

SRI LANKA (2017-2018)

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR

Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	<p>2018 AR: Copies of the report were sent to the following organisations: Employers Federation of Ceylon, Inter Company Employees Union, Sri Lanka Nidahas Sewaka Sangamaya, National Trade Union Federation, and Ceylon Worker Congress.</p> <p>2017 AR: The social partners were not consulted when preparing the report. However, all consultations in the development and implementation of adopted measures are done through tripartite committee called 'National Labor Advisory Council'.</p>	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Sri Lanka has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	<p>2018 AR: The Protocol is likely to be ratified since the Hon. Attorney general has given certificate for ratification of the Protocol and it has to be submitted to the Cabinet for approval.</p> <p>2017 AR: The ratification of the Protocol is likely.</p>
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	<p>2018 AR: There is a national policy and/or plan of action for the suppression of forced or compulsory labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour.</p> <p>2017 AR: There is a National Strategic Plan to Monitor and Combat Human Trafficking, 2015- 2019.</p>	
	Measures taken or envisaged for systematic and coordinated action	<p>2018 AR: Sri Lanka criminalized the offence of forced labour by an amendment to the penal code in 2006. Police and Attorney General department are responsible for implementation. The National Strategical Plan to Monitor and Combat Human Trafficking (2015-2019) was developed by the Anti-Human Trafficking Task Force, established under Ministry of Justice with approval of the Cabinet of Ministers.</p> <p>2017 AR: The National Labour Advisory Council is a tripartite body in which employers, employees and government officials come together and discuss on issues related to Labour.</p>	
	Measures taken or envisaged to prevent forms of forced labour	<p>2018 AR: The following measures have been taken or envisaged: a) <i>Strengthening and broadening of the coverage of legislation, particularly labour law;</i> b) <i>Promotion of safe and regular migration:</i> according to the Government, Sri Lanka Foreign Bureau of Employment has taken many measures to facilitate safer migration. A comprehensive recruitment policy has already been prepared and will be implemented from year 2018. In addition all migrant workers must register with Foreign Bureau before leaving the country for employment; c) <i>Promotion of freedom of association and collective bargaining to enable at-risk workers to</i></p>	

		<p><i>join workers' organizations</i>; and d) <i>Basic social security guarantees</i>: as per Employees' Provident Fund Act, all workers need to contribute irrespective of their migrant status.</p> <p>2017 AR: Measures taken or envisaged include: a) Promotion of safe and regular migration (Sri Lanka signed 22 memorandum or understandings with countries where mostly there are Sri Lankan migrant workers); b) Education/vocational training (the Government is planning to introduce vocational training for all student who fails ordinary level as well as providing help to young people to find more formal jobs); c) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations (so far, 36 collective agreements have been signed in 2017. The Government always encourages collective agreements. Planation sector employees and some engineering related sectors benefit from such efforts); and d) Basic social security guarantees (to help reduce informal labour practices and benefit informal sector employees, the Department of Labour is in the process of recruiting 200 labour inspectorate to increase the coverage of social security).</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2018 AR: The following measures have been taken or envisaged: a) <i>Legal protection of victims</i>: the Assistance to and Protection of Victims of Crimes and witness Act. No.4 of 2015 guarantees, inter alia, the right to be treated with equality, fairness, privacy, to receive prompt and fair redress and to be protected from harm etc.; and b) <i>Appropriate accommodation</i>: the government reports that it has established a shelter for women victims of trafficking and maintained by Ministry of Women and Children Affairs. Further with the assistance of Divisional Secretary victims will be provided counselling also.</p> <p>2017 AR: The following measures have been taken or envisaged: a) Training of relevant actors for identification of forced labour practices (Labour officers have been trained on identifying child labour practices); b) Appropriate accommodation (a government run shelter for women victims of human trafficking is established and maintained by the Ministry of Woman and child Affairs); c) Specific measures for children; and d) Specific measures for migrants (12 Safe houses for females at Sri Lankans embassies established in 10 countries where Sri Lanka are employed).</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2017 AR: Measures taken or envisaged include: a) Free legal assistance (Legal aid Commission provides free legal consultancy); and b) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges (Labor officers are provided with computerized inspection system called 'LISA').</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	<p>2018 AR: Victims of trafficking are not subject to further prosecution.</p>
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2017 AR: The Government cooperates with international (mainly through International Organisation for Migration), regional and non-governmental organizations.</p>
	<p>Promotional activities</p>	
	<p>Special initiatives/Progress</p>	
<p>CHALLENGES IN REALIZING MEASURES</p>		<p>Employers' organizations</p>

TARGETED BY THE PROTOCOL	According to the social partners	Workers' organizations	
	According to the Government	<p>2018 AR: The following main problems were identified: a) Lack of awareness; b) Lack of information and data (it has been very difficult to take decisions due to lack of data); c) Challenges linked to the labour recruitment and placement process (according to the Government, some of the agencies which recruit unskilled worker for foreign employment do not follow standard process and this may result in forced labour in another country); and d) Challenges linked to migration policies.</p> <p>2017 AR: The following main problems were identified: a) Lack of awareness (especially among the public); b) Lack of information and data (it has been very difficult to take decisions due to lack of data); c) Shortcomings in the legislative framework; and d) Challenges linked to the labour recruitment and placement process.</p>	
TECHNICAL COOPERATION NEEDS	Request	<p>2018 AR: The Government requires ILO technical cooperation in the following areas: Most importantly or importantly: a) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; b) Collection and analysis of data and information; c) Guidance on the development of the national policy and plan of action; d) Promotion of fair recruitment and placement practices; e) Vocational training, job-creation and income-generation programmes for at-risk populations; f) Awareness-raising and mobilization activities; g) Capacity building for the competent authorities; h) Inter-institutional coordination; i) Capacity building for employers' and workers' organizations; j) Promotion of fair migration policies; k) Basic social security guarantees; l) Guidance on supporting due diligence; and m) Strengthening the legal framework. Less importantly: Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations.</p> <p>2017-2018 ARs: The Government requires ILO technical assistance in the following areas: Most importantly or importantly: a) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; b) Collection and analysis of data and information; c) Guidance on the development of the national policy and plan of action; d) Promotion of fair recruitment and placement practices; e) Vocational training, job-creation and income-generation programmes for at-risk populations; f) Awareness-raising and mobilization activities; g) Capacity building for the competent authorities; h) Inter-institutional coordination; i) Capacity building for employers' and workers' organizations; and j) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations. Less importantly: a) Promotion of fair migration policies; b) Basic social security guarantees; c) Guidance on supporting due diligence; and d) Strengthening the legal framework.</p>	
	Offer		