
<b>Total</b>	<b>1,947</b>	<b>7,199</b>	<b>6,296</b>	<b>6,793</b>	<b>3,817</b>	<b>26,011</b>

(Source: Annual statistical Report of Foreign Employment 2010, SLBFE)

The local newspaper reports published in the recent past regarding numerous abuses, exploitation and trafficking of women migrant returnees are some of the finest examples of violation of Sri Lankan WDMW's rights. Few examples of local newspaper articles on migrant issues are listed below;

- ➔ "I heard a very sad story. Hema had become pregnant during one of those bouts of rape...." Dr. Asokha Thenabadu, Sunday Leader 11-4-2011.

- ➔ "Another housemaid abused abroad..." Daily Mirror, 20-5-2010.
- ➔ "Another housemaid at the deceiving end: Will the harassment of Lankan women working abroad ever end?" Daily Mirror 28-10-2010.
- ➔ "SLBFE seeks international recognition for migrant workers..." Sunday Observer 10-04-2011.
- ➔ "Housemaid insists Saudi must pay compensation..." Daily Mirror 03-09-2011.

In almost all these cases it was revealed that they had been deceived from the local foreign employment agencies and local sub agents through document forgery, fraudulent medical reports, charging high fees, violation of contracts, lying about wages etc. Besides, many of these workers have faced difficult conditions in the houses of their employers, including being locked in the home and communication restricted, being denied adequate food, being forced to work at the employers' convenience and even working free in the houses of other people, not given proper medical assistance as well as physical and sexual harassments.

Various studies have been conducted, both nationally and internationally, on the impact of migration in general and women's migration in particular. Several national and international research organisations including Caritas had done many studies in the past three decades. These studies had identified issues faced by women domestic migrant workers (WDMWs) and suggested recommendations for both sending and receiving countries.

Caritas Sri Lanka has been involved in working with women migrant workers within the country as well as through the Caritas network in several other labour receiving countries, providing the WDMWs with vital services. Caritas also works very closely with the State structures on the issues of migrant workers<sup>5</sup>. Caritas Sri Lanka conducted this current study in order to capture a holistic view of the women workers who leave their families and communities to unknown destinations at great risk with a hope of achieving their practical needs which they are not able to fulfil in Sri Lanka.

<sup>5</sup> The Situation of Migrant Domestic Work in Bahrain: Report submitted to 42nd Session of the CEDAW committee October 2008

## **The study objectives are:**

- To determine reasons for migration in order to develop a programme that responds to the causes
- To understand the reasons behind harassments of Sri Lankan migrant workers abroad
- To gain a better understanding of the situation of affected migrant returnees
- To assess the status and nature of post-arrival assistance provided to affected migrant returnees
- To determine household and community assets and opportunities which may encourage families to stay
- To determine the policy-level and practical implications of the findings
- To determine the shocks, cycles, and trends in the country's regions which may push individuals to migrate

# CHAPTER 1

# The Study

## Scope of the Study:

The geographical coverage of the study consisted of six Districts, namely Ampara, Anuradhapura, Colombo, Nuwara Eliya, Puttalam and Vavuniya from the Eastern, North Central, Western, Central, North Western and Northern Provinces respectively.

The Sri Lanka Bureau of Foreign Employment (SLBFE) Statistical Report of 2010 reveals that Colombo, Anuradhapura, and Puttalam as having sent high numbers of Women Domestic Migrant Workers (WDMWs) while Ampara, Nuwara Eliya and Vavuniya are reported as having sent relatively low numbers. Therefore, this Study has taken into account the Districts that are sending high and low numbers of migrant workers, particularly women domestic workers.

The Districts also cover the three major ethnic communities. Nuwara Eliya has been selected to cover the plantation Tamil population which is a special cohort who live and work within the work environment.

At least four of the Districts covered were affected by the protracted ethnic conflict. Therefore, the urban, rural, conflict-affected and plantation areas as well as high and low migrant worker sending Districts, being represented are considered a fairly well balanced representation in the study.

## Study Sample:

122 respondents were selected from all Districts targeting at least a minimum of 20 per District for Focus Group Discussions (FDG). Please refer the table below:

**Table No.1.1: Study sample**

No	District	Division	Number of participants	Language
1	Ampara	Addalachenai	11	Tamil
2	Ampara	Kalmunai	09	Tamil
3	Anuradhapura	Kekirawa	10	Sinhala
4	Anuradhapura	Madhyama Nuwaragam Palatha	12	Sinhala
5	Colombo	Wanathamulla	10	Sinhala

No	District	Division	Number of participants	Language
6	Colombo	Mattakkuliya	10	Sinhala
7	Nuwara Eliya	Agrapathana	10	Tamil/Sinhala
8	Nuwara Eliya	Diyagama	10	Tamil/Sinhala
9	Puttalam	Palavi	10	Tamil/Sinhala
10	Puttalam	Puttalam	13	Tamil/Sinhala
11	Vavuniya	Katkulam	09	Tamil
	Vavuniya	Sinnasippikulam	04	Tamil
12	Vavuniya	Pulitherichikulam	05	Tamil

The selection criteria of respondents were that of WDMWs who have returned within the last three years and representing all three major ethnic communities. One of the key concerns in the selection of the respondents was to make the sample purposive to include those who have faced problems in the process of migration and returned.

Other than the primary respondents, the study targeted other stakeholders such as staff of various divisions of SLBFE, key informants from the selected Districts, Staff of the Divisional Secretariats, employment agencies, INGOs, CBOs/NGOs and UN organizations at National and Divisional levels that are working on issues related to WDMWs (Please refer Annex 2 for list of key informants and stakeholders)

Methodology:

This is a qualitative and a quantitative study where Focus Group Discussions were held with the key respondents and in-depth interviews of five selected persons per District sample was conducted to obtain a more holistic view of the 'push' and 'pull' factors for migration as well as of their pre departure, post departure and post arrival experiences.

The following methods were utilized for gathering information:

- Literature review
- Liasoning with identified CBOs/NGOs working in the sample Districts



- Five case studies per District
- Interviews with selected key informants from both State and non State sectors. (Annex 2)
- Focus Group Discussions with primary respondents
- Observations of the consultants research team

Study Tools: (Annex 3)

- Structured questionnaire to obtain the personal profiles of the respondents
- Semi-structured questionnaire to gather in-depth information from the primary respondents through Focus Group Discussions and the in-depth case-studies.

Data Analysis:

The data gathered was subjected to quantitative and qualitative analysis

Limitation of the Study:

Limitations of the study are identified as follows:

- Difficulty to synthesize experiences of multiple visits of the WDMWs
- Lack of opportunity to re-validate; the information of primary respondents.
- Inability to obtain accurate information during FGDs and interviews on abuse, especially on sexual abuse, due to fear of stigmatization by other community members.
- Constraints in articulating detailed facts regarding gaps and unethical practices within the migrating process at all levels, by the consultants.
- Lack of respondents who had worked in countries like Cyprus, Singapore, and Hong Kong (other than the Middle Eastern countries) caused limitations in obtaining a holistic perspective of

## CHAPTER 2

# Regulatory Framework for Migration

Sri Lanka Bureau of Foreign Employment

The Sri Lanka Bureau of Foreign Employment (SLBFE) was established in 1986 under the Sri Lanka Bureau of Foreign Employment Act No.21. This Act was a response to the increasing levels of migration to the countries in the Middle East and the reported large scale exploitation and malpractices. SLBFE functioned under the Ministry of Labour until 2007 and subsequently under the Ministry of Foreign Employment Promotion and Welfare. This Act was amended in 1994 to include the SLBFE as a scheduled institution under the Bribery Act. This was further amended in 2009 to fortify the SLBFE to curtail malpractices. SLBFE has 24 branches spread across the island.

The SLBFE is a self-financed, semi-government Corporation funded by migrant workers' recruitment fees and commissions paid by employment agencies. It must be noted that the SLBFE does not receive funds from the Treasury. The objectives of the SLBFE are given in Section 15 and Section 16 of the Act which sets out its powers. The objectives are spread over a wide area but they can be classified broadly as follows:

- To promote/develop foreign employment opportunities
- Regulate Foreign Employment Agencies
- Assist Foreign Employment Agencies to grow and develop;
- Set standards for foreign employment;
- Recruit Sri Lankans for foreign employment
- Provide for the welfare and protection of migrant workers
- Undertake the training and orientation of migrant workers
- Verify documentation of migrant workers<sup>6</sup>

The Act sets out strict rules and regulations regarding the setting up and operation of the SLBFE. Section 24(1) sets out a mandatory requirement that "A person other than the Bureau shall not carry on the business of a Foreign Employment Agency unless he is the holder of a license issued under this Act and otherwise in accordance with the terms and conditions of that license". The Act further states specific conditions to obtain licenses, renewals and cancellations.

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6 Shyamali Ranaraja: Road Map on The Development of a National Labour Migration Policy in Sri Lanka Review of National Legislation and Regulations

It also sets out in Section 37 (1) that no licensee shall issue any advertisement or notice calling for applications for employment outside Sri Lanka without the prior approval in writing from the Bureau<sup>7</sup>.

*The SLBFE has taken various measures to curb malpractices and fraud in the migration process – compulsory registration of migrant workers at the SLBFE prior to departure, training of workers to enhance their skills and preparing them for employment in a different environment, introduction of model contracts; negotiation of better working conditions and higher remuneration for workers (Daily Mirror; 2008; Somarathne); entering into Memoranda of Understanding (MOU) with several labour –importing countries; monitoring of licensed recruitment agencies and cracking down on illegal recruitment. The State has further empowered the SLBFE to crack down on errant Foreign Employment Agencies by Emending the Act in 2009.*

*(Quoted from "Integrity in Foreign Employment: An analysis of corruption risks in recruitment" - Transparency International)*

### Kafala System

Over the years, the Gulf States have instituted a sponsorship system (Kafala) which becomes the legal basis for residency and employment. Migrant workers receive an entry visa and a residence permit only if a Gulf Cooperation Council (GCC) citizen or a GCC<sup>8</sup> institution employs them. Sponsorship requires the sponsor-employer to assume full economic and legal responsibility for the employee during the contract period. This system requires that the worker can only work for the sponsor and renders the workers entirely dependent on their contracts in order to remain in the country. In many GCC States, the sponsor is legally able to confiscate the passports of employees and keep them until their contracts have ended (Longva 1999). While the Kafala system has been created to provide the central government with a means to regulate labor flow into GCC States, critics charge that the system leads to the exploitation of these workers, particularly women employed in domestic services (Gamburd 2005). If an employee sues the sponsor for violating labor practices, there is generally no form of unemployment protection while the case is pending in the legal system, and even if the worker wins the case, the usual result is for the

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<sup>7</sup> *ibid*

<sup>8</sup> GCC countries constitute Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates, the Sultanate of Oman, and the Republic of Yemen.

sponsor contract to be terminated, requiring the worker to leave the country. While the Kafala system provides the State with an important means of monitoring labor flow; these policies can impinge on the human rights of workers as they are often used by employers to deny justice and basic protection (Zogby 2005)<sup>9</sup>.

## International Framework

Apart from this Act, the Sri Lankan Government is bound by the UN Convention on the Protection of the Rights of All Migrant Workers and their Families which it ratified in 1996. The Convention covers legal and illegal migrant workers and it aims to curb illegal migration. Sri Lanka has difficulties in ratifying the ILO Convention on migration as that it requires that the employment service should be provided free to migrant workers, but the SLBFE levies a fee. However, these Conventions are not ratified by the labour receiving countries in the Middle East and therefore Sri Lanka has no way of enforcing the rights of the migrant worker in the labour receiving countries. The ILO Convention on Forced Labor, No. 29, has been ratified by Sri Lanka, Saudi Arabia, Kuwait, Lebanon, and the UAE. This 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/herself voluntarily. The ILO has clarified the meaning of these two key elements of forced labor: (1) the work is exacted under menace of any penalty and (2) it is undertaken involuntarily. The ILO has elaborated a list of elements which can qualify as a menace of penalty and thus point to a situation of forced labor. The experiences of persons interviewed for this report, too, come within the scope of the ILO definition of forced labour<sup>10</sup>. A number of domestic workers interviewed by Human Rights Watch experienced two or more of these elements in combination. Sri Lanka (GOSL) could report to the ILO on non compliance or the violation of the ILO Convention 29. As ILO members, the governments of Saudi Arabia, Kuwait, Lebanon, the UAE, and Sri Lanka have an obligation to realize fundamental rights set out in the Convention<sup>11</sup>. This could be a way of exposing these issues in the international arena. Even if the GOSL is reluctant to take these issues due its foreign policies, trade unions could report them to the ILO.

9 See BRIDGING MULTIPLE DIVIDES, Hilton San Francisco, SAN FRANCISCO, CA, USA, Mar 26, 2008 . 2010-12-05 <[http://www.allacademic.com/meta/p252177\\_index.html](http://www.allacademic.com/meta/p252177_index.html)> Publication Type: Conference Paper/Unpublished Manuscript

10 Human Rights Watch: Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates- Human Rights Watch. .

The Convention on Elimination of All Forms of Discrimination against Women (CEDAW) is signed by Saudi Arabia, Kuwait, Lebanon, UAE, and Sri Lanka. The possibility of bringing the crimes committed in these countries within the ambit of these Conventions could be looked into by the government and by civil society organizations. CEDAW also in April 2010 approved the General Recommendation 26 on Women Migrant Work.

### Memorandums of Understanding (MOUs)

Besides the above international treaties, GOSL has signed four Memorandums of Understanding (MOUs) with UAE, Jordan, Qatar and Bahrain and two more are to be signed with Oman and Kuwait. These are to ensure the protection of and securing the rights of Sri Lankan workers, particularly women workers.

### Trade Unions

Sri Lankan trade unions had signed an agreement with their counterparts in Bahrain, Jordan and Kuwait to ensure the strict supervision and control of activities of recruitment and employment agencies as well as subcontractors and eliminate the abuse of sponsorship schemes<sup>12</sup>.

### Employment Agencies

Registered recruitment agencies are granted licenses for one year, with renewal being dependent on compliance with provisions of Section 30 of the Act. Non-compliance with any of the provisions of the Act and regulations made under it, failure to pay the fees and being convicted of an offence under the Act could result in the cancellation of the license.

Irregularities including corruption occur in the licensing process, according to stakeholders. It was alleged that officials sometimes demand bribes to

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11 Human Rights Watch: Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates- Human Rights Watch. The ILO Declaration also states that "all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organization to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions." International Labour Conference, ILO Declaration, Para. 2. Quoted in Human Rights Watch: Exported and Exposed: Abuses against Sri Lankan Domestic Workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates- Human Rights Watch.

12 Transparency International: Integrity in Foreign Employment page 10 and interview with the National Migration Centre.

overlook lapses when renewing licenses (de Silva 2009)<sup>13</sup>. Some agencies allegedly get their licenses renewed without complying with the law, and not all licensed agencies obtained ALFEA membership as required, until May 2009.

Information on licensed agencies including names, addresses, license numbers and period of licence validity is available on the SLBFE website. ALFEA has details the agents who have been blacklisted, on its website.

### National Policy for Labour Migration

The Sri Lanka National Policy for Labour Migration was developed by the Ministry of Foreign Employment Promotion & Welfare with the active participation of key stakeholders. This has been approved by the Cabinet in the year 2010.

Its aim is to articulate the State policy regarding Sri Lankan citizens engaged in employment in other countries and to recognize the significant contribution of all Sri Lankan migrant workers to the national economy through foreign exchange remittances and other mechanisms. The policy has the goals of developing a long-term vision for the role of labour migration in the economy enhancing the benefits of labour migration on the economy, society, the migrant workers and their families, minimizing its negative impacts and, finally, working towards the fulfillment and protection of all human and labour rights of migrant workers<sup>14</sup>.

Overall, the National Policy aims to promote opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, equity, security and human dignity. It is intended to do so through the institution of policies, laws, regulations, services and facilities for migrant workers and their families. Special emphasis is laid on the development of skills as a main and effective means of protection for migrant workers and their families. The Policy is developed in three sections; namely, governance of the migration process, protection and empowerment of migrant workers and their families, and linking migration and development processes.

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13 Transparency International: Integrity in Foreign Employment p 10 and interview with the National Migration Centre

14 Sri Lanka National Policy in Labour Migration- Ministry of Foreign Employment Promotion & Welfare 2010Centre

## **CHAPTER 3**



## Socio-Economic Background of the Respondents

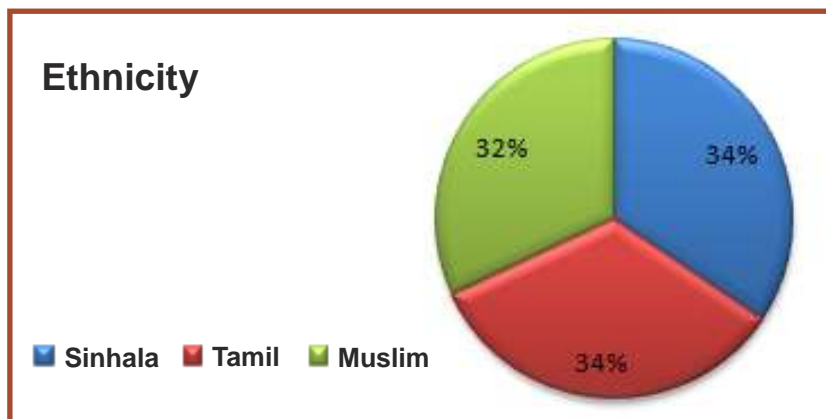
### 3.1 Ethnicity of Respondents

Ethnicity	Ampara	A'pura	Colombo	N' Eliya	Puttalam	Vavuniya	Total
Sinhala	00	22	16	02	02	00	42
Tamil	08	00	01	16	05	11	41
Muslim	11	00	03	02	16	07	39
<b>Total</b>	<b>19</b>	<b>22</b>	<b>20</b>	<b>20</b>	<b>23</b>	<b>18</b>	<b>122</b>

The ethnic composition of the respondents numbering 122 consisted of a total of 42 Sinhalese, 41 Tamils and 39 Muslims. Anuradhapura record a Sinhala only community while all other districts records mixed communities. Nuwara Eliya records the highest number of Tamil respondents with a total of 16 (80%), 11 (62%) from Vavuniya, 08 (43%) from Ampara, 05 (22%) from Puttalam and 01 (5%) from Colombo.

The highest number of Muslim respondents is recorded from Puttalam, with 16 (70%), 11 (58%) from Ampara, 7 (39%) from Vavuniya, 3 (15%) from Colombo and 2 (10%) from Nuwara Eliya.

The highest number of Sinhalese respondents is recorded from Anuradhapura, with 22 (100%), 16 (80%) from Colombo, 2 (10%) from Nuwara Eliya and 2 (9%) from Puttalam.



**Table No. 3.2. Age of Respondents**

Age Group	Ampara	A'pura	Colombo	N-Eliya	Puttalam	Vavuniya	Total
19-25 yrs.	00	04	00	03	06	02	15
26-32 yrs.	05	05	04	06	06	09	35
33-39 yrs.	04	07	05	09	07	05	37
40-46 yrs.	03	04	09	02	04	02	24
47-53 yrs.	06	02	02	00	00	00	10
54-60 yrs.	01	00	00	00	00	00	01
Total	19	22	20	20	23	18	122

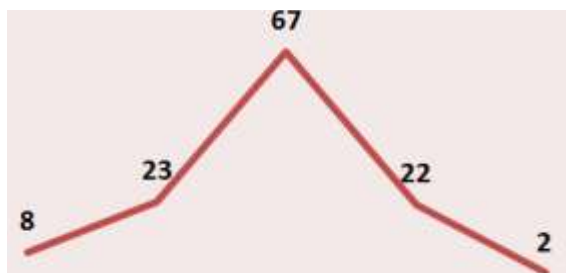
Table No: 3.2 indicates that a total of 72 respondents out of the total of a 122 (59 %) were between the ages of 26-39, while 24 respondents (20%) were in the 40 - 46 category, and 15 (12%) in the category of 19 -25 years. There was only 1 respondent over the age of 54 years, from Ampara. There is a noted decline in migration in the age category of 47 – 53 recording only 10 respondents from all six Districts. A majority of this group were from Ampara.

**Table No. 3.3 Level of Education of Respondents**

Education	Ampara	A'pura	Colombo	N' Eliya	Putt.	Vavu.	Total	%
No schooling	02	02	00	00	04	00	08	07
Grade 1- 5	09	04	03	01	03	03	23	18
Grade 6 -10	06	08	15	13	14	11	67	55
G.C.E (O/L)	02	07	02	05	02	04	22	18
G.C.E(A/L)	00	01	00	01	00	00	02	02
Total	19	22	20	20	23	18	122	100

Table No 3.3 shows that 7 % had no schooling and 18 % had only studied up to Grade 5. 55% of the respondents were those who have studied between grades 6 – 10. Out of the total number, 24 persons have studied up to GCE (O/L) and above, representing 20% of the respondents. However, 25 (20%) had studied up to Grade five or belong to the category of those who have had no schooling respondents indicated being married, 16% abandoned, 08% widowed, 06% unmarried and 1% divorced.

## Education



**No schooling    Grade 1-5    Grade 6-10    G.C.E.(O/L)    G.C.E (A/L)**

**Table No.3.4 Marital Status of Respondents**

Marital Status	Ampara	A'pura	Colombo	N' Eliya	Putt.	Vavu.	Total	%
Married	12	18	13	12	16	13	84	69
Unmarried	00	00	01	01	02	03	07	06
Widowed	03	01	02	02	01	01	10	08
Divorced	00	00	00	00	01	00	01	01
Abandoned	04	03	04	05	03	01	20	16
<b>Total</b>	<b>19</b>	<b>22</b>	<b>20</b>	<b>20</b>	<b>23</b>	<b>18</b>	<b>122</b>	<b>100</b>

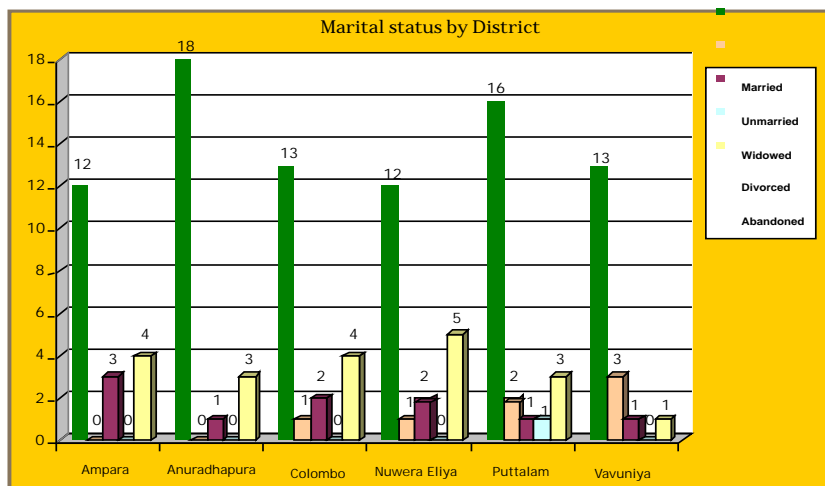


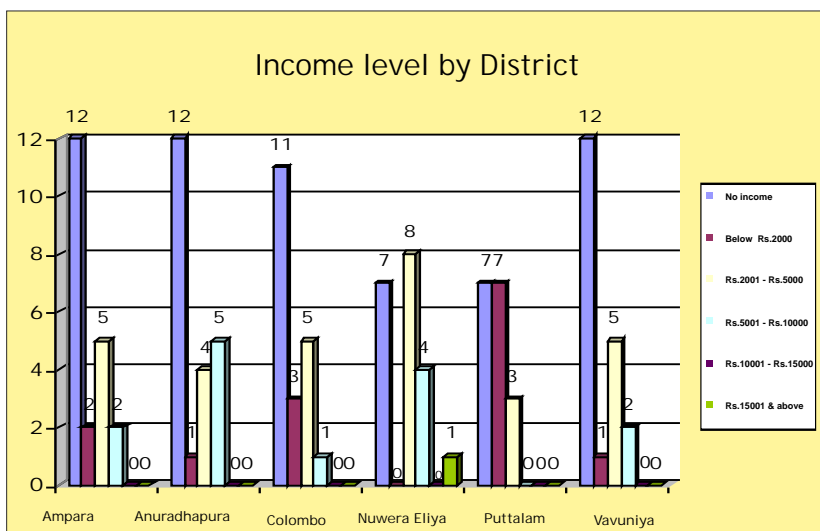
Table No.3.5 Female Heads of Households

Ampara	A'pura	Colombo	N-Eliya	Putta	Vavu	Total
07	04	06	07	05	02	31

Out of 31 female heads of households, Ampara and Nuwara Eliya Districts recorded the highest number of seven each, while Colombo had six, Puttalam had five women heads of households. Anuradhapura recorded three such households, and Vavuniya two households.

Table No. 3.6. Income levels of Respondents

Income	Ampara	A'pura	Colo.	N'Eliya	Putt.	Vavu	Total	%
No income	10	12	11	07	07	12	59	48
Below Rs.2000/-	02	01	03	00	07	01	14	11.5
Rs.2001 -Rs.5000/-	05	04	05	08	09	03	34	28
Rs.5001-Rs.10000/-	02	05	01	04	00	02	14	11.5
Rs.10001-Rs.15000/-	00	00	00	00	00	00	00	00
Rs.15001/- >	00	00	00	01	00	00	01	01
<b>Total</b>	<b>19</b>	<b>22</b>	<b>20</b>	<b>20</b>	<b>23</b>	<b>18</b>	<b>122</b>	<b>100</b>



The above table and the chart reveal the present economic status of the returned respondents. 48% were reported to have no income while another 39.5% indicated to have an income below Rs. 5000.00. Another 11.5% were said to have an income of Rs 5000.00 - 10,000.00. Only one person said that she has an income of over Rs 15,000.00. Except for Nuwara Eliya and Puttalam, over 50% of the respondents of all other Districts indicated that they had no income. 35% of respondents from Nuwara Eliya indicated that they had no income, while 31% of respondents from Puttalam indicated that they had no income.

**Table No. 3.7. Income of Respondents' Spouses**

District	No income	Below Rs.2000	Rs. 2001-5000	Rs. 5001-10,000	Rs. 10,001-15,000	Rs. 15000 +	Total
Ampara	02	02	05	02	01	-	12
A'pura	04	01	02	11	-	-	18
Colombo	02	02	01	03	05	-	13
N-Eliya	-	01	04	06	01	-	12
Putt	02	01	07	02	02	02	16
Vavuni	02	02	06	02	01	-	13
<b>Total</b>	<b>12</b>	<b>09</b>	<b>25</b>	<b>26</b>	<b>10</b>	<b>02</b>	<b>84</b>

Table no. 3.7 shows the present income level of the spouses of the returned WDMWs. While the available figures are only from 84 respondents out of the 122, 60 of them have very poor income, indicating the status of vulnerability as a family. Out of the 84, 12 families still indicate that they have no income.

## **Overview of the Six Districts**

### **Ampara**

Ampara is an agricultural district, reporting the highest paddy cultivation in Sri Lanka. Similarly, being in the Eastern coastal belt, Ampara also records a high yield of fish resource.

The District experienced two natural and man-made disasters, namely the Tsunami and the protracted conflict, both of which had a devastating impact on the lives of women. Ampara also had a high concentration of international non-government organizations, especially since the Tsunami.

Even with the high level of paddy cultivation and fishing, the resources are not well distributed. There are many pockets of marginalized communities within the District. The 19 respondents of the study came from the Addalachenai and Kalmunai Divisional Secretariat (DS) Divisions. Both the Tamil and the Muslim respondents have been affected by the armed conflict and have been displaced. As a result of displacement, both these communities have lost their lands, other assets and traditional livelihood, in addition to having their education disturbed.

Overall employment generation for both women and men in the District is scarce due to the long-drawn conflict and the poor investment on development of industries. Moreover, the paddy cultivation which was traditionally labour oriented has been mechanised. This has, in effect, decreased the employment opportunities of the casual labour force, particularly affecting the income of the women labourers.

There are very few vocational training opportunities especially for women. Job opportunities therefore for women in disadvantaged areas are scarce except in the agriculture labour work which too is limited to private initiatives. Agricultural labour is of a seasonal nature. Dowry is a key issue for the Tamil and the Muslim communities, the burden of which is shouldered by women.

### Anuradhapura

Anuradhapura in the North Central Province (NCP) which borders the Northern and the Eastern Provinces has been affected by the armed conflict, and IDPs from both within and outside its borders are living in the District. Most farmers are unable to cultivate during the Yala Season and can only cultivate paddy during the Maha Season while depending on rain for "chena cultivation" (slash and burn).

Employment opportunities in the area are scarce. The current rate of wages for women in agriculture labour work remained Rs 2.50 for harvesting a kilo of green chillies and Rs 2.00 for red onions. As a result their daily wage falls into the category of Rs. 300.00 to Rs. 375.00, and that too only if they can work for 10 to 12 hours a day. This income too is seasonal. Indebtedness appeared to be a common feature among the women folk.

## Colombo

Colombo District in the Western Province is the heart of the economic hub. The respondents of the FGDs were selected from Mattakkuliya and Wanathamulla, two "urban poor" areas with high by congested populations, poor housing, poor sanitation, unemployment and underemployment for both men and women belonging two Grama Niladhari Divisions.

Despite the proximity to industrial and commercial centers, the jobs that are available for women belonging to the low income families in the two areas are limited. They are, for example, domestic work; work in small scale factories and traditional women-specific home-based for self employment activities, e.g. food related which were said to be highly competitive with low, irregular income.

One of the key characteristics among these respondents was their low educational attainment despite Colombo being perceived as having sufficient resource allocations for quality education. It was revealed that this community was in constant debt after having accessed loans from private money lenders at high interest rates.

## Nuwara Eliya

Nuwara Eliya is the centre of the plantation economy where women play a major role as tea pluckers. They are the lowest paid sector of the formal work force, receiving a basic wage of Rs 405.00 per day. It is the only sector where long-term casual work labour is regularised. Their income becomes irregular and poor during the drought season where the leaf production is less. Geographical terrain too contributes to this factor. Due to mobility constraints, women's access to basic State services is restricted.

The respondents were from the Divisions of Agarapathana and Dayagama in the Nuwera Eliya District. Of the 20 respondents, 7 do not work in the plantations. They reside in the houses provided by the estate management and do not own land. There is no SLBFE branch office or registered employment agencies in the Nuwara Eliya District. Therefore, the aspiring migrants depend on brokers and sub-agents for all the required services in relation to migration.

## Puttalam

Puttalam is a coastal district situated in the North Western Province of Sri Lanka, bordered by the Districts of Mannar, Kurunegala and Gampaha. There are six agricultural tanks that belong to this District for cultivations of paddy. The District is also reputed for coconut and onion cultivations and fishing. Twenty years ago the Muslim communities living in Mannar and Jaffna were forcibly evicted by the LTTE and the majority of them now reside in Puttalam thus increasing the population in the District by at least one third and straining on the limited resources such as available employment, schools and medical services.

18 respondents were from Palavi and 5 were from the Puttalam Divisional Secretary (DS) Division. Most IDPs living in Puttalam have bought small plots of land and are living in congested spaces. Opportunities to do home gardening or to rear livestock is limited due to lack of space in the homestead.

In general, the job opportunities are not only scarce, but there is also a high competition among the host community and the IDPs for available jobs. The investment for industries being scarce, the jobs that are available in the agricultural sector such as in onion and chilly cultivation and in the saltern, are limited. Moreover, the wages of women in the rural and informal sector in general are lower than the wages paid to men. For example, the women are paid Rs.300/- while men are paid Rs.700/- per day for work in the onion fields.

The pressure on women to migrate is more in order to build houses and educate the children as well as to collect dowry. The desertion of women by the men in the Puttalam area is also high as in other disadvantaged communities, exerting pressure on women to undertake multiple responsibilities. In addition, alcohol addiction of spouses appeared to be widespread in a significant number of households.

## Vavuniya

The District of Vavuniya in Northern Sri Lanka is bordered by Mannar, Mullaitivu, Anuradhapura and Trincomalee Districts. Vavuniya remains an agricultural district with paddy cultivation as the major occupation and vegetable cultivation to a lesser extent. Due to the ethnic conflict large



influxes of internally displaced populations, from all areas, have sought refuge in this District, putting a strain on available resources, especially for women.

Respondents in Vavuniya were from the Muslim and Tamil communities. Except for two of the respondents from Sinnasippikulam, all others interviewed were internally displaced persons due to the conflict. It was noted that the Tamil respondents from the Katkulam village have received a 40-perch land each and that houses were built for them by an NGO. Cultivating even this small plot of land is difficult due to lack of water. There are common wells situated at a relatively long distance from the houses and often it is the responsibility of women to fetch water for all household requirements.

The Muslim respondents had returned to their original village of Pulitherichcha Puliyankulam and had to build their own houses.

There are no jobs available in the area except for agricultural labour, which too is seasonal and low paid for women. In Vavuniya, it was found that only a few respondents claimed that the reason for migration was to build houses, unlike in the Districts of Anuradhapura, Puttalam and Ampara where one of the primary reasons for migration was for construction of houses. In Vavuniya, one of the main reasons for migration was for livelihood. Even though Vavuniya is a conflict affected zone and there is a large presence of service provider agencies, the respondents have neither been approached these nor have they been approached by the agencies.

# CHAPTER 4

## **Factors influencing migration of women domestic migrant workers**

While factors influencing migration are multi-faceted, feminisation of poverty is seen as one of the key root causes. Patriarchal practices such as restricted mobility outside the family, pressure of providing dowry, house construction, abusive life-styles of men spending their daily wages on alcohol and domestic violence are oppressions that add to the overall vulnerability of women.

The State intervention on poverty alleviation, such as the Samurdhi Programme is inadequate to address the issues of disadvantaged communities as the traditional sources of income are becoming increasingly unviable. Since 1977, Sri Lanka has been implementing a number of measures commonly associated with economic liberalization and Structural Adjustment Policies (SAPs) in consultation with and under pressure from the International Monetary Fund (IMF), the World Bank and the "donor" countries. These measures transformed Sri Lanka from an in-ward oriented policy regime to a more liberal and out-ward oriented policy regime.

The so-called Structural Adjustment Policies were intended to bring about rapid industrialization and transfer of technology through the availability of credit and foreign direct investments. Some of these included open market policies in trade, constructing Free Trade Zones; privatizing public sector enterprises; promoting export crops, export industries and tourism, eliminating subsidies for social services such as education, health and food subsidies.

Although Sri Lanka hoped that such policies would create employment through foreign investments, a majority of jobs were concentrated in low-skilled occupations and in-assembly line production which were low paid, concentrated mostly in the Western Province. To date, around 80% of Free Trade Zone workers consist of women. Thus, various elements of these SAPs have negatively impacted on women, particularly on the most vulnerable, such as escalating prices, removal of welfare, promoting export oriented agriculture, food shortages and worsening health conditions placed heavier burdens, compelling women to transform their roles from reproductive to multiple roles including productive roles. As such, the rural masses were marginalized from this process. The women belonging to the lowest strata had no option but to migrate overseas, especially to the Middle Eastern countries, to work as unskilled domestic workers.

*As the market is regarded as the most efficient allocator of resources and distributor of wealth, it is assumed that trade liberalization will 'unlock' economic potential and generate growth, which will ultimately reduce poverty. However, countless critics, including WIDE, maintain that the unfettered trade liberalisation and opening up of markets embodied by the World Trade Organization's free trade agreements have not worked to promote human well-being for all. Instead, contemporary trade policies have prioritized the interests of global capital and profit maximisation over poverty eradication, social justice and gender equality. Women, poor women in particular, have been disproportionately affected by the negative impacts of neo-liberal trade policies, and the unfavorable terms of trade between North and South have contributed to increasing pressure on women to migrate.*

**"Women's labour migration in the context of globalization."**

**By Anja K. Franck & Andrea Spehar - Produced by: WIDE, Globalizing Gender Equality and Social Justice, 2010, Page 16.)**

**The State intervention on poverty alleviation such as Samurdhi welfare programme is inadequate to address the issues of disadvantaged communities as the traditional sources of income are becoming increasingly unviable.**

*"One of the main issues with Samurdhi is that it is not well targeted. Persons who should be receiving Samurdhi assistance are not receiving it and people who should not receive it are receiving it," explained Senior Social Protection Economist, Milan Vodopivec from the World Bank, at a recent press briefing on Sri Lanka's social protection systems. This is mainly because the scheme does not have clear criteria to select recipients. At this point nearly half the country gets Samurdhi money, although the official poverty level is 23% of the population - indicating that half the money is going where it should not. "In 2006, nearly 46% of families in Sri Lanka received Samurdhi but the poverty estimate is only 23%", said Vodopivec.*

*The extent of Samurdhi coverage should not be a concern if it was effective. But the scheme is spread too thin to be of any real use. Samurdhi grants range from Rs 155.00 to 1,500.00 per month in 113 DS Divisions and from Rs 140.00 to Rs 1,000.00 in about 199 DS Divisions. But, beneficiaries actually get only a small share of the grant as most of the money is cut off for various sub-schemes.*

*For instance, from the Rs 1,000.00 grant, Rs 400.00 is cut off for commodities stamps, Rs 200.00 for compulsory savings, Rs 30.00 for social security and Rs 10.00 is cut off for the Housing Lottery Fund. Only Rs 360.00 is given as encashment stamps. This is about Rs 90.00 per person<sup>15</sup>.*

15 Revamp needed for Samurdhi welfare scheme by Dishani Samarajeewa, The Sunday Times, October 15th, 2006, vol 41-, No 20

Table No 4.1. Reasons influencing migration (Multiple Responses) from Focus Group Discussions

Factors	Amp	Anu	Col	N.Eliya	Putt	Vavun
Inadequate/ Irregular income	19	22	11	12	19	18
House construction	16	20	07	11	17	04
Education of children/siblings	13	15	07	07	15	11
Indebtedness	04	05	12	05	04	04
Alcoholism of spouse	05	08	04	03	05	01
Accumulate dowry	07	02	02	00	07	05
Female headed household	07	02	05	02	05	02
Motivated by role models	00	13	04	00	00	00
Domestic violence	01	08	01	00	02	01
Sickness of immediate family member	07	00	02	01	01	02
Purchase land	06	00	06	00	00	00

### Inadequate and irregular income

Out of the 122 respondents interviewed, 101 persons indicated, inadequate income for the family as the main factor for migration. Nearly all respondents from all the Districts stated that they did not have alternative job opportunities in the respective areas to derive a substantial income. It was noted from all Districts that there is a lacuna of the livelihood interventions by the State due to inadequate financial resources allocated for the disadvantaged communities.

### House construction:

75 out of the total number of respondents indicated that their priority for migration was to build a house of their own. Out of this number, 20 were from Anuradhapura, 17 from Puttalam, 16 from Ampara, 11 from Nuwara Eliya, seven from Colombo and four from Vavuniya. When asked what their priority for migration was 61% indicated it as house building.<sup>16</sup> However, the cost of house construction has escalated to such an extent that it is beyond the reach of many. Furthermore, it is difficult for the WDMWs to build houses as the cost of construction when they returned after two years would be much higher than when they left the country.

### Educating children and siblings;

68 respondents indicated that they also migrated to provide a good education for their children. 24% indicated that the second priority for migration was

<sup>16</sup> For many this foreign employment is one of their few opportunities to earn money to build a house, pay for medical and school fees and provide basic necessities for their families in their home countries. pg 2, HRW-Slow Reform-April 2010

education of children or siblings. Seven unmarried respondents said that they migrated to educate their siblings.

### Indebtedness:

Indebtedness seemed very high among the respondents from Colombo. As many as 12 persons out of 20 indicated that they migrated due to high level of indebtedness. It was revealed that the respondents had accessed these loans from private money lenders. Respondents pointed to indebtedness as one of the key reasons for migration. Some of the reasons for indebtedness were mainly the escalating cost of living and the fact that their meagre savings could not meet the expenses related to sudden shocks such as illness and death in the family.

*My name is Shanthy and I am 46 years old, married, with two adult children. My husband is a tinker/welder but due to weak eyesight he was unable to carry on with work on a regular basis. Therefore, in 2004 I took a loan of Rs 100,000.00 from a local money lender at the rate of 10% interest per month, to start a small boutique to make a living. However, my income from the boutique was not sufficient to meet the expenses of the family and pay back the loan. My children were schooling and their expenses also were high. Paying back the loan was very urgent. This was why I decided to migrate to Jordan to work as a housemaid in 2005. I was 40 years old at that time.*

### Alcoholism of spouse

26 respondents indicated that alcohol addiction of the spouses was one of the major reasons for their migration. As many as eight out of 20 respondents from Anuradhapura, five each from Puttalam and Ampara, four persons from Colombo, three persons from Nuwara Eliya and one from Vavuniya acknowledged that addiction of spouses made their life difficult, and that they were often subject to violence. 13 respondents mentioned that their spouses were abusive<sup>17</sup>.

<sup>17</sup> Women told the Human rights Watch that they migrated to build houses; purchase land; pay off family debts; escape abuse spouse; pay for education at related costs for their children; pay for the care of the sick; unemployed; or elderly relatives; provide dowries for themselves and for their children; meet their families' daily need for food and clothing; replace family resources depleted by the alcoholic husband; and purchase necessary equipment for micro-enterprises they planned to launch. Divorced and widowed women reported that they migrated for work as primary bread-winners, exported and Abused – Abuses against Sri Lankan Domestic workers in Saudi Arabia, Kuwait, Lebanon, and the United Arab Emirates – November 2007 Volume 19 , number 16 ©.

*I am a married 54-year-old, with two sons aged 19 and 13 years. As my husband has been a heavy drinker for many years since our marriage, he is currently under medication. He was never engaged in a regular job and neglected his duties towards the family. As such, I had to fulfill all the household responsibilities on my own. Although I tried out several self employment ventures, none of them worked out. Therefore, in 1999, leaving my children under the protection of my in-laws, I decided to migrate for the fourth time.*

### Accumulate dowry

Seven persons from Ampara, seven from Puttalam, five from Vavuniya and two each from Anuradhapura and Nuwara Eliya said that their reason for migration was to collect dowries for their daughters. Out of this number, the unmarried women from Vavuniya, Ampara, Puttalam and Nuwara Eliya said that their migration was to collect dowry for themselves. From these respondents, it was apparent that a greater burden is laid on women, particularly the mothers, to find dowry for their daughters.

### Female headed households

Seven respondents from Ampara, five each from Colombo and Puttalam, two each from Anuradhapura, Nuwara Eliya and Vavuniya indicated that they could not manage the household being a single parent. It was striking to note the phenomena of high desertion of families by their spouses. Often these males have either re-married or simply abandoned their wives, as a result of which these women remain the sole bread winners. Out of this number, five women also provided care for their disabled spouses while remaining as the main bread winners. As such, 5% of respondents indicated that the reason for migration was that they had to be the sole income earners.

*'My husband died several years ago and since then, the entire household responsibilities fell on me. My last employment before migration was as a garment factory worker earning Rs 7000.00 per month in 2008 and it was just enough to meet the expenses of my four growing children. As I was living in a dilapidated house, I wanted to renovate it and that was why I made the decision to migrate.*

*The sub-agent whom I approached linked me up with an agent and without charging any initial payment my documents were arranged for me to go to Kuwait in 2008. I had to undergo fifteen day's pre-departure training which mainly covered housekeeping and language'.*

### Motivated by role models

A total of 17 respondents stated that they were motivated by migrant women

who had returned and who they perceived to be economically successful. In some returnees those women who have returned would not have shared the true difficulties they had experienced.

### **Domestic violence**

13 Women reported that they migrated due to domestic violence. Out of them, eight were from Anuradhapura. These women were more forthcoming and were keen to share their personal information.

*'I was 24 years old when I got married. After about one year of marriage, he was suspicious of me and accused me of having relationships with other men. He started beating me over such accusations. Even after I left him and went to my mother, he pleaded with me to come back home. But after I returned home he started to beat me more. Then I came back to my brother who was in own estate and worked in the village as a manual labourer. But I felt that I should not be a burden to them, and so decided to go abroad'.*

### **Sickness of immediate family member**

Seven respondents from Ampara, two from Colombo, two from Vavuniya, one each from Puttalam and Nuwara Eliya stated that the reason for migration was the sickness, both terminal and long term illness, among family members which required finances for medication and surgery of one or more members in the family.

### **Purchase of land**

Six respondents from Ampara and six from Colombo said that their motivation to migrate was to purchase land. Respondents from Anuradhapura do not have a land ownership issue as crown land was easily accessible. The women in Nuwara Eliya did not highlight the land ownership issue as they are compelled to live and work in the estates. In Puttalam, the respondents have purchased ten-perch blocks and therefore land ownership was not an issue.

The Muslim respondents in Vavuniya had been displaced in 1990 and had returned to their original villages. As such, they had no necessity to purchase land. The Tamil respondents were given 40 perches of land by the State and a NGO had constructed houses. As a result, land was not an issue.



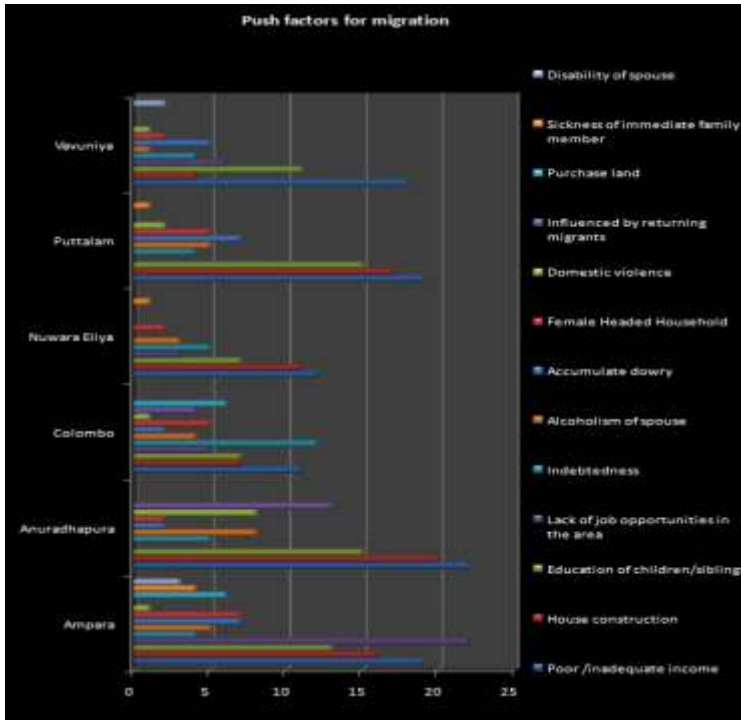


Table No 4.2 Pull factors for migration (multiple responses)

Factors of Attraction in country of Migration	Amp	Anu	Col	N'eliya	Putt	Vavu
Attractive Salary & working conditions	15	21	12	17	17	15
Expenses born by sponsor	08	-	01	-	10	05
Job opportunities	05	-	-	-	05	06
Family member working in the receiving countries	-	-	02	03	01	-
Motivation by friend	-	-	04	-	-	01
Positive role models in ME	-	-	-	03	-	-
Received travel ticket from relative/friend	-	-	01	-	01	-

The Middle East is a popular destination due to its high demand for domestic workers. They said that the high demand for less skilled women as domestic workers with good salaries and the perception of better working conditions in the Middle Eastern countries attracted them to those countries. Hence, 97 responses showed that attractive salaries and good working conditions were reasons that attracted them. Expenses borne by the sponsor was reported by 24 respondents mainly from the Muslims, as a pull factor a Demand for unskilled work for women as domestic workers was reported by 16 persons as another pull factor.

# CHAPTER 5

## **Recruitment Agents in Sri Lanka, Receiving Countries and the Role of Sub Agents**

The recruitment for employment overseas in Sri Lanka is handled by the Sri Lanka Foreign Employment Agency (Pvt.) Ltd., functioning under the SLBFE and other private recruitment agencies. It is mandatory for these private agencies to register with the SLBFE<sup>18</sup>. Until the Act was amended in October 2009, all licensed foreign agents had to register with ALFEA, an umbrella association with an estimated membership of nearly 200 out of nearly 800 recruitment agencies in the island. After the amendment of the Act, the mandatory requirement of registering with ALFEA was removed by the SLBFE (Act, No 56 of 2009).

Recruitment agents mostly rely on sub agents and brokers to announce job availability by word-of-mouth in the community/villages and to convince women to migrate by assuring them all the assistance and services during the entire migration process. Usually, the sub agents and the brokers live in the community or sometimes happen to be extended family members. As a result for the prospective migrant women, interacting with these sub agents is hassle-free. They tend to trust them and most often think that they are actually going through legal channels. Very often, the sub agents are the only contact to migrants throughout the entire migration process.

A job agent in Anuradhapura stated that they are unable to perform this task by themselves. As such, they totally depend on sub agents and brokers who have closer links in the community. In Nuwara Eliya where there are no SLBFE branch or recruitment agencies, the sub agent and brokers were the only available service providers. According to an employment agent in Anuradhapura, Rs 75,000.00 is paid to a sub agent as commission for each WDMWs recruited to Saudi Arabia while only Rs 25,000.00 is paid for Dubai by the sponsor through the agent. These sub agents usually do not receive a regular salary but are paid a commission for each worker they recruit. These payments are included in the sponsorship package.

Under the current sponsorship system, workers are contractually tied to one employer whose sponsorship money includes expenses related to processing

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<sup>18</sup> The SLBFE mandate appears to be incomplete as in addition to the 626 licensed agencies, there are an estimated 400 non – registered recruiters operating in Sri Lanka. The process of license - renewal also appears to be flawed, with an estimated 25% of registered agencies not being operative and SLBFE renewing license of agencies that were not members of the association of licensed Foreign Employment Agencies (ALFEA) as required by the Act before its October 2009 amendment. Pg 4 – Integrity in Foreign employment, Transparency International - 2010

travel documents, medical tests, insurance, registration fee, cost of pre departure training, air ticket and other related expenses. As such, women migrating for domestic work are not required to pay for expenses related to pre-departure. However, according to the study findings, there is no standard industry practice with regard as how to the required costs/fees are settled: some agencies/sub agents were reported to have initially paid for related expenses while others have taken money from the potential migrants.

This system paves the way for corrupt practices as sub agents most often do not divulge correct information and very often extort large sums of money from the WDMWs, apart from the commission they receive. A total of 120 women out of 122 in the study sample had contacted such service providers located in the major towns of the Districts.

In addition, the respondents stated that both agents and sub agents were instrumental in getting forged travel documents, medical certificates and training certificates as well. Our study revealed that there were a number of instances where the agent and /or sub-agent had obtained false passports. There were children aged below 18 who had been sent by agents on false passports. There were instances where non- Muslims had been sent as Muslims since Gulf countries had a preference to employ Muslim housemaids.

1. *My passport was forged to show that I was a Muslim. I was trained to pray as a Muslim for 6 days. My employer did not find out that I was not a Muslim. I did not have any complaints regarding the work place. (Vimalesewari from Vavuniya.)*
2. *Umma Maliha from said that she had migrated several times on a forged passport.*
3. *Another respondent said that she was 13 but her passport showed that she was 32. Immigration officials had remarked seeing her looking so young; "When were you weaned from breast feeding"...*

### Payments made to agents and sub agents:

Of the total sample 15 respondents who had to pay the sub agent, said that the fees paid ranged from Rs.10, 000.00 - 35,000.00. There was one respondent from Ampara who said that she had paid Rs. 100,000.00 to the

sub agents. One respondent said that the sub agent wanted her to pay Rs.35,000.00 after she resumed her employment abroad, which she paid through the family members, while yet another was asked to pay the same amount, but did not pay when she learnt that the sub agents had already received a commission from the employer.

#### Withholding Passports:

The common practice of a sub agent is to misuse his trust and power by illegally withholding the passports of the respondents. In one situation, a respondent was promised a placement in Kuwait, but she was given a ticket to Saudi. She refused to go to Saudi. Thereafter, this respondent's passport was not returned by the sub agent. She had to wait for two years to obtain a new passport in order to leave the country. On another instance, the sub-agent had illegally demanded the passport of the respondent's husband and illegally retained it, too.

#### Threats:

One respondent from Vavuniya said that she was intimidated by the sub agent, saying that she would be taken to the Police Station when she refused to migrate after obtaining her a passport and the air ticket.

#### Forged medical certificates:

Two women from Anuradhapura reported that their medical tests were fraudulently conducted by the Gulf Cooperation Country's Approved Medical Centers Association (GAMCA) located in Kurunegala. The sub agent said that both had passed their medical tests. The women had been unaware of having conceived before leaving the country as there were no symptoms of their being pregnant. When they left for employment, they discovered at the other end that they were pregnant. Both said that if they had known this before, they would not have decided to migrate.

*'After the medical test was performed, I was merely told that everything was fine but was not shown nor given a copy of the medical report. While I was waiting for my test results, I overheard them discussing that somebody's urine report was having a problem but I never imagined that it could be mine.....I knew about my situation when another medical test was conducted in Saudi. Anyway, I worked for six months but throughout my stay I was only paid once. I was not allowed to communicate with my family for four months. When I got the opportunity*

*to call my husband and mother after four months, I told them about my plight and pleaded with them to get me down as soon as possible.*

*After arriving in Saudi, the agency once gain conducted a medical test and I was informed that I was pregnant and because it was at an early stage they could arrange for me to have an abortion to eliminate the pregnancy. When I refused, they said that I would have to face the consequences and they handed me over to the sponsor'.*

Another woman from Colombo who had diabetes connived with the sub agent to obtain a false medical certificate.

Agents in the receiving countries:

Foreign Recruitment Agencies in Sri Lanka work closely with employment agencies in the receiving countries. The women reported that staff attached to the employment agencies in the receiving countries are mainly Sri Lankans and that they were not helpful in resolving workplace harassment, including non-payment of wages. They were reported to be pressurizing women to remain at a job until they have completed at least three months till the probation period is completed. This was because the sponsorship system requires the agents to replace a maid if she leaves before the end of three months. A sub agent in Nuwara Eliya reported that they usually advice women to run away from abusive workplaces only after three months.

These agencies too maintain shelters for migrant women who have encountered abuses and seek refuge with them. A total of nine women stated that they experienced severe physical and verbal abuse at the hands of these agents.

There were incidents where the agents had placed women in several homes for short periods and taken their salaries. Two women were forced to work in other places when the employer's family had gone for holidays without any extra payment. One woman said that she sought refuge in the shelter maintained by the agents and from there, she was sold to two places within a period of six months and was not given a cent as salary for her hard work.

Nine women reported that they were trafficked across borders, placing them in very dangerous situations. Of the nine, two women from Colombo were trafficked from Dubai to Oman by the agents, after having kept them in the

agency safe house. Another woman from Vavuniya was promised a job in Kuwait but she was trafficked to Saudi after being kept her for 45 days in Kuwait.

The two pregnant women mentioned above were pressurized by the agents in the receiving countries to abort the fetuses when their early pregnancies were detected after the medical tests conducted in the receiving country. The women said that when they refused to abort, they were handed over to the employer without sending them back to Sri Lanka.

When the woman with diabetes fainted at the employer's house due to sickness, she was returned back to the agent but, without being sent to Sri Lanka, she was repeatedly sent to work for other employers by the agents. She underwent traumatic experiences before finally arriving to Sri Lanka.

*'A woman named "Chooty" is the broker in my community who helped me to go abroad. When two of my medical tests revealed that I am diabetic, she assured me that it was not a problem and that she could arrange for me to get through this barrier. Which being employed in Kuwait, I fainted and my condition was exposed. When I was handed over to the Agent by the employer, the officers threatened me not to divulge this to anybody and placed me with another employer'.*

A total of six women said that their hand phones were taken over by the agency and given to the employer. According to the women, the agents in the receiving countries had informed that maids were not allowed to keep hand phones. However, they said, Philipinos and Indonesians were allowed this facility.

#### Contract substitution

One woman reported that her contract was defaulted by the agency. She was kept in the agency after her arrival from Sri Lanka and given to another employer who was not her initial sponsor<sup>19</sup>.

<sup>19</sup> These malpractices include non- payment of wages of domestic workers in the first two or three months, payment of reduced wages, non payment of wages (Ellepola 2008) charging a fee from the employer as well as the Sri Lankan agent, not making contact with the worker on arrival, not taking the worker to the Sri Lankan Embassy for registration and substitution of the contract signed in Sri Lanka with another containing inferior terms and conditions. (SLBFE 2009: Samath, 2008b)-Transparency International. Integrity in Foreign Employment p31

# CHAPTER 6



## Countries of Destination

Table No. 6.1. Countries visited during the final Contractual Period

Country	Number	%
Saudi Arabia	66	54
Kuwait	30	24.6
Dubai	09	7.3
Jordan	06	05
Lebanon	04	3.2
Qatar	03	2.5
Oman	03	2.5
AbuDhabi	01	.9
<b>Total</b>	<b>122</b>	<b>100</b>

The sample respondents selected were those who returned within the last three years. The study showed that 54% of the respondents served in Saudi Arabia and 24.6% have been employed in Kuwait. Those who migrated to Dubai and Lebanon were below 10%<sup>20</sup>.

According to the SLBFE Statistical Report 2009, Saudi Arabia, Qatar, Kuwait, UAE and Jordan were the major receiving countries in 2009 that have captured 86% of the Sri Lankan labour market.

One of the reasons for this high migration to Saudi Arabia is that the sponsor pays a sum of US \$ 2000 to the agent. This is the highest amount paid by a sponsor from any labour receiving country for WDMWs.

The respondents themselves stated that it was easier to migrate to Saudi Arabia than to other countries. 15% of the respondents, mainly from Muslim community said that they received money ranging from Rs 10,000.00 to 20,000.00 towards obtaining passport and receiving training.

Table No. 6.2. Employment by Term

One Term	Two Terms	Three Terms	Four Terms	Five Terms	Six Terms	Total
53	28	28	7	5	1	122

<sup>20</sup> ACTFORM reported that Sri Lankan women are in demand in three countries mostly. Those are Saudi, Lebanon and Qatar. Although there is a demand from the receiving country these women she said go for very low salaries as low as Rs 5000

Out of 122 respondents, 53 had migrated only once, while 28 had migrated for two and three terms each. Another seven had served four terms; five respondents five terms, and one had served six terms. The team met one person from Ampara who had continuously worked for 26 years in one house in KSA. Another from Ampara had worked for 14 years in Saudi. Yet another respondent, after having worked for a few months in a particular house in Dubai, had then run away to work as a freelancer in the same country continuously for 14 years. She earned nearly Rs.45000/- per month. One person from Anuradhapura had worked for six years continuously as a freelancer. The persons we met as freelance workers earn more than the "live-in" housemaids and they had freedom of mobility and bargaining power.

Table No. 6.3. Duration of stay by months

Duration in months	Ampara	A'pura	Colombo	Nuwara Eliya	Puttalam	Vavuniya	Total
0 - 1		-	01	-			01
1-3	02	04	06	01	01		14
4-6	02	04	03	-	03	01	13
7-9	02	04	02	01	02	03	14
10-12	02	06	01	02	01	05	17
13-18	01	-	-	02	01	01	05
19-24	07	03	06	08	05	03	32
25-30		-	-	02	08		10
31-36		-	-	03		01	04
37-42		-	-	-		02	02
43-48		-	01	01		01	03
48-59		-	-	-		02	02
60-65	01	-	-	-			01
> 65	01	01	-	-	02		04
<b>Total</b>	<b>18</b>	<b>22</b>	<b>20</b>	<b>20</b>	<b>23</b>	<b>19</b>	<b>122</b>

The above Table shows the length of the working period of persons who had migrated from each District. This Table reveals that one person from Colombo had stayed less than one month. This person had stayed only for 5 days. 14 persons had stayed for a period of 1- 3 months. Another 13 had stayed for a period of 3-6 months. 64 had worked for less than 18 months. 32 persons had stayed between 19- 24 months 88 respondents (56%) returned without completing their contracts.



# CHAPTER 7

## Workplace experiences of women domestic migrant workers

Table No 7.1. Problems in the receiving country  
-multiple responses

Type	Amp	Anu	Col	N'Eliya	Puttl	Vav	Total	%
Absences of an off day	16	21	14	13	16	10	90	74
Abuses-verbal	06	17	16	04	03	10	79	65
Restrict communicating with family	13	14	05	14	15	14	75	61.5
Absence of rest	15	16	07	08	14	09	68	56
Inadequate meals	10	14	07	04	09	10	54	44
Physically hard work	11	20	06		09	08	54	44
Non-payment of salary	09	09	04	04	08	08	42	34
Abuses-physical	05	10	08		07	08	38	31
Lack of own space	07	09	04	05	06	05	36	29.5
Due to lack of language skills			15	06			21	17
Working in multiple families for no pay	01		04	03	04	08	20	16
Sickness	02		09	04	03		18	14.75
Remitting money	05	01		01	02	08	17	14
Trafficked	01	02	03		03		09	7
Naked body examination		09	--				09	7
Contract substitution			06				06	5
Due to lack of job skills				04			04	3
Abuses-sexual				01	01		02	1.6
False criminal charges					01	01	02	1.6

The Table No. 7.1 indicates the negative experiences in the workplaces. The most number of complaints from the respondents were of abusive work places such as absence of a day off, absence of rest and sleep, non-payment of wages, verbal abuse, restricting communication and of food deprivation.

Absence of day of rest and lack of rest:

There were no stipulated working times. A majority of respondents said that they worked between 14 to 17 or even 18 hours a day and that there was no day of rest. 74% of the respondents said that there was no day of rest in the week. 56% said that they lacked rest and that sometimes they would steal rest-time in the toilet.

Restricting communication:

61.5% of the WDMWs reported that their communication was restricted. Hand phones were reported to be taken over by the agency as soon as they arrived and handed over to the employer. They have been told by the agents that according to the regulations, the maids were not allowed to keep hand phones. However, it was reported by the respondents that these rules didn't usually apply to Philippino and Indonesian maids who were allowed to keep mobile phones with them.

The respondents repeatedly stated that the employers made them feel inferior to Philippino and Indonesian maids, mainly due to the skin colour and lack of English language skills. Therefore, it is a question that such racial discrimination and poor skills heightened the internalization of their oppression, leading to lack of confidence to negotiate.

On some occasions, employers forcibly took over whatever documents or papers on which the phone numbers were written. Some WDMWs had sought the help of other maids in the neighbourhood to make calls.

*Sumathi, a 35-year old married woman with two children said that she was locked in-doors whenever the lady of the house went out. She was not allowed to call home. Although the madam's two sisters had Sri Lankan maids, she was not allowed to talk to them. She got help of someone in the neighbourhood to get a mobile phone. However, one day she was caught and the phone was confiscated. When Sumathi completed her contract she wanted to return home, the madam had said that she still had to work for another six months. The madam even got her brother to threaten Sumathi, telling her not to try to leave early. Sumathi called an Indian driver in the neighbourhood close to the window and asked for his phone and called the Sri Lankan Embassy. The Embassy then intervened to get the madam to pay her unpaid salary.*

Verbal abuse:

79 out of the 122 respondents indicated that the employers used abusive language. Often, the abusive language was used particularly when the WDMWs requested for unpaid wages. The respondents said that the words used are often derogatory and mean.

Hard work and work in multiple households:

44% said that in addition to lack of rest, the WDMWs were expected to perform physically hard work. Several respondents said that they were expected to carry gas cylinders to the top floors, climb ladders, climb up to the water tank, carry feed for cattle etc. There were a number of instances where they were expected to work in multiple households. When the women worked in multiple households, they often lacked rest and complained of many ailments. One person said that washing three cars, cleaning several toilets in three households, doing the laundry in three households, cleaning houses etc. was back-breaking for her. The WDMWs were not additionally compensated for the extra work that they had to do.

Restriction on food:

Deprivation of food was also a common complaint from 44% of respondents. Several said that they were given a 'roti' once a day. Some women also said that they were given the leftovers from partaken food and that the women refused to eat such food.

Some of the women admitted that they stole food and often ate it in the toilet. Several women complained that they fainted due to lack of food.

*Nadira said that in the first three days, she was not given any food. She had fainted a few times after which some food was bought for her. She saved the food for four months. The seven-year old youngest son in the family stole food and brought it to her. Often she ate this food in the toilet.*

*She suffered from fainting spells and swelling in the hands and legs. The employer, though he was a doctor, never treated her for her ailments. Once when she fell ill and fainted, she was taken and left in the agency office. At the agency office, Nadira got only one meal daily at 6 p.m. for 12 days. Out of the 4 months she was at this house, she was paid three month's salary out of which she had to purchase her air ticket to return home. Nadira was sent back with nothing except what she had taken with her.*

Non payment of salaries:

38 out of the 122 (30%) reported erratic or non-payment of wages. The duration of non-payment ranged from a few months up to even over an year.

One respondent said that the money was shown to her, and the signature was taken, but subsequently she was not given the money. Another persons said that her salary was paid monthly, but later it was borrowed by the employer and never paid back. Most of the respondents who had problems in receiving their wages; they often faced verbal abuse when they asked for their wages. In most cases, it was noted that the first and the last three month's wages were withheld.

The respondents said that interventions to obtain unpaid wages through the agents or the embassy were of little help. Out of 42 reported cases of non payment of salaries, only one respondent said that she managed to obtain payment of salary through embassy intervention.

Similarly, 14% indicated that their moneies were not remitted properly, as a result of which their families went through difficulties. According to them, wilful mistakes were made in the remittances, such as sending the salary cheques to wrong names or addresses.

*'The madam was always insulting me and calling me names. I could only stay six months as I couldn't tolerate all these harassments and insults and so I decided to return home. I was given three month's salary and with the balance money they bought my air ticket. When I went to claim the insurance money from the Employment Bureau in Sri Lanka, I was told that after 6 months I was not entitled to any claims'*

Physical abuse:

31% of the respondents experienced physical abuse such as beating, burning etc. One woman came back with injury to her eye and she now suffers with low vision in that eye. Another woman was beaten in the lower abdomen and suffers from bleeding. Most physical abuses were reported to be perpetrated by the women employers as the workers are supervised by them. They also get some of the male members to join in the abuse. Many were threatened that they would be subjected to physical violence.

*'I kept the meat on the stove and went to take the washed clothes from the machine. In the meantime, the meat got burnt. When I told the madam, she told me to throw the meat. Then she took hold of my hand, brought me to the kitchen, ignited the stove and held my hand over it. I was hospitalized for 45 days'. (Feroziya )*



*'My madam was not mentally adjust. She burnt me with the iron tong when I asked for my unpaid salary. She locked me in a room for 15 days. One day she asked me to go to her son's house which was quite a distance away. While I was there, he tried to harass me sexually. When I reported this, the employer brought me to the agency. Staff members in the agency also abused me'.*

Lack of own space:

29.5% said that they lacked a proper place to sleep. They slept in places like corridors, store rooms, places where the birds were kept for consumption, hallways etc. One woman said that the family lived in a one-room apartment where sleeping, dining and cooking were done in one and the same room. She felt very uncomfortable having to live with the entire family in the same room. However, she managed to wait for one year and left without even getting her wages.

Another woman said that she slept in the balcony and when it rained, she would sit on the steps and wait for the rain to cease.

Trafficked:

In the study, it was found that agents had trafficked 9WDMWs (7%).

A respondent who had paid money to the agent said that she was promised work in a house in a city, but instead she had to look after camels and livestock in a rural area. She had no way of communicating with the family or the outside world.

Another respondent said that she complained to the agent in the receiving country as she was abused by the employer in Dubai. The Agent then sent her to Oman. Even in Oman, she was physically abused. She had problems in leaving the country as she did not have a valid visa for Oman. Respondents were not aware of the serious nature of the offence committed by the Agent to complain to the Police or the SLBFE. Whether such activities of the agents fall within the definition of trafficking has not been investigated by the SLBFE.

*'In 2006 my uncle sent me a ticket saying that he had found me a good place in Kuwait with high salary and good working conditions. I also paid money to the uncle. I spent Rs. 65000/- on the ticket, passport and other related expenses. I was sent to Kuwait and I was kept in a house for 1 ½ months. Thereafter I was sent to Saudi and they promised a salary of only Rs. 10, 000/-, In this house in Saudi, I was not given proper food to eat and the family was wicked to me. I was unable to contact my family in Sri Lanka. Even when I was ill, I was not provided with medicine. This house was like hell. So, I escaped to the Embassy'.*

### **False criminal charges:**

Two women experienced criminal offences levelled against them. One woman was able to go to the embassy from the police station while the other was jailed for 18 months. The family concerned did not appear in the court as they left the country and never returned.

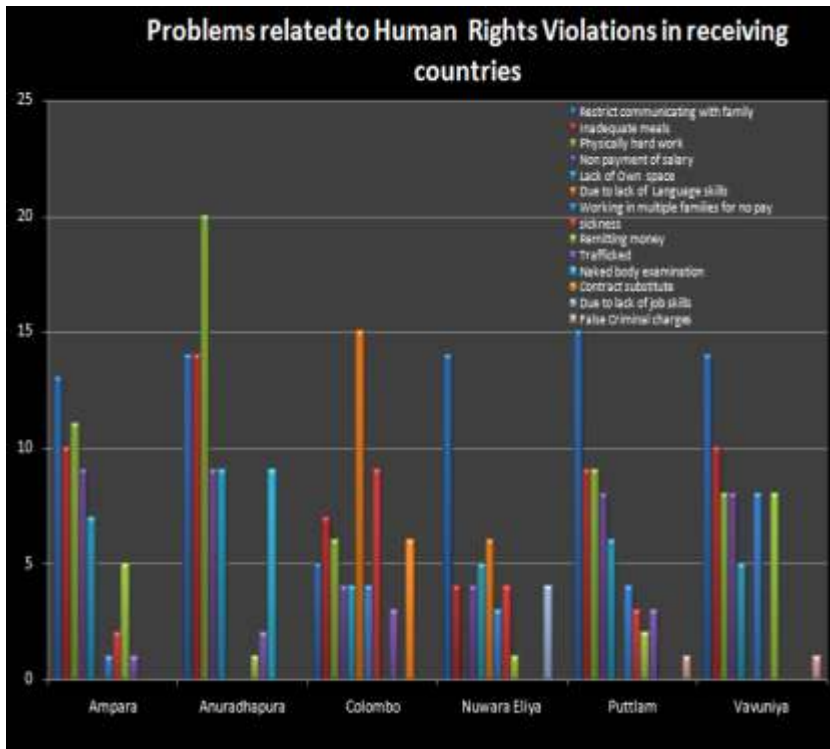
*'My employer and the family went abroad and left me at another place till they returned. When they came back, the house had been burgled. They handed me over to the police. I was innocent as I had no way of even getting close to the house. I was in prison for 18 months. My employer never appeared in courts for my case. Ultimately, I was discharged'.*

### **Sexual abuse:**

Sexual abuse was mentioned by two respondents. One said that she faced abuse in one house by the 'baba' while in another by the son. This respondent ran away from the hospital when she was hospitalized due to a severe pain in the lower abdomen due to such abuse.

Another person said that she left the place as she faced inappropriate advances by the Baba's son. Most respondents said that no unmarried woman must be sent as WDMWs as they had heard of many instances of sexual abuse. Therefore, the inference made by the research team is that there were many respondents who did not admit to us about being sexually abused. Perhaps they were reluctant to divulge such information.

The respondents were forced to swallow the 'pirith noola' (holy thread for protection) and some also said that they were not allowed to keep pictures or statues. One person said that she was subjected to a naked body check as she entered the house for the first time while another said that she was checked in private parts to ensure that she had not stolen and hidden anything.

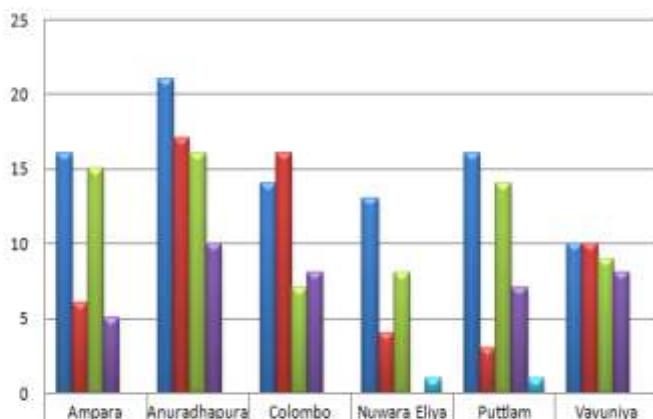


There was also a report from one woman that the death of her husband was not informed to her by the employer.

One of the women who returned to the country after several years narrated her story. She was not provided her with food and therefore she ran away from the house. However, she was provided with shelter by some women who were staying in Saudi for long years on their own and working on a freelance basis. She then stayed with this group, earning a better income than what that she would have earned working for one particular employer.

*'I felt more at ease working as an outsider for a higher pay. If the employer does not like my work or if she tries to harass me, I could just leave. I stayed on for nearly five years with false documents until I fell ill and had to seek help from the embassy because I didn't have my passport.'*

## Problems Related to abusive Atmosphere in the receiving countries



	Ampara	Anuradhapura	Colombo	Nuwara Eliya	Puttlam	Vavuniya
Absences of an off day	16	21	14	13	16	10
Verbal abuses	6	17	16	4	3	10
Absence of rest	15	16	7	8	14	9
Physical abuses	5	10	8	0	7	8
Sexual abuses				1	1	



## **CHAPTER 8**

# Services of the Sri Lanka Bureau of Foreign Employment

## Training:

Discussions with the Training Unit at SLFBE Head Office and the Regional Centre staff revealed that a 15-day training is provided to the WDMWs. According to the staff attached to the Centres the training is well structured. The programme makes an effort to obtain relevant experts and experienced persons. SLFBE also utilizes migrant returnees with experience and qualifications as resource persons.

In addition, the Centres invite qualified lecturers for various subjects such as the use of household equipment, HIV/Aids etc. Accordingly, they also provide special attention on family integration through the allocation of a special day on the last day of training. On this day, the husbands are sensitized to the needs of the family and on proper utilization of the money sent by the wife. On this particular day, all copies of documents pertaining to employment are provided to the husband or other immediate family member, as reference.

**Table No. 8.1 Training Courses conducted by SLBFE**

Courses	M/ F	Medium	Duration Days	Course Fee	Fees for Accommodation	Training Centers	Comment
Middle East	F	Sinhala &Tamil	15	1154/-	180/- per day		
Non Middle Eastern countries	F		25	2307/-	180/-per day	Kadawatha, Ratmalana, Kurunegala	
Israel	M/ F		25	2307/-	180/- per day	Ratmalana	
Israel	M/F		15	5768/-	180/- per day	Ratmalana	Care givers
Singapore	F		25	2307/-	180/- per day	Kadawatte	
Literacy Training		Sinhala &Tamil	18*+15	1673/-	180/- per day		After successfully completing the 18 days' training, further 15 days' training is given.
Literacy Training		English Language	15	1673/-	180/- per day		After successfully completing the 15 days' training, further 25 days' training is given as for non Middle Eastern countries
Crash Training	F		7	5768/-	180/- per day		
Crash Training	M/F		5	750/-	-----		

The Table No. 8.I indicates the types and duration of training as provided by SLBE. However, the information provided by the respondents reveals that there is a discrepancy between the two types of information. There are 8 types of pre-departure training programmes, out of which two programmes are on literacy training focusing on migrant workers who cannot read and write in their mother tongue or English, and those who do not have knowledge of numbers.

### **Training components**

- Domestic house keeping
  - Cleaning techniques and methods
  - Cleaning equipment, operation and maintenance
- Food preparation, table arrangements
- Handling domestic appliances
- Language skills
- Caring of elders, children and patients
- First Aid
- Personal health and cleanliness
- Occupational safety
- Customs and traditions of the host country
- Adjustment to foreign environment
- Awareness programmes for family members

**Table No. 8.2 Details of Training Received by Respondents:**

No. of Days of Training	No. of Respondents Participated						Total
	Amp	A'pura	Col.	N'Eliya	Putt.	Vavu.	
1 day	04	07	N/A	02	04	02	19
2 days	---	--	N/A		--	--	--
6 day	---	--	N/A		--	--	--
7 day	--	--	N/A	02	--	--	02
12 days	03	08	N/A	07	02	01	21
13 days	05	--	N/A		01	04	10
14 days	01	--	N/A			01	02
15 days	05	06	N/A	07	05	05	28
One month	01	--	N/A			01	02
No training		01	N/A	02	11	04	18
Total	19	22	--	20	23	18	102



Out of the 122 respondents, the information related to training was not available from those from Colombo as the need for such information was found to be important only after analyzing information from this discussion. 18 out of 102 who responded said that they have not undergone any training, while 84 respondents said that they underwent training, but the training received varied in terms of duration. Out of those who never received training, 15 revealed that their initial migration had been prior to the period when training was made compulsory. Further, it was revealed that there had been a gradual increase in the number of days of training. Perhaps this variation of increased number of days may be due to the gradual improvement of training.

Out of the 18 who did not receive training, 3 persons said that they were provided with forged documents by the sub-agents. These three respondents revealed that obtaining false certificates was not a problem.

The participants in these training programs also underwent informal scrutiny by the training centre staff in terms of noting their age, whether they are with breast feeding infants and so on. Such persons are most often dissuaded from migrating. Citing an example at the Chilaw Training Centre:

*"I noticed a participant whom I guessed to be very young. I asked her to come to the Training Manager's room during the morning break on the first day of the training. She never came for the training and we found that she had quit the training" (Trainer in-charge - Chilaw)*

All Training Centres also conduct physical training sessions to build the stamina of the potential workers. The centre in Anuradhapura shared that the participants were provided with rigorous training, like carrying heavy weights, climbing ladders etc. to get a better understanding of the work that they would be expected to perform when employed.

The International Organisation on Migration (IOM) is one of the key stakeholders of the SLFBE on migration. In 2008 IOM partnered with the Ministry of Foreign Affairs and Welfare, in an intervention, to encourage skilled migration. Accordingly, this organisation had identified areas of labour where Sri Lanka is strong in delivering. Those areas were in the field of healthcare, especially caregivers and care givers of elders. A comprehensive curriculum was developed for housekeeping and caregivers that would meet international standards. The aim was to elevate a house-maids to a house keeper.

31 out of 84 respondents, who have undergone training said that the training was useful. Among the topics that they remembered were about the 'Sahana Piyasa' services, how to be assertive with the Agents as they could default on their verbal agreements and that when faced with problems they should get in touch with the embassy.

91 persons indicated that the training was not useful. Their expression was that 'the training was not even useful to learn about mopping and the use of electrical equipments'. These 91 respondents said that they have not applied for SLFBE services such as scholarship schemes, housing loans, self-employment loans, pension schemes etc.

Our analysis shows that the problems faced by the WDMWs are partly due to the fact that they lack knowledge and skills in areas such as obtaining residence permit by the sponsors and the right to protection from harassment and abuse.

Language and social skills:

The respondents have had difficulties, at least in the first three months, in learning the foreign language and 21 persons (or 17% of the respondents) said that they fell in to difficulties as a result. The respondents said that the coaching on Arabic language was inadequate and that sometimes it took around three months in the sponsor's home to learn the language.

Skills to hold a discussion and to negotiate seems absent within the training module. One respondent who seemed confident said she was able to talk to the 'madam' and be assertive when she expressed her needs such as a protective place to sleep and adequate food etc, whereas most cases of harassment indicate that if the respondents had a skill to hold discussions and negotiate, there could have been fewer problems.

Training methodology and material

Due perhaps to the short-term nature of training, the training methods were not always skill oriented. The levels of education of the respondents revealed that the majority of them belonged to the category that had no education or a lower level of education. Also, they come for training programs long after leaving school. The totally packed training programmes with mostly lecture type of training methodologies would not best suit these categories of workers.

Respondents from Nuwara Eliya and Anuradhapura said that during training, the respondents were informed that they have to go through a medical test. However, awareness beyond this, for example, why the medical test is being done and what are the procedures involved etc, is not provided.

The training methodologies observed at five Regional Training Centers of SLBFE were mainly lectures and role play sessions.

#### Facilities at the Training Centres

Inadequate space was observed at Chilaw and Anuradhapura Training Centres. The Training Centre staff of Chilaw and Kalmunai said that they did not provide residential facilities. In addition, the training staff of the Anuradhapura centre said that they cannot permanently display training material pertaining to their subjects, as the same room was used for several sessions. At Chilaw, the space in some of the lecture rooms too was inadequate.

#### Insurance schemes

The statistical report of SLFBE does not provide gender disaggregated data on recipients of the insurance service. The total number of beneficiaries of insurance was 5,310 in 2009 and 3,329 in 2010. The report, therefore, does not provide information on the number of WMDWs who have benefited from this scheme.

Three respondents from the sample had received Rs. 13,000/ each as compensation. One person has applied for the insurance claim and was waiting to get the compensation. There were 2 persons who had tried to get the insurance claim but gave up half way due to the hassle. There were two respondents from Puttalam who felt that they were entitled to compensation, yet they were not aware of the process involved in getting it and the fact that they did not know anyone who had received compensation discouraged them from even trying. Most of the respondents said that they were not conversant about the entitlements or the mode of claiming compensation. Table No 8.2 gives the number of beneficiaries under this scheme, but does not give a gender breakdown of the data<sup>21</sup>.

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21 Annual Statistical Report of Foreign Employment 2009

*The Embassy had told Naleefa that she could get treatment for her eye and claim medical expenses from the Bureau. When she came down home she had been stressed out and had wanted very much to see her child. She had also met some friends from her village on the flight and she had gone home with them. After that she had not wanted to come to Colombo from Puttalam and spend time and money trying to get the insurance claim as she was uncertain whether she would get it at all. Her uncertainty was due to the fact that she did not know anyone who had received compensation.*

*Naleefa was not aware that she could engage with the Training Center at Chilaw to obtain her insurance claim. She believed that she had to go to Colombo. This had happened in June 2010.*

Respondents mentioned that they had been given instructions in the training program on claiming compensation, but these were not clear to them. It is understandable that with their low level of education and being in a classroom setting long years after schooling, they huge bound to have faced such difficulties. Respondents were of the opinion that they must be given written instructions on this subject, particularly about the documents they should collect. For example, the SLBFE website states that the Boarding Pass must be retained. However, unless specifically mentioned, the WDMWs would not retain the Boarding Pass being a small piece of paper which they would not value. Housemaids who come from disadvantaged groups would have little access to the website. Even otherwise, the website does not mention the basis for insurance claims.

Scholarship program:

There is a program to offer scholarships<sup>22</sup> to children of migrant workers by the SLBFE but none of the children of the respondents in our sample had enjoyed the benefit. When questioned, they said that they are not aware of these schemes in detail. They have heard people making vague references to this scheme, and they are not aware of any person who had actually received the scholarships. This scheme would have little benefit to this group who comes from a very disadvantaged environment as it is not often that the children of these families qualify to get the benefit of the scheme. Our findings showed that children's studies had been interrupted and some of them even did not attend schools regularly.

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<sup>22</sup> These scholarships are provided to those who have passed the Grade 5 Scholarship Examination, the GCE Ordinary Level Examination and those who have passed the GCE Advanced Level Examination and are currently following higher studies. For their children to be eligible for these scholarships, it is a must for the parents to be registered with the SLBFE prior to their departure overseas.

Table No. 8.2. Welfare Center at Katunayake International Airport (Sahana Piyasa)

Type	Ampara	Apara	Col.	N'Eliya	Putt.	Vavu.
Access to services from "Sahana Piyasa"	2	6	2	3	3	2

Welfare Center at Katunayake International Airport (Sahana Piyasa)

The SLBFE is maintaining a Welfare Centre located near the Katunayake International Airport in order to assist migrant workers who are forced to return to Sri Lanka after having experienced various issues and hardships in the workplaces. This Centre offers services to migrant workers prior to their departure as well. 88 respondents (or 56%) returned without completing their contracts in the study sample. Out of this number, only 18 women received travel assistance ranging between Rs. 300.00 to Rs. 1000.00 at the airport. They said that the amount given to them as bus fare was not sufficient because they needed to spend on their food on the way and have to bear other minor expenditures.

One woman who had to return to Kalmunai stated that the Rs.1000.00 offered was insufficient. She was only able to buy a ticket up to Polonnaruwa. Her husband came up to Polonnaruwa to fetch her. Similarly, another person from Vavuniya said that the bus fare was insufficient and therefore she had to travel by train. However, one may argue that the bus fare is adequate, but yet they needed food on the way.

One person who arrived in a state of confusion was taken by the airport security staff to 'Sahana Piyasa' and she was provided with Rs. 1000.00.

30 persons said that they did not know about the services of Sahana Piyasa. Out of this number, there were two persons from Vavuniya and Ampara who had difficulties to return to their home-towns, as they had returned without any money, and did not know about "Sahana Piyasa' assistance. There were three Sinhalese women who had returned with the Habayas (dress worn in the Middle East) and had to go to their hometowns in that dress, which is

culturally inappropriate for Sinhalese women. If Sahana Piyasa officials were sensitive to this issue, these women would have been provided with suitable clothing. However, one respondent was thankful that she was given accommodation at night.

The Manager at Sahana Piyasa said that its services had improved recently. For example, those who need assistance are brought to Sahana Piyasa before sending them to their villages. This enables the staff of Sahana Piyasa to look into the needs of the returnee migrants. He also said that immediate medical attention is given to those requiring such service.

*Malathi Nandakumar from Vavuniya had escaped to the Embassy and she was sent back to Sri Lanka. She had no money to get to Vavuniya.*

*Another maid who travelled with her took her to a lodge in Colombo. She was given money by this maid to take a call to her brother; the brother came and picked her up. She was not told about Sahana Piyasa at the embassy.*

Three respondents from Anuradhapura, two respondents from Colombo and one respondent from Nuwara Eliya said that they were sent back in flights that did not serve any food on such long flights and they faced difficulties as a result. The passengers in these particular flights were asked to buy their own food for which these respondents did not have the money.

Providing housing loans and loans for self-employment

WDMWs have not received housing loans or loans for self employment. They are not even aware of these services.



# CHAPTER 9



## **Socio-economic wellbeing of women domestic migrant workers**

This chapter attempts to explore extent to which women's experience was working as migrant domestic workers has impacted on their socio economic wellbeing as well as the social cost of migration. More than half of WDMWs in the study sample have returned without any income, increased indebtedness, psychological trauma, social exclusion and a sense of financial insecurity. Skills that have been acquired during their employment terms abroad have not assisted these women to gain remunerative employment in our country. Such skills were reported by the preparation of Arabic and Western cuisine, Arabic language and basic housekeeping skills.

The accountability of effective reintegration lies with the State. The State policy on integrating development with migration does not seem logically applicable to WMDWs due to the multiple problems they face. These women have had numerous constraints in making savings since payments of wages were erratic; as such their ability to save anything was almost nil and their unrealistic expectation.

The loan schemes disbursed by the SLBFE targeting migrant women had not reached the study sample. Existing poverty eradication programmes, too, did not reach these women and are therefore ineffective.

The protection and development of children of WDMWs have not received sufficient attention by the State. While there are existing structures for protection of children through District, Divisional and Rural Child Protection Committees, these have not touched the lives of the children of the WDMWs. The care and protection of the children left behind by the WDMWs are not especially addressed. The relevant officers are also not sufficiently alerted to identify the said target group and there is also no database on such children either.

Another reason for the gap was the lack of a coordinating mechanism between the SLFBE and the administration at the District and Divisional levels. In addition, a number of studies have revealed that children left behind have been neglected, abused both physically and sexually thus affecting their childhood and denying their rights.

There were instances where the husbands have mismanaged and misused the remittances sent by the women and engaged in extra-marital relationships.

Even though one of the reasons among women to migrate is due to medical care of family members, this need has not received due attention by SLFBE, resulting in the drain of earned money on medication for critical ailments. Sometimes, such investment on medical care of family members has failed to save their lives, often due to late access to services.

A number of women expressed that their mobility is restricted due to non-availability of day-care facilities for low income groups, depriving them from accessing even rare opportunities of earning an income.

Excessive hard work, poor nutrition, physical and psychological abuse too have negatively impacted on their lives, depriving their ability to engage in manual work. There were at least 4-5 women from each of the study areas who complained of various chronic ailments such as pain on legs and joints, swellings, numbness in hands, skin allergies due to use of detergents, asthma, fainting, mental depression and chest pain etc.

There was one person who is still under medication due to being beaten in the lower abdomen and another who has suffered sight impairment vision problems due to physical abuse. Another woman is still undergoing treatment for mental problems after being discharged from the Mental Hospital.

There are service gaps to WDMWs and their families at community level as regards information on State services, legal and psychosocial counseling and loans for self-employment etc.

#### 9.1. Achieving the aims of migration

In terms of achieving their aims of migration, only 30 persons said that they were able to partly meet their expectations. Even to meet their expectations like building a house, the respondents have had to migrate several times.

#### Financial status:

Examining the reasons for migration, while 101 persons said that they went due to irregular incomes, the Table Nos. 3.6 and 3.7 indicate that a large

number of the migrant women and even their spouses lack employment and having no other income. In addition, a large number of respondents from Colombo, Anuradhapura and two persons from Vavuniya, two persons from Ampara and one person from Puttalam said that they are still deeply in debt. Only one person from Nuwara Eliya indicated that at present she has an income over 15,000.00.

In most instances, the earned income has been sent to the households, to their husbands and other family members. Two women from Puttalam and Vavuniya said that the money was sent to their fathers and they had built houses for them and also kept small savings. Apart from the above two cases, most respondents said that the money sent was not properly utilized. Some respondents also revealed that the family borrowed money from private money lenders, promising to repay from the money their earnings abroad. Therefore, it was difficult for women to have a control over income and expenditure.

One unmarried respondent said that the money sent to her parents was all utilized and there is not only no saving, but they had also ill-treated and rejected her. Another unmarried respondent from Nuwara Eliya stated that she achieved her motives for migration and was able to invest her earnings to fulfill basic needs of her family members and for herself.

Thus, the concept of a national policy linking migration to development has not touched the majority of domestic women workers. In most situations, their financial situation has aggravated, placing them in more vulnerable situations.

Access to employment:

Access to employment was only available to the respondents from Nuwara Eliya due to the availability of employment in structured setting, though as agricultural labourers, while in most other areas except Colombo, access to employment was limited to seasonal, irregular, casual and low-paid work in the agricultural sector. All respondents said that if there were jobs available locally to earn an income of around Rs.1500.00 per month they would not migrate.

Facilities for self employment:

Except for two persons from Nuwara Eliya and one person from Ampara who are self-employed, none of the other respondents who have returned are self employed or have access to any loans to set-up any businesses.

Many women who wanted to engage in self-employment faced many challenges such as lack of capital, lack of infrastructure facilities and the poor marketability of products. The number of self employment loans given by the SLFBE was 7 in the year 2009<sup>23</sup>.

One person said that her employment efforts did not bring any profits and therefore she had given it up within a short period, while another respondent from Vavuniya said that she brought two sewing machines to engage in self employment as a seamstress. However, since there is no electricity supply in her village, she is unable to utilize them.

One woman who learnt to make fancy items like flowers and toys etc out of plastic beads (crystal work) she said that if she had a way to borrow Rs.50,000.00 capital she could use this still to earn a living.

There are also others who said that they would like to run poultry pens or have other livestock farming, but had no access to land or money.

Physical Assets:

Land:

While 12 respondents had aimed to buy land, only 02 persons said that they were able to achieve this. One respondent who bought half an acre of land in the name of the daughter, who is now deceased due to a heart ailment, does not have knowledge about how to revoke the deed. A daughter and son in the family are now in dispute over the ownership of the land.

House:

While 75 respondents said that they wanted to build houses, only 11 persons from Vavuniya, Puttalam and Ampara said that they did build houses. Out of this, only 50% had completed the houses. Some of them had given away the houses they built as dowries and have now no place of their own to live but to manage living with the married daughters.

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23 Annual Statistical report of Foreign Employment Bureau of 2009.

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### Jewellery:

Except for the 53 persons who were not able to complete their contract and returned without payment, all the others said that they had been able to buy some jewellery. Most of these women pawned these to overcome financial crisis and at the time of the study, nearly 75% stated that their jewellery was pawned.

### Social Skills:

Table No.09.1: Changes in Respondents as a result of being abroad-Multiple Responses.

Type	Amp.	A'pura	Col.	N'Eliya	Putt.	Vavu.	Total
Languages	19	22	17	15		06	79
Confidence	19	08	12	16		03	55
Job skills		21	15	12	04	01	53
Assertive	08	18	15			01	42
Mobility		03		14	03		20
Respect		02	05	04		04	15
Ability to adjust to the family		08	03	02			13
Recognition	03				02		05
Attitude	01						01
Social inclusion		08	10	06		01	25
Decision making ability			08			01	09

Among the social skills the respondents had acquired as a result of work and exposure abroad, 79 persons said that they have learnt an additional language. Nearly half of them said that they had built up their confidence, as a result of which they perceive themselves to be employable. However, according to observations this perspective was not visible. Only five women (4%) reported

that they had gained recognition from the community. Only one woman reported that her attitudes were changed as a result of migration. Although the women reported that they had gained self confidence, only 20 women said that they had increased the ability to move around independently. Decision making ability was reported by 9 women only.

#### 9.2. Status of children:

14 respondents from Ampara, Puttalam and Vavuniya said that the education of their children was affected. It was noted that in most cases, the eldest girl child had been deprived of education as she had her to be responsible for looking after the younger siblings even when they were kept in the care of a grand-mother, brother or sister. For instance, one respondent from Puttalam said that though she sent money to the husband, he did not spend it on the children, nor take care of the house. As a result, the eldest daughter had to stop schooling to look after the siblings.

It was also noted that the respondents were not seemingly concerned about the girl-children's education being affected as the respondents perceived that their responsibility towards the girls were to find dowry and to give them in marriage.

Two of the unmarried respondents from Vavuniya said that even though they went abroad to educate their siblings due to severe hardships here, the brothers had gone for casual labour work while they were still away, thus giving up their education.

*A UNICEF desk review in 2006 on impact of remittances on children and women in migrant households in labour sending countries has revealed that the migration of parents entailed risks for children, affecting their rights that cannot be set off by remittances alone<sup>24</sup>.*

#### Neglect:

5 respondents said that the children were neglected by the host families (relatives). The neglect of children invariably also led to poor or irregular schooling. Many respondents said that family disputes have arisen within the extended family due to issues involving the care of children.

<sup>24</sup> UNICEF - Children and women left behind in labour sending countries: an appraisal of social risks UNICEF, division of Policy and Practice 2008

Abuse:

There were two reported cases of sexual abuse of children by their fathers. In one situation, the father raped the daughter and when the community got to know about the situation, he committed suicide, while in the other case, the son was sexually molested by the father.

*'My husband left me and went away with another woman even before our son was born. He had returned to the village several years later after hearing that I had gone abroad. He tried to befriend my son whom he never came to see before. He had taken him out one day and molested him sexually. My son, who is now fifteen years old, is very angry with him and says that he wants to kill the father'*

Psychosocial well-being:

One respondent explained that her fifteen-year old daughter attempted to commit suicide by hanging herself and that her life was saved in the nick of time by the family.

The above is an extreme example of psychosocial disturbance in children whose fathers have neglected their duties towards their children.

Services to affected children

In situations where the children faced difficulties, the intervention of hospital provided temporary shelter to the child who attempted suicide and later access to vocational skills in sewing through one of the non-governmental organizations. The girl who was raped by the father was institutionalized through state intervention. The son who was molested by the father has not had access to any services and, according to the respondent, this child harbours anger against the father.

For those children who have faltered in their school education, like school drop-outs or irregular attendance there has not been any intervention. The respondents said that sometimes the children suffer ridicule in school for being a child of a migrant mother.

One mother was concerned about the safety of her two daughters and, having approached the Divisional Secretariat, she learned that she could institutionalize them.

*Amanda said that since her return, she has approached the Divisional Secretariat and the Department of Probation and Child Care to institutionalize the two girls as she feared for their safety and care as she already experienced her first husband molesting his own son while she was abroad. As a single woman, Amanda has done this on her own initiative.*

### 9.3 Family relations:

Out of the 53 respondents who had to return pre-maturely without completing the contract, the majority said that their families were happy that they got back despite the difficulties, and as such they feel that they are accepted within the family.

However, six respondents said that they encountered problems in re-assimilating into their families. They said they had problems with adult children as some have got married in their absence. One respondent in particular said that during her absence from family, her eldest daughter got married and had a baby while the second daughter aged 26 had died and that she was not present for any of those events in the family. This respondent said that she was sad that even after working so hard and having gone through many difficulties in life, the family happiness is lost and that the children were not able to enjoy life with grandparents.

One respondent said that she was not even aware of what grades her children are studying in. Two of the women said that their husbands had committed suicide during their absence and they did not know the reasons.

There were at least three respondents who felt that there was no acceptance in the family due to lack of money. 02 women reported that their siblings and mothers scolded them for returning without completing the period and that they distance themselves from the family. 02 who had to come back due to pregnancy were stigmatized by the village community.



#### 9.4 Investment on family members

One respondent from Ampara said that when she first went abroad she was not married and that the reason for her going was to give her brother a good education. She even had to borrow money to send the brother to the university. While her brother did very well in studies and entered the university, today he is working as a graduate teacher and is married. The brother does not speak to her now. Nor has he repaid the money that she borrowed on his behalf. This has resulted in disputes in her marriage and her husband has left her and her child.

02 reported that their husbands got involved with other women and to that date they was living with those women. They were not supporting the families. The 03 children of one of these women are kept by the husband and they are alienated from her.

01 said that although she supported her husband's siblings from her remittances, now they were not on good terms with her.

Thirteen respondents said that their main aim was to earn money for medical care of spouse and children. Out of these, at least three respondents said that the child/spouse died after having spent most of what they earned, on the patients. One of the respondents who wanted to collect money for the surgery of the daughter was not paid her wages during her stay abroad, and in the meantime her child too had died.

A question, therefore, is raised here with regard to the insurance of the WDMWs, as to whether the insurance covers the medical care of family members or whether medical insurance to cover family needs cannot be established.

#### 9.5 Social inclusion:

05 respondents said they felt that they were highly respected. One unmarried respondent who was earlier going through serious difficulties and who was living in a temporary hut was able to build half of her house and since then she has experiences being accepted by the community. The members of the community now visit her in the house, unlike earlier when the family was isolated.

However, the general feeling among most respondents was that acceptance within the community was difficult. They were often stigmatized, stereotyped as promiscuous and of low morale. Most respondents also said that the stigmatization was worse for the unmarried, and that the chance of finding a groom became difficult.

Access to psychosocial and legal counseling:

The respondents who face difficulties due to rape of their children, suicide of their husbands, and death of their children due to sickness, while they were away, did not have access to suitable services. Similarly, the woman who had problems related to land issue had no access to legal services, nor the number of women who faced disputes and abandonment by the husbands to legal counseling.



# CHAPTER 10

# Conclusions and recommendations

## 10.1. Conclusions:

### 10.1.1 Push and the Pull Factors:

- The sample of returned migrant workers represented a relatively low level of education, a majority of whom are in the age category of 26 to 39 years. Out of the total number, 25% were female heads of households (FHH). They included women belonging to poverty groups such as urban and rural poor and socially isolated groups such as plantation workers. Four out of the six selected Districts were also affected by conflict and one District had been affected by both conflict and Tsunami.
- The overall situation of the selected Districts appears to have pockets of marginalized communities. There is an observed failure of traditional livelihoods, pushing the marginalised communities to greater levels of vulnerability. The State poverty alleviation programme is inadequate to arrest their level of poverty in a sustainable manner. The State as the duty bearer, has not fulfilled its obligations to provide employment/self employment opportunities with adequate income for women and men in such marginalised communities.
- The high incidence of domestic violence among the study population has contributed to increased migration. The overall tolerance towards violence against women (VAW) within the communities exacerbates the problem.
- Socially assigned gender roles and responsibilities have changed, placing women in the role of bread winners. Correspondingly, the men's responsibilities for nurturing and care giving have not changed thus burdening the women with multiple roles. In addition, men are noted to abdicate even their role as providers.
- Dowry is another oppressive system that forces women to migrate. Unmarried women are forced to seek dowry for themselves while mothers are burdened to seek dowry for their daughters.

- The above goes to explain the gender specific nature of problems within the domestic sphere, the impoverished situation in the different Districts, the non-viability of existing income sources and the inadequacy of the State mechanism to address the issues. These had all been a driving force for the respondents to seek migration as an alternative.
- The demand for unskilled or semi-skilled work in the Middle Eastern countries, therefore, is perceived as alternatives to fill the lacunae in the local situations.

#### 10.1.2. Reasons for harassment:

- The entire migration process is abusive and exploitative for women, placing them in an extremely vulnerable position. Most of the respondents experienced problems in dealing with the sub agent and local agent to obtain proper documents and pertinent information prior to departure.
- The 'Kafala' sponsorship system bonding the WDMWs to the sponsor violates the rights of workers such as the right to leave or to change employment
- Training and Preparation of WDMWs is inadequate in terms of information on worker rights, job skills negotiation, and social skills development. There is also a lack of reader friendly material for the WDMWs
- The affected WDMWs are subjected to further inhuman and degrading treatment by the agents when they approach such agents in the receiving countries.
- The systems lack protection from abuse and violation of rights of WDMWs.
- There is no organised support or a system of monitoring by the Government, SLBFE, Embassies and Employment Agents to assist the WDMWs in the labour receiving countries

#### 10.1.3. Situation of affected WDMWs and the families left behind.

- Many WMDWs who return to Sri Lanka had several health related problems such as orthopaedic ailments, mental disorder, asthma, heart ailments and fainting. This probably may be linked to the nature of work, physical and mental harassment, poor nutrition and isolation.
- WDMWs who return prior to completion of contract mostly suffered loss of wages. Overall, women lack savings and also remain indebted
- Disruption in family relationships was noted in a number of families of respondents, such as desertion, suspicion and extramarital relationships by spouses and, in two cases, even suicide of spouse.
- Children have been affected in their education, protection and care. There is no system in place for shared information of families left behind with the local administrative services where the protection services are available for children.
- In addition, some of these women also return to abusive home environments.
- The level of vulnerability of the female headed households becomes even more acute.

#### 10.1.4. Post arrival assistance:

- Discrepancies were noted in the provision of information on the SLFBE services such as Sahana Piyasa, how to claim insurance, housing and self-employment loans and scholarships.
- SLFBE services such as housing and self-employment loans and scholarships for children are found to be inaccessible due to poor information and procedures. Accessing insurance and grievance address system is complicated and not cost effective for the WDMWs living away from the capital city, while the Regional Office systems are inadequate.

10.1.5. Personal, household and community assets and opportunities:

- Returnee migrants have limited marketable skills to seek sustainable employment on return to Sri Lanka.
- The respondents come from multiple deficient communities where infrastructure and industries for employment are lacking. Though in certain areas like Anuradhapura and part of the communities in Vavuniya, land is not an issue, in other areas, land is scarce.

10.1.6. General observations

- Poor linking between the State administrative set-up and the SLFBE, leading to lack of access to services especially on issues related to children, access to trace WDMWs without difficulty by the family and in channelling information on instances such as death of migrant workers etc.
- There is no system in place to revive the lost education of children.
- The agreements, insurance claims and death certificates are not in Sinhalese and Tamil, making the information inaccessible. Not all staff at the SLBFE Head Office, District offices, airports and Sahana Piyasa Centres are fluent in both languages.
- Absence of SLFBE Regional Centres (as in Nuwara Eliya) leads to inconvenience to the WDMWs.
- There is no system to inform the public of blacklisted Agencies.

## 10.2. RECOMMENDATIONS

10.2.1. Alternatives to migration of WDMWs:

- The existing poverty alleviation strategies need improvement to identify marginalised groups so that their needs are addressed with adequate resource allocation and effective livelihood intervention for regular and sustainable income in order to fulfil their practical needs. Special measures are required to focus on issues related to non-viability of traditional income sources in the rural areas,



- Increase choice of employment for women through special focus on developing vocational skills,
- Domestic work in Sri Lanka to be regularized and standardized,
- Vocational training centers of the State and private sectors to conduct courses in upgrading the skills of women as domestic workers who would either work in Sri Lanka or abroad,
- Make access to loans feasible for the poor, with interventions to identify new market potentials,
- Encourage small and medium scale entrepreneurs to set-up small and medium social enterprises in identified areas to fill employment gaps through effective measures so that employment is readily available, especially for the unskilled.
- Programs to prevent domestic violence to be strengthened and such programs to include men who are perpetrators, and not only women who are victims.
- Conduct further studies on the changing roles of men and women to identify and address issues at household / community levels.
- Establish a system for "child care" and "day care" facilities for low income families to help them seek employment.
- Develop a programme including advocacy to address the oppressive system of dowry.

### 10.2.1. Address harassment.

#### 10.2.1.1. Advocacy by State:

- Review and adopt recommendations stated by Human Rights Watch regarding the oppressive 'Kafala System', (see Annexure 2)

- Lobby with receiving country governments on implementing ILO Convention on Forced Labour and Trafficking. ILO Conventions on Forced Labour had been ratified by the Middle Eastern countries.
- The State and the Trade Unions to be encouraged to report to the ILO on the non-compliance of the ILO Convention 29 by labour-receiving countries who had ratified this Convention.
- Strict implementation of the Penal Code Amendment of 2006 with regard to trafficking. State and Human / Women's Rights Organisation to look into the possibility of taking legal action on those involved in trafficking.
- Labour-sending governments, United Nations and the civil society organisations to advocate the implementations of CEDAW and the General Recommendation 26.
- Work with other labour-sending countries to implement media campaigns in the receiving countries on worker rights, inclusive of WDMW's rights.
- Standardize and monitor 'safe houses' maintained by Embassies and Agencies.
- Labour-sending countries to pressurise receiving country agents to respect the rights of workers and to work within the accepted norms of a human rights frame work.
- Embassy staff, particularly Welfare and Labour officers, to be held accountable for gaps in services in the receiving countries
- Awareness on the right to obtain the residence permits (AQAMA) while in the receiving countries and spelling out its importance prior to departure mandatory. Both Welfare Officers and the Labour Officers need to monitor this.
- To provide quick legal assistance to bring relief to the WDMWs, particularly on issues such as non- payment of wages.

- Embassies to provide legal and psychosocial counseling to those WDMWs who need these services.
- Expedite the return of a large number of WDMWs who stuck in the 'safe houses'.

10.2.1.2. Improvement to existing training modules and training facilities,

- Review and adopt the IOM training modules to standardize the training, particularly as this has been prepared in collaboration with SLFBE
- Training programs to include modules on the services provided by SLBFE, such as Sahana Piyasa and the Insurance schemes to the potential migrants and their family members, on the rights of migrant workers including that of health rights, reproductive health and related issues, negotiation skills and building confidence. Provide information during training on ways of accessing justice when their rights are violated.
- Training methodology to be reviewed to enable the WDMWs to clearly understand and absorb the content of training. Practical training on filling insurance forms would be one such area.
- Provide handouts to participants on crucial information in a 'reader friendly' manner. Similarly, undertake wide distribution of the booklet 'Ethara Rakiyavata Yamata Oyata Sithunuth Obe Athwela'. As Women Migrant Workers have very specific issues, develop and distribute a handbook on how to face various challenges.
- Special attention to be paid, particularly on enhancing the role of spouses in their re-productive roles. Opportunity during the 'Family Re-integration Day' to be provided where the Service Providing Units of NCPA, Probation and Child Care, Samurdhi Officers, Psychosocial workers and School Principals could be introduced to the parents and dialogues built. This will enable the establishment of linkages with important duty bearers.
- Improve training and residential facilities in the SLFBE Training Centres.

#### 10.2.3. Address the Issues of Affected WDMWs and their families.

- Develop tailor-made insurance policy suitable for WDMWs.
- Conduct research to ascertain the causes of ailments and their relationships to occupations of returned migrant women.
- The SLFBE, together with Embassies, to recover unpaid wages.
- The recruitment agencies to be held responsible for the payment of wages and provision of return tickets in the event of the employer defaulting
- Adopt a 'Child Rights' approach to SLBFE service development in relation to children of domestic migrant workers.
- Specific needs of the children of WDMWs are not addressed due to lack of shared data base between the SLFBE and the District and Divisional administrative set-up. Such a database must be set up forthwith.
- Treat psychosocial care as an important aspect of the overall recruitment process of employment and re-integration, providing psychosocial and legal counselling facility at community level. Work together with governmental and non-governmental mechanisms in capacity building and its implementation.

#### 10.2.4. Capacity building of SLFBE:

- Establishment of a link between the District administration and the SLBFE to expedite information and service flow to migrant workers and their families, especially in the traceability of WDMWs by their families and services to children without much inconvenience to migrant worker families.
- Establishment of sufficient SLBFE Branch Offices in all Districts in order to facilitate and expedite appropriate services. Also, it is appropriate for SLBFE to promote agents to open sub offices in Districts to minimise exploitation and coercion of potential migrant workers.

- Capacitating SLBFE service abroad with appropriate training, development and facilities to establish a sound overall monitoring system with regular feedback and decision making.
- SLBFE to display vital information to migrant workers and their families at the Training Centres as well as all other public domains, including that of the offices of the Grama Niladharis and District Secretary.
- The Agreement and Insurance forms that are signed by the migrant workers prior to departure should be reader-friendly and in larger types, with translations in Sinhala and Tamil. These forms are given to the migrants and their families to have relevant and accurate information particularly regarding the name, address, contact number, the number of family members and the nature of work.
- To ensure that all documents and communications throughout the process of migration, and in case of deaths abroad, to be in Sinhalese and Tamil.
- Take necessary steps to publicise a list of blacklisted employment agencies through the media and to display a notice in the offices of the Divisional Secretary and the Grama Niladharis' offices.
- SLBFE to hold the agents responsible for the actions of the subagents and create awareness on existing laws and rights of the WDMWs. SLBFE to issue licenses for the subagents after due training.
- Continued research and its adoption for decision making in improving strategies to address issues.
- Include gender disaggregated data in all data fields in the Annual Report of SLBFE