



ABANDONED BY THE STATE, TRAPPED IN PRIVATE ESTATES

RIGHTS ABUSES AGAINST SRI LANKA'S MALAIYAH TAMIL TEA
WORKERS

AMNESTY
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Cover photo: A Malaiyaha Tamil working at a private tea estate in southern Sri Lanka. © Selvaraja Rajasegar / Amnesty International

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GLOSSARY

WORD	DESCRIPTION
EPF AND ETF	The Employee Provident Fund and Employee Trust Fund form part of Sri Lanka's social security system that supports employees after retirement; employers in Sri Lanka are required to contribute to the funds on behalf of employees
ESTATE	Used in this report to refer to both privately-owned tea estates and smallholdings
HILL COUNTRY	The mountainous region in the centre of Sri Lanka around cities such as Kandy, Nuwara Eliya, and Ella
MALAIYAHA TAMIL	A Tamil community that descends from workers brought to Sri Lanka from India by British colonizers in the early 19th century to work on plantations
PLANTATION	Company managed or state-owned large estate
PRIVATE ESTATE	An area of land of four or more hectares (10+ acres) used for growing tea
SMALLHOLDING	An area of land less than four hectares (10 acres) used for growing tea
TARGET	The quantity, by weight, of tea leaves that a tea picker is required to pick every day, usually to qualify for the daily minimum wage
WORKER	Used in this report to refer to a person working as a tea picker on a privately-owned or smallholder tea estate

1. EXECUTIVE SUMMARY

This report is based on research conducted by Amnesty International in Sri Lanka between January 2024 and January 2026. The research focuses on the labour rights abuses faced by Malaiyaha Tamil tea workers in private estates and smallholdings in the Southern Province of Sri Lanka.

1.1 METHODOLOGY

Amnesty International visited 45 private estates and smallholdings (referred to here collectively as “estates”) in Galle and Matara districts in the Southern Province in January and February 2024. The selection was based on advice from grassroots organizations, activists and members of the Malaiyaha Tamil community; it was not intended to be statistically representative of all Sri Lankan tea estates. The researchers conducted 154 interviews with workers on the 45 estates and five interviews with workers outside these estates who had lived and worked on estates in the Southern Province. The researchers also conducted 15 focus group discussions with 65 workers. The interviews included four children (under 18 years old). The workers interviewed were Malaiyaha Tamils, apart from three who identified as Sinhalese. Most of the interviews took place in person on the estates. The identity of the workers and estates is withheld in the report for the safety of participants. The researchers also spoke with two estate managers, three supervisors, one administrator, one field officer, and two trade unionists. The research questions focused on forced labour, debt bondage and living and working conditions. During the visits, the researchers recorded their observations of the living and working conditions on the estates.

Interviews were also conducted with officials from the Department of Labour, the Wages Board, the Tea Small Holdings Development Authority, the Human Rights Commission of Sri Lanka, and the Matara District Office of the Social Security Board, as well as two interviews with a civil society activist and a lawyer working closely with Malaiyaha Tamil workers in the Southern Province.

1.2 BACKGROUND

The Malaiyaha Tamil community are descendants from workers brought to Sri Lanka from the southern part of India by British colonizers in the early 19th century to work on tea plantations. The community is one of the most discriminated against and deprived in Sri Lanka. The marginalization of the Malaiyaha Tamils stems from historic denial of citizenship by the Sri Lankan government, including the passing of the 1948 Citizenship Act, which laid down specifications for citizenship based on descent. In 2003 this was finally rectified by granting citizenship to “persons of Indian origin”, but decades of disenfranchisement, statelessness and barriers to land ownership have had lasting intergenerational consequences for the community.

The Malaiyaha Tamil community continues to face systemic discrimination based on descent, directly contributing to their vulnerability to labour exploitation. The community is impacted by ongoing systemic exclusion, particularly when accessing government services such as healthcare. As a result, the community remains isolated and heavily dependent on their employers, not only for livelihood and accommodation, but also welfare.

Although tea exports are Sri Lanka's second-largest source of export revenue, the benefit has not reached Malaiyaha Tamil workers, who are the backbone of Sri Lanka's tea production. In Sri Lanka, tea production takes place on plantations managed by plantation companies and state corporations, as well as privately-owned estates and smallholdings that are the focus of this research.

1.3 LEGAL FRAMEWORK

Sri Lanka has ratified all the core international human rights treaties and has been a member of the International Labour Organization (ILO) since 1948, as well as ratifying 44 ILO conventions. This means Sri Lanka has clear obligations to protect Malaiyaha Tamil workers from discrimination and human rights abuses by non-state actors and private individuals, including their employers.

The Sri Lankan constitution guarantees civil and political rights including the right to equality and non-discrimination, and the right to freedom of speech, assembly, association, occupation and movement to all citizens. To an extent, estate workers are protected by the country's general labour laws, but there are notable gaps in estate-specific protections relating to salary, working conditions, and occupational and health safety. A robust legislative framework and the criminal justice system are theoretically available to address labour law infringements and criminal acts, but in the context of structural inequality and exploitative labour systems, access to this system for estate workers is extremely challenging.

1.4 FORCED LABOUR

The research revealed that Malaiyaha Tamil workers experience multiple human rights abuses, including in relation to forced labour. This is inconsistent with Sri Lanka's obligations under international law. ILO conventions define forced labour as work "extracted under the menace of any penalty" where the worker "has not offered himself voluntarily". The ILO identifies specific indicators of forced labour, including abuse of vulnerability, intimidation and threats, physical and sexual violence, debt bondage, restriction of movement, and abusive working and living conditions, all of which were documented in the experiences of Malaiyaha Tamil workers during the research. ILO members are obliged to take effective steps to suppress and penalize the use of forced labour.

Abuse of vulnerability is a key indicator of forced labour. The Malaiyaha Tamil community has long experienced historic, systemic and structural racial discrimination based on descent, ethnic origin, caste and language, which have made them vulnerable to forced labour. Amnesty International's investigation shows how employers of private tea estates and smallholdings abused the vulnerabilities associated with the Malaiyaha Tamil identity, including caste-based discrimination, to subject these workers to forced labour.

The challenges and vulnerability facing the Malaiyaha Tamil community are compounded by systemic landlessness, which means that many do not own land or have a land title. The research revealed that workers' housing was tied to their employment on estates. This multiple dependency on the estate management, not only for work but also housing, makes workers more vulnerable to abuse and forced labour. On all the 45 estates visited, workers said that they were reliant on their employer for housing. Fear of forced eviction and a feeling of entrapment left workers vulnerable and unable to challenge poor living and working conditions.

Another key indicator of forced labour is physical and sexual abuse. Workers on 15 estates told Amnesty International that they had been subjected to or had witnessed verbal and/or physical abuse against workers by estate management. Reasons included criticizing the estate, not coming to work, lateness and enquiring about unpaid salary. The threat of physical violence was also reportedly used as an intimidation tactic. Furthermore, workers reported experiencing sexual abuse.

Malaiyaha Tamil workers live in poverty, which results in economic vulnerability, including to debt bondage, and reliance on private estates and smallholdings for housing, healthcare and other essential needs. Debt bondage is both an indicator and form of forced labour. Debt bondage can result in workers being tied to an employer for an indefinite period, even across generations. By using tactics that prevent workers from receiving the daily minimum wage, including unrealistic daily tea picking targets and a lack of transparency regarding wage deductions, the research revealed that estate managements force workers to rely on wage advances and loans to meet their basic daily expenses, including food and medicine. The research found

that the withholding of daily minimum wages, illegal wage deductions, undefined repayment terms and inflated prices for groceries forced workers into an endless cycle of increasing debt to estate owners. This put them under the control of the estate owners, sometimes across multiple generations, in a situation that could amount to debt bondage.

Workers on at least 22 estates described restrictions imposed by estate management on their freedom of movement. The restrictions varied from estate to estate and included not being able to leave the estate after a certain time, not being permitted to undertake personal errands or travel without approval or with all family members present, having limits on the duration of travel, and having to inform management of their destination. Such restrictions on free movement can impact the exercise and enjoyment of other human rights, such as the right to a family life without arbitrary interference, as well as the right to education. Workers described how estates would require one member of the family to stay on the estate because they feared the family would flee otherwise. Parents also reported not being allowed to send their children to school.

Malaiyaha Tamil workers are exposed to abusive working and living conditions, a further indicator of forced labour. This research affirmed existing findings that tea estate workers in Sri Lanka face precarious working conditions. Interviewees described a lack of personal protective equipment and injuries sustained during their work. There is currently no national policy or legislation specifically targeted at the occupational health and safety concerns of estate workers. Furthermore, Malaiyaha Tamil estate workers' living conditions fail to meet key elements of the right to adequate housing. Apart from lack of security of tenure, the housing provided to workers lacks sufficient space, weatherproof infrastructure and adequate sanitation.

1.5 RIGHT TO SOCIAL SECURITY

Amnesty International's research revealed significant gaps in Malaiyaha Tamil workers' access to social security benefits. This contravenes Sri Lanka's human right obligations, under which states have a duty to respect, protect and fulfil the right to social security, including taking measures to ensure all communities can enjoy this right. Workers reported that they did not have access to maternity benefits, a pension or sickness leave. Employers on private estates and smallholdings deliberately and incorrectly classify Malaiyaha Tamil workers as "casual workers", which disconnects them from all labour-related legal entitlements and basic statutory benefits. Sri Lanka's Supreme Court and Court of Appeal have affirmed that where an employer retains power to control the worker – as is clearly the case with Malaiyaha Tamil estate workers – such a person cannot be treated as an independent contractor. The exploitative misclassification of Malaiyaha Tamil workers as "casual" workers means that, among other things, women workers are excluded from maternity benefits.

In Sri Lanka, employers are required to contribute to the Employee Provident Fund (EPF) and Employee Trust Fund (ETF), which form part of Sri Lanka's social security system that benefits employees after retirement. The research revealed that estate workers are being denied access to pension benefits. Employers must register their workers for EPF and ETF. Workers reported being either uncertain of having been registered or not being registered for these benefits. Workers lacked transparent records of the contributions (and corresponding wage deductions) being made on their behalf and as a result were unclear whether they would be able to claim their pensions on retirement. The research also highlighted that Malaiyaha Tamil estate workers do not have access to paid sick leave. Workers reported that they were expected to continue working when unwell.

Amnesty International's research shows that trade union access for tea estate workers is very limited, and often entirely absent or prohibited by their employers. Restrictions on joining and forming trade unions are unlawful under Sri Lanka's Constitution, national legislation and international obligations. The estates visited during the research appeared to be hostile to the idea of unions and did not have unions operating. A trade unionist told Amnesty that he felt there was a correlation between the lack of unions and the increased rights abuses experienced by Malaiyaha Tamil workers.

1.6 LABOUR INSPECTIONS AND MONITORING

The research found significant failings in labour inspections and enforcement of employment standards at tea estates in Matara and Galle districts. The Department of Labour, which sits within the Ministry of Labour, is responsible for enforcing labour laws in Sri Lanka through inspections focusing on issues such as working hours, pay, benefits and working conditions. The Labour Department told researchers that routine inspections are conducted, but highlighted that in the case of estate workers their lack of documentation and the language barrier pose specific challenges. Workers reported that officials rarely visited the estates and that their grievances remained unresolved.

1.7 ACCESS TO JUSTICE

Despite Sri Lanka's robust legislative framework, Malaiyaha Tamil workers face multiple challenges to accessing justice or remedies for abuses or poor working conditions. These include language, geographical distance, inability to take time off work to follow up on complaints due to loss of wages, discriminatory or prejudicial treatment by state officials including police, and the lack of access to documentation including relating to their employment. Much of the power to address complaints appears to lie with the police, who were reportedly unsupportive and prejudiced in their dealings with Malaiyaha Tamil workers seeking redress. Persistent marginalization and systemic discrimination obstruct the workers' access to institutions such as the police, the Labour Department, the Labour Tribunal and arbitration for effective remedies against ongoing forced labour and unfair labour practices on private estates and smallholdings.

1.8 CONCLUSION AND RECOMMENDATIONS

Amnesty International's research highlights the extent to which the rights of the Malaiyaha Tamil community on private estates and smallholdings in the Southern Province of Sri Lanka have been undermined. In particular, the research raises concerns around the prevalence of numerous indicators of forced labour. It also highlights state failures to protect and fulfil the right to social security, freedom of association and access to justice, and to ensure adequate labour monitoring and inspections. Based on the findings of this research, Amnesty International makes recommendations to the Sri Lankan government, which are listed in full at the end of the report. The list of recommendations includes the following:

- Immediately initiate a targeted special labour inspection to determine the nature and extent of labour rights abuses on private estates and smallholdings.
- Support investigations, criminal prosecutions and appropriate civil proceedings, and ensure that penalties imposed by law are strictly enforced.
- Ensure that relevant public authorities take proactive steps to identify and address barriers faced by the Malaiyaha Tamil community in accessing socio-economic rights, including adequate housing.

2. METHODOLOGY

This report is based on research conducted by Amnesty International in Sri Lanka between January 2024 and January 2026. The research focuses on the labour rights abuses faced by Malaiyaha Tamil tea workers in smallholdings and private estates in the Southern Province of Sri Lanka.¹ The research was planned, designed and conducted in close collaboration with grassroots organizations, activists, trade unionists, and members of the local community.

Amnesty International consulted 18 stakeholders from academia, the education sector and the tea industry across the Central, Uva and Southern Provinces.² These consultations revealed that the Malaiyaha Tamil community living in the Southern Province have been under-represented in research and advocacy. Previous research has predominantly focused on the Malaiyaha Tamil community on plantations managed by regional plantation companies (RPC) in Nuwara Eliya, Kandy, Badulla and Matale districts,³ but many from the community also live and work in Kegalle, Ratnapura, Galle and Matara districts, which are ethnically dominated by the Sinhalese ethnicity, the predominant ethnic group in Sri Lanka.⁴ The UN Special Rapporteur on contemporary forms of slavery noted after his visit in 2022 that “bonded labour occurred particularly in smaller private plantations, as workers were not allowed to leave the plantations of their own will, as they had taken up loans from the owners”.⁵ Accordingly, in consultation with grassroots actors, Amnesty International decided to focus this research on Galle and Matara districts in the Southern Province, where most estates are smallholdings and privately owned.⁶

¹ This report uses the term “estate” to refer to both “private estate” and “smallholding”.

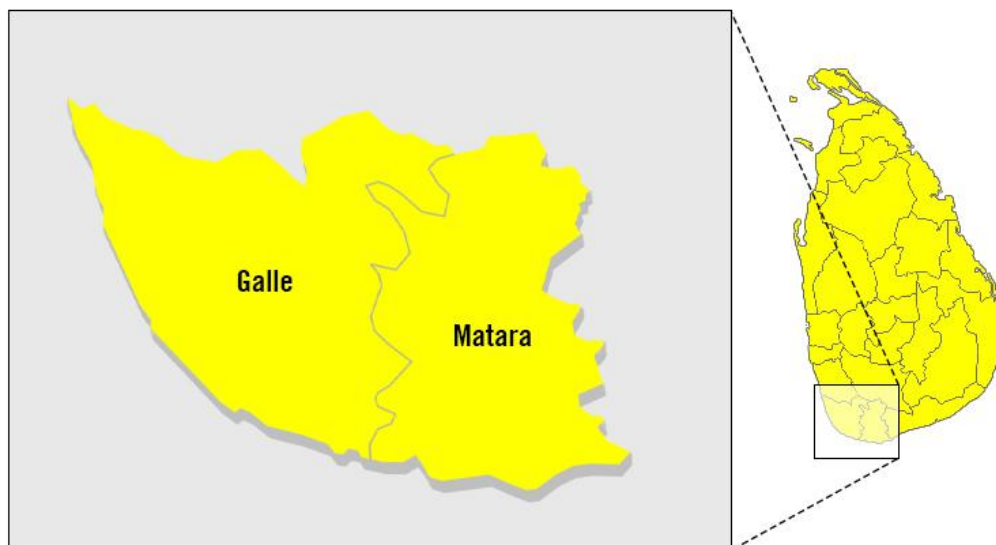
² The stakeholders included: Gowthaman, member of civil society /activist: Jesudasan, executive director of Voice of the Plantation People; and Devakumar, secretary, Matara District, Ceylon Plantation Workers Red Flag Union.

³ Business and Human Rights Resource Centre, *Boiling Point: Strengthening Corporate Accountability in the Tea Industry*, May 2023, <https://www.business-humanrights.org/en/from-us/briefings/boiling-point-strengthening-corporate-accountability-in-the-tea-industry/>; International Centre for Ethnic Studies (ICES) and Ford Foundation, *Up-country Tamils: Charting a New Future in Sri Lanka*, 2019, <https://www.ices.lk/publications-1/up-country-tamils%3A-charting-a-new-future-in-sri-lanka-edited-by-daniel-bass-and-b.-skanthakumar>; Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka: Towards Meaningful Citizenship*, August 2019, <https://www.institutesi.org/resources/hill-country-tamils-of-sri-lanka>; Daily Mirror, “From ‘Indian’ to ‘Malaiyaha’ A call for identity recognition”, 26 February 2025, <https://www.dailymirror.lk/news-features/From-Indian-to-Malaiyaha-A-call-for-identity-recognition/131-303182>.

⁴ Department of Census and Statistics, Sri Lanka, “Census of Population and Housing 2024 (CPH-2024): Population by ethnic group according to districts”, 2024, <https://www.statistics.gov.lk/Population/StatisticalInformation/CPH2024>; Daily Mirror, “From ‘Indian’ to ‘Malaiyaha’ A call for identity recognition” (previously cited).

⁵ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 53.

⁶ Consultations with grassroots-level activists, November 2023.



 ↑ Map depicting the Galle and Matara districts in the Southern Province where interviews were conducted in 45 private estates and smallholdings.

Amnesty International visited 45 private estates and smallholdings in Galle and Matara districts in January and February 2024.⁷ These estates were selected based on advice from grassroots organizations, activists and members of the Malayihaha Tamil community, many of whom were also living and working on the estates. The selection only included estates and smallholdings that were privately owned and excluded plantations managed by RPCs. The names of the estates visited is not included in the report to ensure the safety and security of the Malayihaha Tamil workers interviewed. The researchers coded the estates numerically to record which estate the interviewees were working at. These numbers are included in the footnotes to differentiate between the estates, but the report does not specify which estates the numbers relate to. Amnesty International retains the identity of the estates visited.

The researchers conducted interviews with 154 workers on the selected estates, and five interviews with other workers who were either currently living and working, or had previously lived and worked, on estates in the Southern Province other than the ones visited. Amnesty conducted 15 focus group discussions on various estates with 65 workers. The interviewees included four children (three girls and one boy). The workers interviewed were Malayihaha Tamils, apart from three who identified themselves as Sinhalese.⁸ Interviewees were selected based on their availability and willingness to speak about their experiences. Some workers were referred to Amnesty International by their acquaintances. Some workers declined to be interviewed due to fear of reprisals from their employers. All the names of Malayihaha Tamil workers used in this report are pseudonyms. Most interviews took place in person in the interviewees' homes; two interviews were conducted by phone. As far as possible interviews took place outside working hours. Interviews were conducted in Tamil, apart from three in Sinhala.

In addition, Amnesty International interviewed two estate managers, three supervisors, one administrator, one field officer, and two trade unionists.⁹ Researchers also spoke with officials from the Department of Labour, the Wages Board, the Tea Small Holdings Development Authority, the Human Rights Commission of Sri Lanka, and the Matara District Office of the Social Security Board. A further two interviews were conducted with a civil society activist and a lawyer working closely with Malayihaha Tamil workers in the Southern Province.

The researchers were prevented from entering four estates.¹⁰ On two other occasions, workers had been warned not to talk to Amnesty International, but they still wanted to proceed with the interview.¹¹ In one case,

⁷ This figure includes one estate that the researchers did not physically visit due to safety concerns, but they spoke in detail to a current resident.

⁸ Interviews with workers from estates 14, 33 and 34, Galle and Matara districts, January and February 2024.

⁹ Interviews with Vishnu, estate manager, estate 13, Matara District, 22 January 2024; estate manager, estate 36, Galle District, 4 February 2024; supervisors, estates 14, 19 and 28, Matara District; administrator, estate 24, Galle District, 27 January 2024; field officer, estate 17, Matara District, 24 January 2024; trade unionists, Matara District, 14 and 21 January 2024.

¹⁰ Estates 27, 35, 41 and 42, Galle and Matara districts.

¹¹ Interviews with workers from estates 11 and 17, Matara District, 17 and 24 January 2024.

workers alerted the management to the presence of Amnesty International and the interview was terminated in consideration for the workers' safety.¹²

The researchers observed that most of the private estates and smallholdings had a relatively small number of workers living and working on them, ranging from one or two families to around a dozen families. Workers often move from estate to estate, so some interviewees described their experiences at multiple estates. These experiences related to a further 12 estates in the Southern Province. Amnesty International was unable to visit these additional estates due to inaccessibility or safety considerations.

The research questions focused on forced labour, debt bondage and living and working conditions. During the visits, the researchers recorded their observations of the living and working conditions on the private estates and smallholdings. They collected some physical evidence in the form of payslips, photos and video testimonies, but evidence collection was limited due to concerns for the safety of workers and, as discussed in the report, because most workers did not have documentation.

The sample of estates featured in this report is not intended to be statistically representative of the thousands of tea estates and smallholdings in Sri Lanka. The findings highlight the prevalence of forced labour and other serious human rights abuses in the estates visited. The research findings complement those in several other reports by national and international organizations, referenced in this report, on the challenges faced by Malaiyaha Tamils workers in estates across Sri Lanka. Amnesty International reviewed relevant national legislation and policies, media reports, and reports by local and international human rights organizations such as the United Nations (UN) and International Labour Organization (ILO).

Amnesty International wrote to the Ministry of Labour, Ministry of Plantation and Community Infrastructure, Ministry of Public Security and Parliamentary Affairs, Ministry of Justice and National Integration, Ministry of Rural Development, Social Security and Community Empowerment, Ministry of Women and Child Affairs, Ministry of Foreign Affairs, Ministry of Housing Construction and Water Supply and the Prime Minister of Sri Lanka on 22 April 2026 to share a summary of findings of the report. Amnesty requested them to respond to the findings and provided a list of specific questions related to progress made in relation to the February 2024 Roadmap under the SDG 8.7 Alliance, specific measures to ensure social protection for estate workers, holding estate owners accountable for abuses and progress on provision of housing. As of the time of publication, Amnesty had not received any responses.

This research was conducted in accordance with Amnesty International's ethical standards, including informed consent, and researchers took particular care when interviewing children.

Amnesty International would like to acknowledge and thank the Malaiyaha Tamil workers in the Southern Province for their time and for trusting us with their stories of struggles and resilience.

¹² Interviews with workers from estate 29, Galle District, 3 February 2024.

3. BACKGROUND

3.1 RACIAL DISCRIMINATION BASED ON DESCENT

The Malaiyaha Tamil community descended from workers who were originally brought from Southern part of India during colonial times to work on plantations in Sri Lanka.¹³ This community is considered “one of the most discriminated communities in Sri Lanka”.¹⁴ The UN Special Rapporteur on minority issues reported in 2017 that the Malaiyaha Tamil community was the “most deprived group in the country”.¹⁵ The Institute for Social Development has described the community to be among the “poorest and most food insecure community in the country” and “the most vulnerable to disasters and crises”.¹⁶ According to the UN Special Rapporteur on contemporary forms of slavery, this community continues “to face multiple forms of discrimination on the basis of their descent, making them vulnerable to labour exploitation”.¹⁷ In a 2024 decision, Sri Lanka’s Workers’ Tribunal stated that it was “horrified by the stark realities” of the lives of tea plantation workers, which had “shocked the conscience of the Tribunal”.¹⁸

According to a 2024 census, 2.8% of Sri Lanka’s population identifies as “Indian Tamils/Malaiyaga Thamilar”.¹⁹ Although this community has often been categorized as “Indian Tamils”, they have resided in Sri Lanka for more than 200 years and consider Sri Lanka their home. They are advocating for formal recognition of their identity through designation as “Malaiyaha Tamil” instead of “Indian Tamil” to reflect their lived reality.²⁰

The structural and systemic inequality and discrimination experienced by the Malaiyaha Tamil community in Sri Lanka can be traced back to colonialism. In the early 19th century, British colonizers transported workers belonging to mostly oppressed castes in south India,²¹ most of whom spoke Tamil, to work as cheap labour on Sri Lankan plantations (such as tea, coffee and rubber).²² They worked under the exploitative *kangany*

¹³ Sri Lanka Malayaha Tamilar Rights Coalition (SLMTRC), *Joint CSO Submission to the UPR process, Human rights situation of Malayaha Tamilar community in Sri Lanka*, 2017, https://upr-info.org/sites/default/files/documents/2017-10/js6_upr28_ika_e_main.pdf, p. 1.

¹⁴ SLMTRC, *Joint CSO Submission to the UPR process* (previously cited), p. 1.

¹⁵ UN General Assembly, Report of the Special Rapporteur on minority issues on her mission to Sri Lanka, 31 January 2017, UN Doc. A/HRC/34/53/Add.3, para. 54.

¹⁶ Sri Lanka Brief, “Sri Lanka: The Malaiyaham [Hill Country Tamil Community] 200 Declaration”, 9 June 2023, <https://srilankabrief.org/sri-lanka-the-malaiyaham-hill-country-tamil-200-declaration/>

¹⁷ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 52.

¹⁸ Workers’ Tribunal, “Findings and recommendations as presented by the justices”, 7 June 2024. The Workers’ Tribunal is modelled on the concept of people’s tribunals, a civil society initiative where experts and affected citizens gather to investigate and pass judgement on alleged violations of human rights, usually where formal mechanisms are inaccessible to those affected.

¹⁹ Department of Census and Statistics, Sri Lanka, *Census Of Population And Housing 2024 (CPH-2024): Basic Population Information By Districts and Divisional Secretary Divisions*, 30 October 2025, https://www.statistics.gov.lk/Resource/en/Population/CPH_2024/Population_Preliminary_Report.pdf, p. 74; This figure is, however,

contested by the Malaiyaha Tamil community as this is the first time the specific classification of Malaiyaha Tamil was offered.

²⁰ Daily Mirror, “From ‘Indian’ to ‘Malaiyaha’ A call for identity recognition” (previously cited).

²¹ “The caste status divides and classifies persons into so-called ‘high caste’ or so-called ‘low caste’ depending on the birth category one was born into. The caste status is inherited at birth and remains a permanent identity until death...”; Amnesty International, *No-one Cares: Descent-based Discrimination against Dalits in Nepal* (Index: ASA 31/7980/2024), 10 May 2024, <https://www.amnesty.org/en/documents/asa31/7980/2024/en/>

²² SLMTRC, *Joint CSO Submission to the UPR process* (previously cited), p. 1; ICES, *On the Move in Search of Greener Pastures: Unsafe Migration and Human Trafficking in Sri Lanka’s Tea Plantation Sector*, 2022, https://www.researchgate.net/publication/365946115_On_the_Move_in_Search_of_Greener_Pastures_Unsafe_Migration_and_Human_Trafficking_in_Sri_Lanka's_Tea_Plantation_Sector, p. 9; Progressive International, “200 Years of Malaiyaha Tamil Labour in Sri Lanka”, 30 August 2024, <https://progressive.international/wire/2024-08-29-200-years-of-malaiyaha-tamil-labour-in-sri-lanka/en>

system, whereby “*kanganis*” (local recruiters) recruited and oversaw the workers.²³ The workers were expected to work on the plantations until they had repaid the cost of their passage to Sri Lanka.²⁴ They were tied to a specific plantation, sometimes for generations, in the form of semi-indenture.²⁵ Workers were also tied to the *kanganis* through loyalty and indebtedness.²⁶

During the colonial era, the labour regime was determined by “master and servant laws”, under which criminal sanctions were imposed on workers for “neglect of duty, misconduct, and quitting without the required one month’s notice”.²⁷ The laws also recognized the non-payment of wages by the employer as an offence,²⁸ but workers were rarely able to enforce their rights as judges and officials often favoured plantation owners. Verite Research and the Institute of Statelessness note that “magistrates and Justices of Peace were often planters [plantation owners] themselves or otherwise associated with planters”.²⁹ Plantation labour was based on short-term verbal contracts, when in reality workers were “tied to plantations by both legal and non-legal means, including debt bondage and the rigid hierarchies of control within the *kangany* system”.³⁰ Employment conditions on colonial plantations have been described as “semi-feudal”, characterised by low wages, long hours, and poor working and living conditions”.³¹ Workers were in a situation of “dependency and exploitation” reliant on plantation owners for accommodation, food, healthcare and other essential needs.³² This research demonstrates that this type of labour exploitation continues today.

3.2 DENIAL OF CITIZENSHIP

The marginalization of the Malaiyaha Tamil community stems from the historic denial of citizenship to the community.³³ In 1948, the Sri Lankan government passed the Citizenship Act, which disenfranchised the Malaiyaha Tamil community by laying down specifications for citizenship based on descent. Accordingly, citizenship depended on whether a person’s father, paternal grandfather and paternal great-grandfather were born in Sri Lanka (then Ceylon).³⁴ The law made the Malaiyaha Tamil community stateless and the Ceylon (Parliamentary Elections) Amendment Act No. 48 of 1949 denied them the right to vote.³⁵ This impacted on parliamentary representation because the Ceylon Workers Congress supported by the community and the Malaiyaha Tamil representative leaders lost their seats.³⁶

Further, attempts to gain citizenship resulted in threats of forced repatriation.³⁷ According to the 1963 Census, 1,123,000 persons identified as Indian Tamils.³⁸ Under the 1964 Sirima-Shastri Pact on Citizenship both the Sri Lankan and Indian governments agreed to repatriate 525,000 people of Indian origin, while 300,000 were to be granted Sri Lankan citizenship.³⁹ Under the 1974 Sirima-Indira Pact, the Sri Lankan government agreed to “grant citizenship to 50% , that is, 75,000 with the natural increase in that number”, while the balance 75,000 were agreed to be repatriated to India.⁴⁰ Subsequently, Sri Lanka enacted the Grant of Citizenship to Stateless Persons Act No. 5 of 1986 and the Grant of Citizenship to Stateless Persons (Special Provisions) Act, 1988 to grant citizenship. In 2003, Sri Lanka enacted the Grant of Citizenship to

²³ Oxford English Dictionary, “Kangany”, https://www.oed.com/dictionary/kangany_n?tl=true (accessed on 28 April 2026).

²⁴ ICES, *On the Move in Search of Greener Pastures* (previously cited), p. 9.

²⁵ ICES, *On the Move in Search of Greener Pastures* (previously cited), p. 9.

²⁶ Mythri Jegathesan, *Bargaining in a Labour Regime: Plantation Life and the Politics of Development in Sri Lanka*, Columbia University, 2013, <https://anthropology.columbia.edu/content/labor-plantation-gender-development-sri-lanka>, p. 13.

²⁷ Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), p. 14.

²⁸ Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), p. 14.

²⁹ Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), p. 14.

³⁰ Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), p. 14.

³¹ Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), p. 14.

³² Mythri Jegathesan, *Bargaining in a Labour Regime: Plantation Life and the Politics of Development in Sri Lanka* (previously cited), p. 13; Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), p. 14.

³³ Interview with Prof. Thaiyamuthu Thanaraj, Commissioner of the Human Rights Commission of Sri Lanka, 18 December 2025.

³⁴ Sri Lanka, Ceylon Citizenship Act No. 18 of 1948, sections 2 and 4.

³⁵ The Ceylon (Parliamentary Elections) Amendment Act No. 48 of 1949 stipulated citizenship as a requirement to vote, thus excluding Indian Tamils. Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), p. 14; Progressive International, “200 Years of Malaiyaha Tamil Labour in Sri Lanka” (previously cited).

³⁶ Progressive International, “200 Years of Malaiyaha Tamil Labour in Sri Lanka” (previously cited).

³⁷ Progressive International, “200 Years of Malaiyaha Tamil Labour in Sri Lanka” (previously cited).

³⁸ Department of Census and Statistics, Ethnic Group and Religion, <https://www.statistics.gov.lk/abstract2020/CHAP2/2.10> (accessed on 7 May 2026).

³⁹ Sirimavo Bandaranaike, “30 October 1964 – Sirima-Shastri Pact on Citizenship”, <https://sirimavobandaranaike.net/30-october-1964-sirima-shastri-pact-on-citizenship/> (accessed on 20 November 2025).

⁴⁰ Indian Treaty Series, “Exchange of letters constituting an agreement between the Government of India and the Government of the Republic of Sri Lanka regarding persons of Indian origin in Sri Lanka”, 27 January 1974, <https://www.commonlii.org/in/other/treaties/INTSer/1974/2.html>; Nirupama Subramanian, “Exclusion and ethnic strife: Story of Sri Lanka’s citizenship law”, Indian Express, 16 January 2020, <https://indianexpress.com/article/explained/exclusion-and-ethnic-strife-story-of-sri-lankas-citizenship-law-6218590/>

Persons of Indian Origin Act to “to solve the problem of statelessness” by granting citizenship to “persons of Indian Origin.”⁴¹ However, decades of disenfranchisement, statelessness and barriers to land ownership have resulted in lasting intergenerational consequences for the Malaiyaha Tamil community. Meanwhile, in April 2026, the government of India announced that it would extend the ‘Overseas Citizenship of India (OCI)’ status to include fifth and sixth generations of the Malaiyaha Tamil community in Sri Lanka.⁴² Previously, it was only available up to the 4th generation.

3.3 PRESENT-DAY REALITY

The present-day manifestations of racial discrimination faced by the Malaiyaha Tamil community must be understood as a continuation of insufficiently remedied historical racial injustice and inequality.⁴³ The plantation regime determined descent, national origin, ethnicity and language as grounds for inferiority, which still shape discrimination of this community today. The Institute for Social Development (ISD) notes that “structural exclusion through a prolonged period of statelessness and disenfranchisement has resulted in the community lagging significantly behind national achievements on human development indicators”.⁴⁴ These include health and nutrition indicators,⁴⁵ educational attainment rates and participation in public sector employment.⁴⁶ This low attainment rate can be attributed to Malaiyaha Tamil children and youth not having the same access to education, due to shortages of teachers and resulting curriculum restrictions.⁴⁷ These in turn also contribute to an increased school drop-out rate.⁴⁸

The Malaiyaha Tamil community continues to be impacted by systemic exclusion, particularly when accessing government services.⁴⁹ The Institute on Statelessness and Inclusion and Verite Research have highlighted the historic “‘absence’ of the state within the plantations” and the related “dependency on the plantation companies” for essential services, as a key factor in the systemic challenges the community faces.⁵⁰ Plantation companies have been entrusted with providing services that are elsewhere provided by the state, including healthcare through estate medical assistants and dispensaries “of a very poor standard”.⁵¹ Thus, the Malaiyaha Tamil community remains isolated and heavily dependent on their employers, not only for their livelihood and accommodation, but also their welfare.⁵²

Although Sri Lanka has recognized Tamil as an official language, state services are predominantly in Sinhala throughout the country, particularly in the Southern Province, further marginalizing the Malaiyaha Tamil community. For example, due to the language barrier, Malaiyaha Tamil women face challenges when reporting domestic violence at police stations.⁵³

The impact of historical and structural exclusion was also evident in the aftermath of the Ditwah cyclone in November 2025, when the Malaiyaha Tamil community in affected areas were denied access to government relief for displacement and the destruction of their homes, on the basis that they did not own the land on which their homes stood.⁵⁴ The Malaiyaha Tamil community has consistently voiced the need for housing and land of their own. On International Tea Day in 2023, which marked 200 years since their arrival in Sri

⁴¹ Sri Lanka, Grant of Citizenship to Persons of Indian Origin Act, No. 35 of 2003, https://documents.gov.lk/view/acts/2003/11/35-2003_E.pdf

⁴² News Wire, “India extends OCI card eligibility to 5th and 6th generation Tamils in Sri Lanka”, 21 April 2026, <https://www.newswire.lk/2026/04/21/india-extends-oci-card-eligibility-to-5th-and-6th-generation-tamils-in-sri-lanka/>

⁴³ UN General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, 21 August 2019, UN Doc. A/74/321, para. 20.

⁴⁴ Sri Lanka Brief, “Sri Lanka: The Malaiyaham [Hill Country Tamil Community] 200 Declaration” (previously cited).

⁴⁵ Sunday Times, “Retracing their steps 200 years after”, 6 August 2025, <https://www.sundaytimes.lk/230806/plus/retracing-their-steps-200-years-after-527026.html>

⁴⁶ Sunday Times, “Retracing their steps 200 years after” (previously cited).

⁴⁷ Law and Society Trust, *Dreams and Dignity: Stories of Malaiyaha Tamil Youth*, 2023, <https://lst.lk/wp-content/uploads/2023/12/Dignity-Dreams-English-1.pdf>, p. 28; Daily Mirror, “From ‘Indian’ to ‘Malaiyaha’ A call for identity recognition” (previously cited); UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 31.

⁴⁸ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 31.

⁴⁹ Meera Srinivasan, “Malaiyaha Tamils: Two hundred years of struggle”, The Hindu, 28 May 2023, <https://www.thehindu.com/news/international/malaiyaha-tamils-two-hundred-years-of-struggle/article66901833.ece>.

⁵⁰ Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited), pp. 14-19.

⁵¹ Institute on Statelessness and Inclusion and Verite Research, *Hill Country Tamils of Sri Lanka* (previously cited).

⁵² UN Human Rights Council, Report of the Special Rapporteur on minority issues on her mission to Sri Lanka, 31 January 2017, UN Doc. A/HRC/34/53/Add.3, p. 14, para. 54.

⁵³ Daily Mirror, “From ‘Indian’ to ‘Malaiyaha’ A call for identity recognition” (previously cited).

⁵⁴ Colombo Telegraph, “From relief to rights in Malaiyagam”, 27 January 2026, <https://www.colombotelegraph.com/index.php/from-relief-to-rights-in-malaiyagam/>

Lanka, the Malaiyaha Tamil community called on the government to provide “land with secure tenure and a housing programme for all families living in line rooms”, along with “land for supplementary livelihoods, roads, electricity, postal services, water supply and sanitation”.⁵⁵ In September 2024, the government adopted an “Upcountry Charter” to ensure the “full integration of the Malaiyaha plantation community into the socio-economic fabric of Sri Lanka”.⁵⁶ The charter states that the government “will take action to provide a plot of land to every plantation worker family for occupancy”.⁵⁷ The 2026 National Budget allocated LKR 4,290 million (USD 13.6 million) “with the assistance of the Government of India, for the construction of 2,000 houses to upgrade the housing and infrastructure facilities of the Malaiyaha estate workers living in Central, Uva, Sabaragamuwa, North Western and Southern Provinces”.⁵⁸ A further sum of LKR 1,305 million (USD 4.1 million) was “allocated for the completion of work on 943 houses currently in the Northern and Southern Provinces”.

According to a recent study by the Law and Society Trust, Malaiyaha youth are seeking a better life through employment opportunities outside the plantation.⁵⁹ In reality, however, they face significant challenges to accessing such employment. For example, they are likely to require a *grama niladhari* (village officer) certificate, which is an official document used to verify residency and character, essential for various administrative procedures in Sri Lanka. This process depends on a letter issued by the estate manager, but this is reportedly often refused.⁶⁰

3.4 TEA PRODUCTION IN SRI LANKA

Although tea exports contribute significantly to Sri Lanka’s revenue, the benefit has not reached Malaiyaha Tamil workers, who are the backbone of Sri Lanka’s tea production. Tea exports are Sri Lanka’s second-largest source of export revenue, after the textile and garment industry.⁶¹ In 2024, Sri Lanka’s tea exports constituted 11.2% of total exports and were valued at USD 1,435.9 billion.⁶² The Central Bank Annual Economic Review for 2024 reported an increase in tea exports for 2024 compared with 2023, “fuelled by both higher export volumes and prices”.⁶³ The report states that such an increase “highlights the persistent global demand for Sri Lankan tea”. According to the 2024 census, 269,875 hectares of land in Sri Lanka was being used for tea cultivation.⁶⁴ The Sri Lanka Malayaha Tamilar Rights Coalition (SMTRC) argues that private and state-owned companies have exploited Malaiyaha Tamil workers “for national and private profits, with little benefits transferred to the community”.⁶⁵

In Sri Lanka, tea production takes place on plantations managed by RPCs and state corporations, as well as privately-owned estates and smallholdings. The distinction between a privately-owned estate and a smallholding is their size. According to the Tea Control Act, No. 51 of 1957, an estate is “10 acres or more” – the equivalent of four or more hectares – while a smallholding is any area smaller than this on which tea is grown.⁶⁶ A significant majority of tea producers in Sri Lanka are smallholders, producing 75% of the country’s tea output.⁶⁷ According to the Tea Small Holdings Development Authority 2023 Annual Report, 60% of land on which tea is cultivated is under the Tea Small Holdings sector.⁶⁸ In 2023, registered tea smallholdings represented 158,221 hectares and the number of tea smallholders was 418,938.⁶⁹ In the same year, in Galle District, there were 85,210 tea smallholders, covering 30,193 hectares of land, and in Matara District, there were 65,238 smallholders covering 25,733 hectares.⁷⁰

⁵⁵ Sri Lanka Brief, “Sri Lanka: The Malaiyaha [Hill Country Tamil Community] 200 Declaration” (previously cited).

⁵⁶ Gazette of the Democratic Socialist Republic of Sri Lanka, No. 2403/28, 25 September 2024.

⁵⁷ Gazette of the Democratic Socialist Republic of Sri Lanka, No. 2403/28, 25 September 2024, p. 6A.

⁵⁸ Anura Kumara Disanayake, Minister of Finance, Planning and Economic Development, Budget Speech 2026, 7 November 2025, <https://www.treasury.gov.lk/web/budget-speeches/section/2026>, p. 49.

⁵⁹ Law and Society Trust, *Dreams and Dignity: Stories of Malaiyaha Tamil Youth* (previously cited), p. 28.

⁶⁰ Daily Mirror, “From ‘Indian’ to ‘Malaiyaha’ A call for identity recognition” (previously cited).

⁶¹ Central Bank of Sri Lanka, *Annual Economic Review 2024*, 2024, <https://www.cbsl.gov.lk/en/publications/economic-and-financial-reports/annual-economic-review/annual-economic-review-2024>

⁶² Central Bank of Sri Lanka, *Annual Economic Review 2024* (previously cited), Appendix, Table 6.

⁶³ Central Bank of Sri Lanka, *Annual Economic Review 2024* (previously cited), p. 31.

⁶⁴ Department of Census and Statistics, Sri Lanka, *Statistical Data Sheet 2025*, 2025, https://www.statistics.gov.lk/statistical_datasheet/datasheet-2025/English

⁶⁵ SLMTRC, *Joint CSO Submission to the UPR process* (previously cited), p. 1.

⁶⁶ Sri Lanka, Tea Control Act, No. 51 of 1957, as amended, section 63(1).

⁶⁷ Interview with Rohitha Waidyaratna, Director General-Manager of Development, Tea Small Holdings Development Authority, 25 November 2025.

⁶⁸ Tea Small Holdings Development Authority (TSHDA), *Annual Report 2023*, 2023, <https://www.parliament.lk/uploads/documents/paperspresented/1758695255026989.pdf>, p. 71.

⁶⁹ TSHDA, *Annual Report 2023* (previously cited), p. 71.

⁷⁰ TSHDA, *Annual Report 2023* (previously cited), p. 72.



↑ A tea estate in the Southern Province. Photo: Selvaraja Rajasegar/ Amnesty International

RPC-managed estates are much larger than private estates. In 1992, the Sri Lankan government privatized most of the formerly nationalized tea estates, leasing the land on a long-term basis to public limited companies known as RPCs.⁷¹ Accordingly, 450 estates that used to be managed by the Sri Lanka State Plantations Corporation and Janatha Estates Development Board were leased to RPCs.⁷² This report focuses on private estates and smallholdings.

⁷¹ In Sri Lanka, PLCs involved in plantations are known as regional plantation companies (RPCs), and their plantations are still subject to some state regulations; Asian Development Bank, *Sri Lanka: Plantation Development Project*, March 2016, <https://www.adb.org/sites/default/files/evaluation-document/167392/files/in74-16.pdf>; Employers' Federation of Ceylon, "Plantation services", <https://employers.lk/plantation-services/> (accessed on 20 November 2025).

⁷² Sri Lanka State Plantations Corporation, *Annual Report 2010*, 2010, https://www.parliament.lk/uploads/documents/paperspresented/annual_report_srilanka_state_plantations_corporation_2010.pdf, p. 7.

4. LEGAL FRAMEWORK

Sri Lanka has obligations under international human rights treaties, including ILO instruments, to protect Malaiyaha Tamil workers from discrimination and human rights abuses by non-state actors and private individuals. This includes taking steps to prevent, investigate, punish and redress abuses through effective laws and policies and adjudication, and by ensuring measures are adequate and effectively enforced.⁷³

Sri Lanka has ratified all the core international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC) and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).⁷⁴

Sri Lanka has been a member of the ILO since 1948 and has ratified 44 ILO conventions. These include eight out of the 10 fundamental ILO conventions, such as the Forced Labour Convention, 1930 (No. 29), and three out of four ILO governance conventions, including the Labour Inspection Convention, 1947 (No. 81).⁷⁵ In April 2026, Sri Lanka ratified the Violence and Harassment Convention, 2019 (No. 190).⁷⁶ In addition, following Sri Lanka's ratification of the Tripartite Consultation Convention, the National Labour Advisory Council has been established as a national tripartite consultative mechanism for consultations between the government, workers and employers.⁷⁷ Sri Lanka has not yet ratified 52 ILO Conventions, including the Occupational Safety and Health Convention, 1981 (No. 155), Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).⁷⁸

According to the ILO Declaration on Fundamental Principles and Rights at Work, all members, even if they have not ratified the relevant conventions, have an obligation to respect, promote and realize the freedom of association and effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment.⁷⁹ As an ILO member, Sri Lanka has an obligation to respect, promote and realize these rights.⁸⁰

Articles six and seven of the ICESCR include the right to work and the right to just and favourable conditions of work, in particular safe working conditions, and the right to freely choose and accept work.⁸¹ This includes

⁷³ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), 27 April 2016, UN Doc. E/C.12/GC/23, para. 59.

⁷⁴ UN Human Rights Treaty Body, "View the ratification status by country or by treaty",

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN (accessed on 10 December 2025).

⁷⁵ ILO, "Ratifications by country", https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11001 (accessed on 10 December 2025).

⁷⁶ ILO, "Sri Lanka ratifies the ILO Convention on Violence and Harassment, 16 April 2026", <https://www.ilo.org/resource/news/sri-lanka-ratifies-ilo-convention-violence-and-harassment>

⁷⁷ Ministry of Labour, Sri Lanka, "National Labour Advisory Council", <https://labourmin.gov.lk/national-labour-advisory-council/> (accessed on 10 December 2025).

⁷⁸ ILO, "Up-to-date Conventions and Protocols not ratified by Sri Lanka",

https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:103172 (accessed on 10 December 2025).

⁷⁹ ILO, *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up*, 2022, https://www.ilo.org/sites/default/files/2024-04/ILO_1998_Declaration_EN.pdf

⁸⁰ ILO, *ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up* (previously cited).

⁸¹ ICESCR, Article 7; Universal Declaration of Human Rights (UDHR), Article 23.

the fundamental elements necessary to guarantee just and favourable conditions of work, namely the right to fair remuneration, fair wages, a decent living, safe and healthy working conditions, equal opportunity, and rest, leisure and reasonable limitation of working hours.⁸² The ICESCR monitoring body, the Committee on Economic, Social and Cultural Rights (CESCR), has specifically emphasized that the right to the enjoyment of just and favourable conditions of work applies to “everyone”, including workers in the informal sector, workers from ethnic and other minorities, and agricultural workers.⁸³ Furthermore, Article 32 of the CRC recognizes the right of children to be protected from economic exploitation.⁸⁴

4.1 FORCED LABOUR

Sri Lanka has ratified both the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). Forced labour, which is internationally prohibited, is defined by the 1930 convention as “[a]ll work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.⁸⁵ The Sri Lanka Penal Code effectively adopts the same definition.⁸⁶ This definition includes three key elements: work or service, menace of any penalty, and the absence of voluntary consent; the ILO also identifies specific indicators of forced labour (see chapter 5 for the full list).⁸⁷ Under the 1930 convention, each ILO member is obliged to “suppress the use of forced or compulsory labour in all its forms within the shortest possible period”.⁸⁸ Furthermore, adequate measures should be taken to “ensure that the regulations governing the employment of forced or compulsory labour are strictly applied”⁸⁹ and that these regulations are “brought to the knowledge of persons from whom such labour is exacted”.⁹⁰ Further, the convention obligates members to ensure not only that the “illegal exaction of forced or compulsory labour” is punishable as a penal offence, but also that “the penalties imposed by law are really adequate and are strictly enforced”.

According to the Abolition of Forced Labour Convention, ILO members undertake to suppress and not to make use of forced or compulsory labour as “a method of mobilizing and using labour for purposes of economic development”.⁹¹ Each member who has ratified this convention also “undertakes to take effective measures to secure the immediate and complete abolition of forced or compulsory labour”.⁹²

Sri Lanka has also ratified the Protocol of 2014 to the Forced Labour Convention 1930, which “requires governments to adopt new measures designed to prevent all forms of forced labour, including trafficking in persons, to protect victims and guarantee them access to justice and compensation”.⁹³ According to the protocol, measures should be taken to ensure that enforcement of legislation relevant to preventing forced or compulsory labour applies to all workers and all sectors of the economy and that labour inspection services and other services responsible for the implementation of this legislation are strengthened.⁹⁴ This includes taking measures to address “the root causes and factors that heighten the risks of forced or compulsory labour”.⁹⁵ Members should also ensure that all victims of forced or compulsory labour “have access to appropriate and effective remedies, such as compensation”.⁹⁶ Members must also take measures to ensure that “competent authorities are entitled not to prosecute or impose penalties on victims of forced or compulsory labour for their involvement in unlawful activities which they have been compelled to commit as a direct consequence of being subjected to forced or compulsory labour”.⁹⁷

⁸² CESCR, General Comment 23 (2016) on the right to just and favourable conditions of work (previously cited).

⁸³ CESCR, General Comment 23 (2016) on the right to just and favourable conditions of work (previously cited), para. 5.

⁸⁴ CRC, Article 32.

⁸⁵ ILO Forced Labour Convention, 1930 (No. 29), Article 2(1).

⁸⁶ Sri Lanka, Penal Code, 1883, section 358A(3), as amended by Penal Code (Amendment) Act, No. 16 of 2006.

⁸⁷ ILO, *ILO Indicators of Forced Labour: 2025 Revised Edition*, 2025, <https://www.ilo.org/sites/default/files/2025-11/ILO%20Indicators%20of%20Forced%20Labour%202025.pdf>

⁸⁸ ILO Forced Labour Convention, 1930 (No. 29), Article 1(1).

⁸⁹ ILO Forced Labour Convention, 1930 (No. 29), Article 24.

⁹⁰ ILO Forced Labour Convention, 1930 (No. 29), Article 24.

⁹¹ ILO Abolition of Forced Labour Convention, 1957 (No. 105), Article 1.

⁹² ILO Abolition of Forced Labour Convention, 1957 (No. 105), Article 2.

⁹³ ILO, “Sri Lanka renews commitment to combat forced labour”, 11 April 2019, <https://www.ilo.org/resource/news/sri-lanka-renews-commitment-combat-forced-labour>; ILO, Protocol of 2014 to the Forced Labour Convention 1930, 11 June 2014.

⁹⁴ ILO, Protocol of 2014 to the Forced Labour Convention 1930 (previously cited), Article 2.

⁹⁵ ILO, Protocol of 2014 to the Forced Labour Convention 1930, Article 2(f).

⁹⁶ ILO, Protocol of 2014 to the Forced Labour Convention 1930, Article 4(1).

⁹⁷ ILO, Protocol of 2014 to the Forced Labour Convention 1930, Article 4(2).

Debt bondage is both an indicator and a form of forced labour.⁹⁸ It is one of the four practices similar to slavery under the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. This convention defines debt bondage as:

“the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.⁹⁹

This definition is considered broad enough to cover workers “trapped in debt bondage in systemic, archaic, feudal systems of slave-labour exploitation”.¹⁰⁰ In situations of debt bondage, the power imbalance between the employer (and creditor) and the worker increases the worker’s vulnerability to human rights abuses.¹⁰¹ According to the UN Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences, in general, in situations of debt bondage, “[e]mployers and creditors are reported to adjust interest rates, to make further deductions arbitrarily as penalties for perceived poor performance, and/or to charge high prices for basic goods or working tools resulting in an increase of the debt and the perpetuation of deeply exploitative situations”.¹⁰² Article 5 of the Slavery Convention states that all high contracting parties must “take all necessary measures to prevent compulsory or forced labour from developing into conditions analogous to slavery”.¹⁰³ The CEDAW Committee considers the “forced labour of women to be a contemporary form of slavery and a denial of their rights”.¹⁰⁴

Furthermore, according to Article 8(3) of the ICCPR, no one can be required to “perform forced or compulsory labour” and Article 11 of the ICCPR states that everyone has the right to liberty of movement and freedom to choose their residence.

In relation to child labour, Article 32 of the CRC, which Sri Lanka has ratified, recognizes “the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development”.¹⁰⁵ To this end, states parties are to take legislative, administrative, social and educational measures, which include providing for a minimum age for admission to employment, regulation of the hours and conditions of employment and appropriate sanctions to ensure effective enforcement.¹⁰⁶ Article 10 of the ICESCR states that children and young people should be protected from economic and social exploitation. It further states that their “employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law” and that states should “set age limits below which the paid employment of child labour should be prohibited and punishable by law”.¹⁰⁷

4.2 RIGHT TO EQUALITY AND NON-DISCRIMINATION

Sri Lanka ratified the ICERD in 1982, under which it is obliged to prohibit and eliminate racial discrimination based on “race, colour, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.¹⁰⁸ CERD General Recommendation XXIX considers descent-based discrimination to include “discrimination on the basis of

⁹⁸ ILO, *ILO Indicators of Forced Labour* (previously cited); UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, UN Doc. A/HRC/33/46, 4 July 2016.

⁹⁹ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, Article 1(a).

¹⁰⁰ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, UN Doc. A/HRC/33/46, 4 July 2016, para. 8.

¹⁰¹ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, UN Doc. A/HRC/33/46, 4 July 2016, para. 7.

¹⁰² UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, UN Doc. A/HRC/33/46, 4 July 2016, para. 7.

¹⁰³ 1926 Slavery Convention, Article 5.

¹⁰⁴ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), para. 113.

¹⁰⁵ UN Human Rights Treaty Body, “View the ratification status by country or by treaty”,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN (accessed on 11 December 2025).

¹⁰⁶ CRC, Article 32(2).

¹⁰⁷ ICESCR, Article 10.

¹⁰⁸ ICERD, Articles 1(1), 2(1)(d) and 5; UN Human Rights Treaty Body, “View the ratification status by country or by treaty”,

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=164&Lang=EN (accessed on 11 December 2025).

caste and analogous systems of inherited status”¹⁰⁹ and recommends that states take steps to identify communities under their jurisdiction who suffer from discrimination on this basis.¹¹⁰ It identifies factors by which such communities may be recognized, such as “limitation of freedom to renounce inherited occupations or degrading or hazardous work; subjection to debt bondage; [...] and generalized lack of respect for their human dignity and equality”.¹¹¹ It recommends the adoption of special measures in favour of descent-based communities, “to ensure their enjoyment of human rights and fundamental freedoms, in particular concerning access to public functions, employment and education”.¹¹²

4.3 RIGHT TO SOCIAL SECURITY

The right to social security ensures access to healthcare and guarantees income security throughout a person’s life in circumstances such as sickness, unemployment, maternity, old age, disability, employment injury or the loss of the main income earner.¹¹³ Article 22 of the UDHR states that everyone has the right to social security.¹¹⁴ Article 25(1) further guarantees the “right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”. Article 25(2) states that “motherhood and childhood are entitled to special care and assistance”. Article 9 of the ICESCR recognizes the “right of everyone to social security, including social insurance”. In relation to childbirth, ICESCR Article 10(2) states that “working mothers should be accorded paid leave or leave with adequate social security benefits”. The right to social security encompasses the right to access benefits without discrimination in events such as “a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to healthcare; (c) insufficient family support, particularly for children and adult dependents”.¹¹⁵ The ILO Social Security (Minimum Standards) Convention establishes minimum standards for social security benefits for nine branches of social security, namely, medical care, sickness, unemployment, old age, employment injury, family benefits, maternity, invalidity and survivors.¹¹⁶

The minimum essential level of the right to social security includes taking targeted steps to implement social security schemes, particularly those that protect disadvantaged and marginalized individuals and groups and monitoring the extent of the realization of the right to social security.¹¹⁷ The ILO Social Protection Floors Recommendation states that at a minimum everyone in need should have access to healthcare and basic income security.¹¹⁸ States should take effective measures within their maximum available resources to realize the right to social security.¹¹⁹

4.4 FREEDOM OF ASSOCIATION

Sri Lanka has ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

Under the 1948 convention, both workers and employers have the right to join organizations of their own choosing without previous authorization,¹²⁰ and workers’ and employers’ organizations have the right to function freely.¹²¹ ILO members must ensure the right to organize is exercised freely.¹²² The 1949 convention states that workers are to “enjoy adequate protection against acts of anti-union discrimination in respect of their employment”.¹²³

¹⁰⁹ CERD, General Recommendation XXIX on Article 1, Paragraph 1, of the Convention (Descent), 1 November 2002.

¹¹⁰ CERD, General Recommendation XXIX on Article 1 (previously cited), 1(a).

¹¹¹ CERD, General Recommendation XXIX on Article 1 (previously cited), 1(a).

¹¹² CERD, General Recommendation XXIX on Article 1 (previously cited), 1(f).

¹¹³ ILO and OHCHR, *Fact Sheet No. 39: Right to Social Security*, 2025, p. 9.

¹¹⁴ See also: ICERD, Article 5 (e) (iv); CEDAW, Article 11 (e); Convention on the Rights of the Child, Article 26.

¹¹⁵ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 2.

¹¹⁶ ILO Social Security (Minimum Standards) Convention, 1952 (No. 102).

¹¹⁷ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 59.

¹¹⁸ ILO Social Protection Floors Recommendation, 2012 (No. 202), Recommendations 4 and 5.

¹¹⁹ ILO and OHCHR, *Fact Sheet No. 39* (previously cited), p. 34.

¹²⁰ Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), Article 2.

¹²¹ Freedom of Association Convention (previously cited), Article 3.

¹²² Freedom of Association Convention (previously cited), Article 11.

¹²³ Freedom of Association Convention (previously cited), Article 1.

Furthermore, Article 22 of the ICCPR states that everyone has the “right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.¹²⁴ This right can only be restricted when “prescribed by law” and “necessary in a democratic society” on the grounds of national security, public safety, public order or the protection of public health or morals or the protection of the rights and freedoms of others.¹²⁵ Article 20 of the UDHR ensures that everyone has the right to freedom of peaceful assembly and association. Article 8 of ICESCR guarantees the right of all workers regardless of circumstances and status to form and join trade unions.

4.5 DOMESTIC LEGAL FRAMEWORK

The Sri Lankan Constitution guarantees civil and political rights including the right to equality and non-discrimination, and the right to freedom of speech, assembly, association, occupation and movement to all citizens.¹²⁶ In particular, Article 12(2) of the constitution states that “[n]o citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds”. Restrictions to these rights can be made only on specific grounds.¹²⁷ These fundamental rights are enforceable only against the state;¹²⁸ consequently, workers in privately-owned estates and those owned by RPCs have limited constitutional avenues to challenge abuses by their employers. Economic, social and cultural rights are reflected in Article 27 of the constitution through the Directive Principles of State Policy, which call for the elimination of economic and social inequalities¹²⁹ and provision of social security and welfare.¹³⁰ While these principles are not directly legally enforceable, they serve as guidance for the state in formulating policy.¹³¹ The Sri Lankan Supreme Court has adjudicated on certain economic and social rights issues, for example, through Article 12 of the constitution based on equal access.¹³²

Sri Lanka’s labour regime in the plantation and estate sector is grounded in a body of national legislation encompassing both colonial era enactments and post-independence statutes.¹³³ During the colonial period, several labour laws were enacted that remain in effect today.¹³⁴ Following independence, the labour law framework was developed further relating to industrial relations,¹³⁵ working conditions,¹³⁶ employees’ compensation,¹³⁷ and social security.¹³⁸ As a result, plantation and estate workers were protected to an extent by the general labour laws with varying applicability and significant barriers to accessing justice.¹³⁹ The Decision of the Workers’ Tribunal pointed out that “[d]espite the enactment of many laws to govern labour rights in independent Sri Lanka, historic and structural inequality distanced plantation and estate workers from plantation-specific labour rights and protections and access to social welfare”.¹⁴⁰ It further held that there has been no significant development in “plantation-specific protections on living wage, working conditions, occupational health and safety and dispute resolution mechanisms related to many of these issues”.¹⁴¹

¹²⁴ International Covenant on Civil and Political Rights, 16 December 1966, Article 22(1).

¹²⁵ Freedom of Association Convention (previously cited), Article 22(2).

¹²⁶ Constitution of Sri Lanka, Articles 12 and 14.

¹²⁷ Constitution of Sri Lanka, Article 15.

¹²⁸ Constitution of Sri Lanka, Articles 17 and 126.

¹²⁹ Constitution of Sri Lanka, Article 27(7)-(8).

¹³⁰ Constitution of Sri Lanka, Article 27(9).

¹³¹ Constitution of Sri Lanka, Article 29.

¹³² Supreme Court of the Democratic Socialist Republic of Sri Lanka (Supreme Court), *Kavirathne v. Commissioner General of Examinations*, Application 29/2012 36, 10 May 2017; Supreme Court, *De Silva v. Principal and Chairman Interview Board, Dharmashoka Vidyalaya Ambalangoda, Parakramawansa*, Application No. SCFR 59/15, 28 July 2017.

¹³³ Vijaya Samaraweera, “Masters and servants in Sri Lankan plantations: Labour laws and labour control in an emergent export economy”, April 1981, *The Indian Economic and Social History Review*, Volume 18, Issue 2, p.133. In the second half of the 19th century, a series of domestic laws were enacted to provide a legal framework for the estate sector. Ordinance No. 5 of 1841 provided for employers to be punished for breach of contract. Thereafter, Ordinance No. 11 of 1865 made significant changes in favour of the plantation/estate owners and remained one of the key applicable laws. Chapter 7 of the Labour Code of Sri Lanka enacted a series of laws relevant to the estate sector.

¹³⁴ Sri Lanka, Workman’s Compensation Ordinance No.19 of 1934, Trade Unions Ordinance No.14 of 1935, Maternity Benefits Ordinance No. 32 of 1939, The Wages Boards Ordinance No. 27 of 1941, The Factories Ordinance No. 45 of 1942.

¹³⁵ Sri Lanka, Industrial Disputes Act No. 40 of 1953.

¹³⁶ Sri Lanka, Employment of Women, Young Persons and Children Act No. 47 of 1956; Termination of Employment of Workers (Special Provisions) Act No. 45 of 1971; National Minimum Wages Act No. 3 of 2016.

¹³⁷ Sri Lanka, Workman’s Compensation Ordinance No.19 of 1934.

¹³⁸ Sri Lanka, Employees Trust Fund Act No. 46 of 1980, Payment of Gratuity Act No. 12 of 1983 and Employees Trust Fund Act No. 46 of 1980.

¹³⁹ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited), p.5, para. 23.

¹⁴⁰ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited), p.5, para. 22.

¹⁴¹ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited). June 2024, p.5, para. 23.

The Penal Code codifies criminal law in Sri Lanka. Any person who has committed an act and/or omission under the Penal Code is liable for punishment. Chapter XVI sets out the offences affecting the human body and offences affecting life. Crimes under the Penal Code are prosecuted by the state. The Penal Code Amendment No. 16 of 2006 created a specific offence of causing a person to be subject to bondage or serfdom, forced labour or slavery.¹⁴² The penalty on conviction includes imprisonment for a maximum of 20 years and a fine. If the offence is committed against a child, the maximum imprisonment increases to 30 years. The Penal Code also criminalizes various forms of gendered physical and sexual abuse.¹⁴³ Police or peace officers are empowered to investigate and arrest accused persons and prosecute these crimes.¹⁴⁴

The criminal justice system is theoretically available to address labour law infringements and criminal acts, but in the context of structural inequality and exploitative labour systems, access to these remedies for estate workers is extremely challenging.¹⁴⁵

¹⁴² Sri Lanka, Penal Code, 1883, section 358A.

¹⁴³ Sri Lanka, Penal Code, 1883, sections 294, 296, 297, 310, 311, 341, 342, 345, 365 and 360B.

¹⁴⁴ Sri Lanka, Criminal Procedure Code Act, 1979 (No. 15).

¹⁴⁵ Rathnayake Mudiyansele Bandaranayake and others, "The experiences of children on Sri Lanka's tea plantations: Labor and sexual exploitation, violence and inadequate education", 2023, *Dignity: A Journal of Analysis of Exploitation and Violence*, Volume 8, Issue 2, <https://doi.org/10.23860/dignity.2023.08.01.02>, p. 3.

5. FORCED LABOUR

Amnesty International's investigation into labour rights on private estates and smallholdings in the Southern Province revealed multiple human rights abuses, including in relation to forced labour. These are explored in detail in this chapter, alongside the evidence revealed by this research.

ILO indicators of forced labour include abuse of vulnerability, deception, restriction of movement, isolation, physical and sexual violence, intimidation and threats, retention of identity documents, withholding of wages, debt bondage, abusive working and living conditions, and excessive overtime.¹⁴⁶ Workers interviewed for this research reported practices that could indicate forced labour, such as exploitation of workers' multiple intersectional vulnerabilities, use of intimidation, threats and physical violence, subjection to debt and debt bondage, restrictions on free movement, and abusive working and living conditions.

The presence of forced labour practices in private estates and smallholdings in the Southern Province is inconsistent with Sri Lanka's obligations under the ILO Forced Labour Convention, its 2014 Protocol and Abolition of Forced Labour Convention (see section 4.1). Sri Lanka is under an obligation to suppress the use of forced or compulsory labour in all its forms within the shortest possible period and to strictly enforce penalties.¹⁴⁷ Such practices also violate Articles 8(3) and 11 of the ICCPR. Amnesty's research re-affirms the need for authorities to investigate further and identify potential victims of forced labour in keeping with Sri Lanka's international human rights obligations.¹⁴⁸

5.1 ABUSE OF INTERSECTIONAL VULNERABILITIES

One of the key indicators of forced labour is abuse of vulnerability. According to the ILO, abuse of vulnerability occurs "when an unscrupulous employer or recruiter intentionally takes advantage of a worker's vulnerable position, for example irregular work or residency status, to impose abusive working conditions or tasks the worker would otherwise never accept".¹⁴⁹ The ILO identifies factors that increase vulnerability to forced labour, including illiteracy, systems that tie work or residency permits to a specific employer, and "fraudulent practices that create multiple dependencies, where workers rely on the same employer or recruiter not only for their jobs, but also for housing, food or even the employment of family members".¹⁵⁰

The Malaiyaha Tamil community have long experienced historic, systemic and structural racial discrimination based on descent, ethnicity, national origin, caste and language in Sri Lanka, which have made them vulnerable to forced labour.¹⁵¹ Amnesty International's investigation shows how employers of private tea estates and smallholdings abused the vulnerabilities associated with the identity of the Malaiyaha Tamil community to subject them to forced labour.

¹⁴⁶ ILO, *ILO Indicators of Forced Labour* (previously cited).

¹⁴⁷ ILO Forced Labour Convention, 1930 (No. 29), Article 1(1).

¹⁴⁸ ILO, *ILO Indicators of Forced Labour* (previously cited), p. 29.

¹⁴⁹ ILO, *ILO Indicators of Forced Labour* (previously cited), p. 7.

¹⁵⁰ ILO, *ILO Indicators of Forced Labour* (previously cited) p. 7.

¹⁵¹ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 52.

5.1.1 DISCRIMINATION: MALAIYAHA TAMIL IDENTITY

The Malaiyaha Tamil community is vulnerable to abuse due to their Tamil ethnicity as well as their caste status associated with their identity. Historically, the plantation community has largely consisted of people from so-called “lower castes”, drawn from the most oppressed caste groups from south India to work on plantations in Sri Lanka.¹⁵² The UN Special Rapporteur on Minority Rights in her 2017 report noted that the historical exclusion experienced by the Malaiyaha Tamil community – from access to resources, services and development, and political participation – was at least partly attributable to their caste status.¹⁵³ In 1948, they were stripped of their citizenship and right to vote.¹⁵⁴ Although these rights were subsequently restored, decades of marginalization, structural exclusion, disenfranchisement and statelessness have resulted in lasting intergenerational consequences for the Malaiyaha Tamil community, which can be traced back to their caste status.

The Malaiyaha Tamil population in the Southern Province is a minority compared with the Sinhalese ethnic majority. According to the 2024 census, the population of “Indian Tamil/Malaiyaga Thamilar” in the Galle and Matara districts numbers were 2,883 and 8,082 respectively,¹⁵⁵ while the Sinhalese population in the two districts is 1,030,354 and 788,804. By contrast, in the city of Nuwara Eliya, in the Hill Country, the population of Sinhalese is 281,904, while the Malaiyaha Tamil population is 362,299.¹⁵⁶ An estate manager in Matara District noted this disparity: “If we take this area, there are a lot of Sinhalese and the Tamils are very low. That is one problem.”¹⁵⁷

Being so outnumbered makes the Malaiyaha Tamil community in the Southern Province vulnerable to social isolation. For example, it can impact workers’ right to freedom of religion: Mary, a Christian worker on an estate in Matara District, reported how she had struggled to obtain permission to go to church on Sunday. She said that the Buddhist owners criticized her religion and wanted her to go to church on a different day because they needed workers for the factory on Sunday.¹⁵⁸ The ILO has noted that restricting “access to religious services or community centres is another way to maintain social isolation and prevent access to support or advice”.¹⁵⁹ Whatever the owner’s motivation, restrictions on church attendance in effect, if not in intent, further isolated workers and constitute an interference with Mary’s right to practice her religion, as protected under Article 18 of the ICCPR.

The Malaiyaha Tamil identity makes workers more vulnerable to exploitation and abuse. Several interviewees explained how they felt discriminated against because of their Malaiyaha Tamil identity and that most estate owners and supervisors belonged to the ethnic Sinhalese majority. Interviewees reported explicit racism, with Sinhalese supervisors and managers targeting the workers’ Malaiyaha Tamil identity. The verbal abuse reported included workers being called extremely abusive names, including “filthy Tamils”, and their Tamil identity being weaponised to disparage their ability to work and their presence on the estate.¹⁶⁰ Thavamani, a worker from an estate in Galle District, explained how the estate management would insult them, saying, “Tamil people can’t work, Tamil people are lazy.”¹⁶¹ Another worker, Gayathri said that the estate officers would mock them saying, “Tamils do undignified work.”¹⁶²

¹⁵² Indian Institute on Dalit Studies, *Caste Discrimination and Social Justice in Sri Lanka: An Overview*, 2009; UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, A/HRC/51/26/Add.1, para. 52.

¹⁵³ UN General Assembly, Report of the Special Rapporteur on minority issues on her mission to Sri Lanka, 31 January 2017, UN Doc. A/HRC/34/53/Add.3, p. 15, para. 57.

¹⁵⁴ Sri Lanka, Citizenship Act No. 18 of 1948, sections 2 and 4.

¹⁵⁵ Department of Census and Statistics, Sri Lanka, “Census of Population and Housing 2024 (CPH-2024): Population by ethnic group according to districts”, 2024, <https://www.statistics.gov.lk/Population/StaticInformation/CPH2024>

¹⁵⁶ Department of Census and Statistics, Sri Lanka, “Census of Population and Housing 2024 (CPH-2024): Population by ethnic group according to districts”, 2024, <https://www.statistics.gov.lk/Population/StaticInformation/CPH2024>

¹⁵⁷ Interview with Vishnu, estate manager, estate 13, Matara District, 22 January 2024.

¹⁵⁸ Interview with Mary, worker, estate 13, Matara District, 22 January 2024.

¹⁵⁹ ILO, *ILO Indicators of Forced Labour* (previously cited).

¹⁶⁰ Interviews with workers (Vamadevan, estate 17; Thavamani, estate 20; and Savithri, estate 45), Galle and Matara districts, January and February 2024.

¹⁶¹ Interview with Thavamani, worker, estate 20, Galle District, 5 February 2024.

¹⁶² Interview with Gayathri, worker, estate 14, Matara District, 23 January 2024.

One worker, Vigneswaran, reported discrepancies in remuneration between Malaiyaha Tamil and Sinhalese workers.

“Tamil workers are paid [LKR] Rs. 1,000 to Rs. 1,100 per day, while Sinhalese workers are paid Rs. 2,000 per day. In addition to the Rs. 2,000 salary, Sinhalese workers are provided with tea and meals. We are not provided with anything other than the Rs. 1,100 salary. We work from 7:30 in the morning until 3:30 in the evening. On some days, they still shout at us, saying our work is insufficient.”¹⁶³

He added that the Sinhalese workers faced much less verbal abuse than Malaiyaha Tamil workers and highlighted how the Sinhalese workers are less vulnerable.

“They do not reprimand [Sinhalese workers] harshly because those workers will leave the estate the next day if they are shouted at, as they have their own houses to stay in. That is not the case for us. We do not have proper housing, so they are confident that we must listen to whatever they say.”

Verbal abuse was not only directed at workers’ Malaiyaha Tamil identity, but also intersected with gender. Amudha, a worker on an estate in Galle District, told the researchers that the estate managers would scold them saying, “We gave this room to you Tamils, if you’re not going to work, then get out... He would scold my daughter, calling her *vesa geni*, a prostitute.”¹⁶⁴

5.1.2 HOUSING CONTINGENT ON EMPLOYMENT

The challenges and vulnerability facing the Malaiyaha Tamil community are compounded by systemic landlessness, which means that many do not own land or have a land title.¹⁶⁵ Amnesty International’s investigation revealed that workers’ housing was tied to their employment on estates and smallholdings. This multiple dependency on the estate management, not only for work but also housing, makes workers more vulnerable to abuse.¹⁶⁶ Furthermore, the employer determines the workers’ entitlement to live in the estate housing, so they have no protection against eviction. This lack of security of tenure further increases workers’ vulnerability to abuse. This arrangement contravenes Article 11 of the ICERD, which stipulates: “All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”¹⁶⁷

¹⁶³ Interview with Vigneswaran, worker, estate 6, Galle District, 5 February 2024.

¹⁶⁴ Interview with Amudha, worker, estate 41, Galle District, 6 February 2024.

¹⁶⁵ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, paras 52-54; Jeevan Ravindran, “Malaiyaha Tamils’ long march to equality in Sri Lanka”, *Himal South Asian*, 15 December 2023, <https://www.himalmag.com/politics/malaiyaha-tamils-equality-sri-lankan-tea-estates>; Sunday Times, “Retracing their steps 200 years after” (previously cited).

¹⁶⁶ ILO, *ILO Indicators of Forced Labour* (previously cited).

¹⁶⁷ CESCR, General Comment 4, 9 December 1991, para. 8(a).

On each of the 45 private estates and smallholdings visited, the workers interviewed said that they were reliant on their employer for accommodation.

“We don’t have a place of our own; we are working in someone else’s estate. That’s why we are slaves to them. If we have a place of our own to live and work, then we do not have to be like this. If I am here in this house and [if] I don’t go to work for three days, then they will say to get out from the room and pay the loan. If we have our own house... they [would] not have the rights to chase us out. We can be confident, but we can’t be like that here. Even if we’re here for 50 or 60 years, it’s no use.”¹⁶⁸

Vigneswaran, a father of two in his 40s, who has worked on a privately owned estate in Galle District for 20 years explained that their family’s dependency on their employers for housing, and their fear of forced eviction, meant they were unable to challenge the poor living and working conditions. Vigneswaran shared that he had seen and experienced verbal and physical abuse by estate supervisors, but continued to work on the estate because his children went to school nearby and he did not have anywhere else to go.¹⁶⁹

“It’s only because we’re living in their houses that they’re bringing sticks and scolding us like dogs, and so we’re going to work even if we’re sick. What if our children end up in the same position? [...] Whatever happens, if we live in these private estates then we’re slaves to them... We don’t have any time to just rest. Even if we have a festival or special day, we have to live in fear and go to work.”¹⁷⁰

Another worker explained how their housing situation left them trapped and unable to improve their situation: “If we had our own place to live, we could leave the estate, find income opportunities in town areas, and run our lives.”¹⁷¹

All the workers interviewed were afraid of forced eviction and potential homelessness. One woman explained her precarious situation:

¹⁶⁸ Interview with Jayakanthan, worker, estate 43, Matara District, 14 January 2024.

¹⁶⁹ Interview with Vigneswaran, worker, estate 6, Galle District, 5 February 2024.

¹⁷⁰ Interview with Vigneswaran, worker, estate 6, Galle District, 5 February 2024.

¹⁷¹ Interview with Sivapalan, worker, estate 27, Galle District, 26 January 2024.

“My husband is trying to go abroad for work; if he leaves, they would order my children and me to leave the estate. I asked them where we are supposed to go after living here for years, but they say if we cannot work, we must leave. I have been living here since birth; if they ask me to leave, where can I go?”¹⁷²

Estate managements often use the provision of housing as a threat. Thavamani described how the estate management would shout at them: “We have given you work to stay and work at the estate. Why can’t you work here? If you can’t, leave the room and estate; we can bring other families willing to work.”¹⁷³ Older people appeared to be at risk of forced eviction and homelessness, with some continuing to work beyond retirement age to keep their homes.¹⁷⁴ Sarada, a tea-picker in her 70s told Amnesty International: “If you’re not able to work, you have to leave. They [estate owner] can’t just give me the room if I’m not working.”¹⁷⁵

On several estates, all adults benefiting from accommodation were reportedly required to commit to work exclusively for that employer in return for the housing. On four estates, workers reported that the management told them that there were rules preventing inhabitants of working age from working outside the estate if they wanted to continue to live in the accommodation.¹⁷⁶ Workers on two other estates were told they would be fined if their adult children pursued employment outside the estate.¹⁷⁷

Unable to afford land and housing on their own due to the precarity around pay, almost all workers interviewed believed that their grievances could be substantially addressed through access to housing. Radha explained: “If we had our own house, we could have worked elsewhere. Instead, we keep moving from one estate to another, and our loans keep increasing. This is our life routine.”¹⁷⁸ One worker in Galle District felt the government should be doing more to improve their access to secure housing and land:

“If they’re looking for votes, they’ll come and wave their hands, get our votes and go. After that, nobody cares if we live or die. That’s the truth. We’re not asking for much. But the government could at least give us some land to even build a mud hut, right?”¹⁷⁹

The landlessness of the Malaiyaha Tamil community and their resulting dependency on their employers for housing, and their consequent vulnerability, stems from decades of discrimination based on descent, ethnicity, national origin and language.

¹⁷² Focus group discussion with workers, estate 20, Galle District, 5 February 2024.

¹⁷³ Interview with Thavamani, worker, estate 20, Galle District, 5 February 2024.

¹⁷⁴ The retirement age in Sri Lanka is currently a minimum of 57 years and maximum of 60 years; Sri Lanka, Minimum Retirement Age of Workers Act 2021, Schedule 1, https://labourdept.gov.lk/images/PDF_upload/NewAmendments/28-2021_e.pdf

¹⁷⁵ Interview with Sarada, worker, estate 31, Galle District, 3 February 2024.

¹⁷⁶ Interviews with workers from six estates, Galle and Matara districts, January and February 2024.

¹⁷⁷ Focus group discussions with workers, estate 18, Galle District, 4 February 2024 and estate 25, Galle District, 26 January 2024.

¹⁷⁸ Interview with Radha, worker, estate 27, Matara District, 26 January 2024.

¹⁷⁹ Focus group discussion with workers, estate 25, Galle District, 26 January 2024.

5.1.3 POVERTY

Malaiyaha Tamil workers live in poverty that results in economic vulnerability and reliance on private estates and smallholdings for housing and other essential needs.¹⁸⁰ These workers are paid a wage insufficient to meet their daily needs, which is made increasingly challenging thanks to rising inflation. According to the World Bank, in 2022 more than half of the population living in estate areas were living below the international poverty line, which equated at the time to a daily income of USD 3.65.¹⁸¹

Malaiyaha Tamil workers are paid a wage insufficient to meet their daily needs. Rising inflation rates have meant that real wages of workers do not meet needs. In 2020, the daily minimum wage was determined by the Wages Board as Rs. 1000 per day.¹⁸² In 2024, the Wages Board stipulated a minimum daily wage of LKR 1,350 (USD 4.25).¹⁸³ In 2026, the minimum daily wage was increased to LKR 1,550 (USD 4.9) to be paid by the employer with an additional LKR 200 (USD 0.6) as a “daily attendance incentive” from the government.¹⁸⁴ This amounts to a total daily wage of LKR 1,750 (USD 5.5). However, this increase is not legally applicable to private estates and smallholdings and the incentive from the government is only provided for RPC managed plantations, excluding privately owned estates.¹⁸⁵ Thus, the Malaiyaha Tamil workers in private estates and smallholdings are not covered by this wage increase and are only entitled to LKR 1,350 (USD 4.2) daily as per the last Wages Board order of 2024.

Further, the minimum daily wage for workers is still too low. The Anker Research Institute calculated a monthly living wage of LKR 50,310 (USD 167) for the estate sector in June 2025, with the cost of a decent standard of living for a family at LKR 78,292 (USD 246.7).¹⁸⁶ If a worker were to work 25 days in a month at a daily rate of LKR 1,750 (USD 5.5), their gross monthly wage would be LKR 43,750 (USD 137.80), which would then be subject to deductions such as loan repayments, electricity, EPF etc. This is significantly below the required amount for a decent standard of living. Furthermore, even though wages have increased, daily targets for tea-picking have also increased so workers are hindered from accessing the minimum daily wage. Due to the increased daily target workers are compelled to work more hours and days to meet the target and qualify for the daily minimum wage (See Section 5.3.1).¹⁸⁷

Malaiyaha Tamil workers’ poverty also increases their vulnerability to debt bondage or bonded labour, whereby the worker is bound to the employer by debt for a prolonged period including successive generations. Workers incur debt to pay for essential groceries and medical expenses, and to pay the previous estate when moving to a new estate.¹⁸⁸ Workers also reported that debt arose due to unclear, arbitrary deductions from their monthly salary for essentials such as groceries, electricity and water consumption.¹⁸⁹ Some workers also reported being forced into paying loans incurred by someone else on the basis of being a “guarantor”.¹⁹⁰ These loans are not based on repayment terms such as interest rates that are clearly defined, mutually agreed upon and acceptable. The UN Special Rapporteur on Contemporary Forms of Slavery, including its Causes and Consequences, noted in 2016 that victims of debt bondage “face multiple and intersecting sources of discrimination which make them vulnerable to exploitation and abuse”.¹⁹¹ Section 5.3 of this report examines further the impact of debt and debt bondage on the Malaiyaha Tamil community.

Inadequate pay and employment insecurity create a culture of dependence – and ultimately subservience – to employers resulting in the disempowerment of this community.

¹⁸⁰ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 54; UN General Assembly, Report of the Special Rapporteur on minority issues on her mission to Sri Lanka, Sri Lanka, 31 January 2017, UN doc. A/HRC/34/53/Add.3, para. 54.

¹⁸¹ World Bank Blogs, “Resilience: Sri Lanka’s strength to navigate an uncertain future”, 17 October 2022, <https://blogs.worldbank.org/en/endpovertyinsouthasia/resilience-sri-lanka-strength-navigate-uncertain-future>.

¹⁸² Wages Boards Ordinance Notification published in Extraordinary Gazette No. 2217/37 dated 05th March 2021

¹⁸³ Department of Labour, Sri Lanka, Extraordinary Gazette: Wages Boards Ordinance Notification, No. 2401/24, 12 September 2024.

¹⁸⁴ Anura Kumara Dissanayake, Minister of Finance, Planning and Economic Development, Budget Speech 2026 (previously cited), p. 28.

¹⁸⁵ The Morning, “No wage hike for tea smallholder workers”, 26 November 2025, <https://www.themorning.lk/articles/KxQQ25baqNEwmew9uhEn> (accessed on 28 April 2026).

¹⁸⁶ Anker Research Institute, *2025 Living Wage Update Report: Living Wage Report for Rural Sri Lanka*, 2025, <https://www.ankerresearchinstitute.org/sri-lanka-benchmarks/livingwage-nonmetroargentina-2020-emhn8-6k6ew-59zrl-bpbkr-gr7r6-x8622-met58-6kxed>

¹⁸⁷ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 53.

¹⁸⁸ Interviews with workers from six estates, Galle and Matara districts, January and February 2024.

¹⁸⁹ Interviews with workers and residents, estates 4, 12 and 18, Galle and Matara districts, January and February 2024.

¹⁹⁰ Interview with workers (Lalitha, estate 11, Matara District, 17 January 2024; Suranga, estate 33, Matara District, 28 January 2024; and Pushpanathan, estate 17, Matara District, 24 January 2024).

¹⁹¹ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 4 July 2016, UN Doc. A/HRC/33/46, para. 9.

5.1.4 MALAIYAHA TAMIL CHILDREN

Children of Malaiyaha Tamil workers are vulnerable and at risk of child labour. The 2017 National Policy on Elimination of Child Labour highlighted child labour as a “problem in the small, private estates”.¹⁹² The Special Rapporteur on Contemporary Forms of Slavery reported in 2022 that “child labour is particularly severe in poor rural areas populated by ethnic minorities, such as Malaiyaha (Hill Country) Tamils and Sri Lankan Tamils, where some children, particularly girls, drop out of school in order to support their family”.¹⁹³ The UN Special Rapporteur also highlighted that “low wages of LKR 1,000 [USD 3.15] a day in the plantation sector increase the risk of child labour, as families may need additional income to survive”.¹⁹⁴ In 2018, the Committee on the Rights of the Child noted “with concern the continuing negative impact of private domestic and foreign business and industries on children, including on tea plantations”.¹⁹⁵ Furthermore, a 2024 report by the US Department of Labor noted that “[e]xtremely low pay for workers – many of whom are ethnic minorities and experience discrimination – on private and smallholding tea estates increases the probability of these workers’ children becoming involved in child labour”.¹⁹⁶ It also reported that Malaiyaha Tamil parents are often “unable to pay the cost of transportation to education facilities, forcing their children to drop out of school at an early age and rendering them vulnerable to child labor on the plantations”.¹⁹⁷

Amnesty International spoke to two 14-year-old child labourers who were working on privately-owned tea estates. Rani from an estate in Galle District said she received a reduced salary of LKR 750 (USD 2.3), rather than the normal salary of LKR 1,000 (USD 3.1), because she was not a registered worker for being a minor. She was, however, still expected to pick the same amount of tea leaves as the older workers, in the range of 25 to 28 kg per day.¹⁹⁸ “I am 14 years old. I only have my mother and two younger sisters. I don’t have a father. I started working so my sisters could go to school,” she said. Another 14-year-old child worker on an estate in Matara District said all of his earnings had contributed towards paying off his mother’s loan, which she had borrowed from the estate.¹⁹⁹

The children of Malaiyaha Tamil workers also suffer from a lack of access to education. In at least seven estates, workers told Amnesty International that they could not afford to send their children to school or for early childhood education due to financial hardship or debt bondage (see section 5.3).²⁰⁰ Lack of education perpetuates the vulnerabilities and challenges facing Malaiyaha Tamil workers.

Children were also found to be at risk of child labour due to pressure from estate management to replace workers who leave or become unable to work. A Malaiyaha Tamil worker from Matara District said that her previous estate had insisted that her 14-year-old daughter works after her husband fell ill and was unable to work. The estate wanted her daughter to replace him in line with the rule that two people per house had to work.²⁰¹ Savithri from an estate in Galle District reiterated this, saying that she had been forced to replace one of her older children, who had left the estate after marriage, with another child.²⁰² She highlighted the lack of regulation and enforcement over the estates: “Nobody comes to check because they’re scared of the boss. Even if the police come, they’ll inform before they come. So then when they know someone’s coming, they’ll tell the children to stay home.”

The vulnerability to child labour among the Malaiyaha Tamil community contravenes Sri Lanka’s obligation to protect children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with their education, or to be harmful to the child’s health or physical, mental, spiritual, moral or

¹⁹² Ministry of Labour, Trade Union Relations, Sri Lanka, and Sabaragamuwa Development, *The National Policy on Elimination of Child Labour in Sri Lanka*, September 2017, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@ed_norm/@ipec/documents/publication/wcms_717435.pdf (checked).

¹⁹³ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 31.

¹⁹⁴ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 31.

¹⁹⁵ Committee on the Rights of the Child, Concluding Observations on the combined fifth and sixth periodic report of Sri Lanka, 2 March 2018, <https://www.ohchr.org/en/documents/concluding-observations/crcclkaco5-6-concluding-observations-combined-fifth-and-sixth>, para. 13.

¹⁹⁶ Department of Labor, USA, “Findings on the worst forms of child labour: Sri Lanka”, 2024, https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2024/Sri-Lanka.pdf

¹⁹⁷ Department of Labor, USA, “Findings on the worst forms of child labour: Sri Lanka” (previously cited).

¹⁹⁸ Focus group discussion, Rani, worker, estate 18, Galle District, 4 February 2024.

¹⁹⁹ Focus group discussion with workers, estate 17, Matara District, 24 January 2024.

²⁰⁰ Interviews with workers from seven estates, Galle and Matara districts, January and February 2024.

²⁰¹ Interview with Jegatheeswari, worker, estate 12, Matara District, 22 January 2024.

²⁰² Interview with Savithri, worker, estate 45, Galle District, 26 January 2024.

social development.²⁰³ Sri Lanka has acknowledged the challenge it faces in relation to tackling forced and child labour, and is part of the Sustainable Development Goals 8.7 Alliance, which focuses on these issues.²⁰⁴ Sri Lanka developed a roadmap in February 2024 and established a multi-stakeholder working group in April 2024 under the oversight of the Commissioner General of Labour. In relation to child labour, the roadmap aims to eliminate child labour through prevention and protection measures, prosecution and partnership.²⁰⁵

5.1.5 OTHER VULNERABILITIES

The research revealed that estates exploit Malaiyaha Tamil workers' lack of literacy. Jayakanthan, a worker from Matara District, said that estate management often used the workers' inability to read, to make them sign documents they could not understand, and manipulate them.²⁰⁶ Radha from Matara District described how when she tried to leave the estate, her employer drew up a paper stating how much she owed and told her to sign, despite knowing she could not read or write.²⁰⁷ The Special Rapporteur on Contemporary Forms of Slavery highlighted in her 2016 report that illiteracy allows employers to "manipulate loans, interest rates and wages".²⁰⁸

Further, although the Labour Department and the Human Rights Commission could be instrumental in strengthening rights protection for this community, these public institutions exclude protection for estate workers. According to the Labour Department, if workers are not considered an employee/worker under the "tests of employment", they are outside the scope of the department.²⁰⁹ A person is an employee and cannot be treated as an independent contractor or casual worker if the employer retains power to control the worker – for instance, if the employer has the power to direct how the work is to be done or control the manner in which the work has to be done.²¹⁰ Most estate workers meet this test and qualify as employees as the estate owners have full control of the workers (See Section 6). However, casualization of estate workers by classifying them as casual workers removes them from the protective ambit of the Labour Department and also results in the denial of benefits such as Employee Provident Fund and Employee Trust Fund (EPF/ETF) and maternity benefits.²¹¹ There is also limited trade union activity in the Southern Province, where some estates prohibit Malaiyaha Tamil workers from involvement with trade unions.²¹² Additionally, the Human Rights Commission seldom scrutinizes rights abuses on estates because, according to the commission, it does not work on issues related to the private sector. This has been identified as a major gap in the commission's ability to protect the rights of the Malaiyaha Tamil community.²¹³

²⁰³ Convention on the Rights of the Child, Article 32.

²⁰⁴ Alliance 8.7 is a global partnership fostering multi-stakeholder collaboration to support governments in achieving target 8.7 of Agenda 2030. It promotes: 1) accelerated action to eradicate forced labour, modern slavery, human trafficking and child labour; 2) research, data collection and knowledge-sharing on prevalence and "what works"; and 3) driving innovation and leveraging resources.

²⁰⁵ Alliance 8.7, *Roadmap of the Democratic Socialist Republic of Sri Lanka for the Alliance 8.7*, 2 April 2024, <https://www.alliance87.org/sites/default/files/2024-08/ALLIANCE%208.7%20ROADMAP-SRI%20LANKA.pdf>, p. 7.

²⁰⁶ Interview with Jayakanthan, worker, estate 43, Matara District, 14 January 2024.

²⁰⁷ Interview with Radha, worker, estate 27, Matara District, 26 January 2024.

²⁰⁸ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 4 July 2016, UN Doc. A/HRC/33/46, para. 40.

²⁰⁹ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

²¹⁰ Labour Tribunal, *Jamis Appuhamy v. Shanmugam*, Application 80 NLR 298, 8 March 1978; Labour Tribunal, *Times of Ceylon Ltd. v. Vurthiya Samithiya*, Application 1 All ER 74, 1951; Supreme Court of the Democratic Socialist Republic of Sri Lanka, *Sri Lanka Insurance Corporation Ltd v. A.C.R. Wijesundara*, SC Appeal 99/2010, 28 June 2017; and Supreme Court, *Superintendent of Pussella State Plantation, Parakaduwa v. Sri Lanka Nidahas Sevaka Sangamaya*, Application 1 SLR 108, 5 March 1996; Court of Appeal, *De Silva v. The Associated Newspapers of Ceylon*, Application 2 Sri LR 173, 5 March 1979, p. 179.

²¹¹ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

²¹² Interview with Prof. Thaiyamuthu Thanaraj, Commissioner of the Human Rights Commission of Sri Lanka, 18 December 2025; interview with Gayathri, worker, estate 14, Matara District, 9 January 2024.

²¹³ Interview with Prof. Thaiyamuthu Thanaraj, Commissioner of the Human Rights Commission of Sri Lanka, 18 December 2025.

5.2 INTIMIDATION, THREATS AND VIOLENCE

At 15 of the private estates and smallholdings visited, Malaiyaha Tamil workers told Amnesty International that they had been subjected to or had witnessed verbal and/or physical abuse, including being assaulted, by the estate management.²¹⁴

Some Malaiyaha Tamil workers reported having faced physical assault by the estate management for speaking critically of the estate, for not coming to work,²¹⁵ for being delayed after lunch²¹⁶ and for enquiring about unpaid salary.²¹⁷ Thavamani from an estate in Galle District alleged that workers would be beaten for speaking badly of the estate: “He’ll say, ‘You’re saying bad things about us, you bloody Tamils,’ and beat them. He calls people motherfuckers and scolds them in dirty language.”²¹⁸ Savithri told researchers that workers were regularly beaten:

“If you don’t work, they tend to beat you on the estate... They’ll hit with their hands and legs, and with sticks. They’ve hit some people so badly you can’t bear to look. It’s still happening.”²¹⁹

At an estate in Matara District, one worker said he had been beaten by the supervisor after asking for wages he had not been paid, but that he had fought back and that since then, the supervisor had not beaten anyone on the estate.²²⁰

Estate owners and supervisors reportedly use the threat of physical violence as an intimidation tactic.²²¹ Aarayini, a female Malaiyaha Tamil worker, told researchers that when they had arrived at the estate, the owner had threatened that he would “beat them indiscriminately regardless of gender” if they caused him any problems.²²² Another worker from an estate in Matara District said that the field officer would use a stick to threaten and intimidate workers to return to work after they had taken sick leave.²²³ Radha described how she had gone to work with a swollen leg after a bad leech bite because she was scared her husband would be beaten for her absence by the estate management.²²⁴

Malaiyaha Tamil workers are also reportedly subjected to sexual abuse, a further indication of how discrimination associated with racial identity and gender is exploited. Three female workers interviewed by Amnesty International reported leaving estates because of concerns related to sexual harassment, such as men in management seeking sexual favours.²²⁵ Yogapriya, who lives with her extended family on a privately-owned estate in Matara District, said that the supervisor at her previous estate would sexually harass women and that she left because she was scared for the welfare of her daughters.²²⁶

²¹⁴ Interviews with workers from 17 estates, Galle and Matara districts, January and February 2024; workers on nine estates said they were spoken to disrespectfully or with profanity.

²¹⁵ Interview with Dumindu, worker, estate 34, Galle District, 7 February 2024.

²¹⁶ Focus group discussion with workers, estate 17, Matara District, 24 January 2024.

²¹⁷ Focus group discussion with workers, estate 28, Matara District, 27 January 2024.

²¹⁸ Interview with Thavamani, worker, estate 20, Galle District, 5 February 2024.

²¹⁹ Interview with Savithri, worker, estate 45, Galle District, 26 January 2024.

²²⁰ Focus group discussion with workers, estate 28, Matara District, 27 January 2024.

²²¹ Interview with Gayathri, worker, estate 14, Matara District, 23 January 2024.

²²² Focus group discussion with workers, estate 16, Matara District, 24 January 2024.

²²³ Focus group discussion with workers, estate 17, Matara District, 24 January 2024.

²²⁴ Interview with Radha, worker, estate 27, Matara District, 26 January 2024.

²²⁵ Interviews with workers (Yasodha, estate 3, Matara District, 15 January 2024; Yogapriya, estate 11, Matara District, 17 January 2024; and Sujatha, worker, estate 7, Matara District, 16 January 2024).

²²⁶ Interview with Yogapriya, worker, estate 11, Matara District, 17 January 2024.

“The boss at my previous estate wasn’t good. He was an old man and his behaviour wasn’t good. I’ve got two girls and I was scared to keep them there.”²²⁷

Similarly, on another estate in Matara District, a woman reported that she had left her previous estate because the superintendent had called her daughter for sexual favours. She said the supervisor would also attempt to harass women while they were working.²²⁸ A 24-year-old male worker said he had previously lived with his family on an estate in Galle District where sexual harassment from supervisors was common.²²⁹

5.3 DEBT BONDAGE AND CYCLES OF DEBT

Debt bondage is where estate owners retain control of workers, specifically in smaller privately-owned estates, because workers are indebted to them.²³⁰ It is defined by the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (see section 4.1).

According to the 2016 report of the Special Rapporteur on contemporary forms of slavery, which investigates the issue of debt bondage, bonded labourers are workers who are “trapped into working for very little remuneration” to pay loans they have incurred or wage advances they have obtained “even though the value of their labour exceeds that sum of money”.²³¹ The ILO indicators of forced labour identifies debt bondage as when “repayment terms are not clearly defined, when workers are forced to pay inflated prices for food and accommodation, when illegal wage deductions are imposed, when accounts are falsified, or when extremely high interest rates are illegally applied”.²³²

Debt bondage can result in workers being tied to an employer for an indefinite period, even across generations. Poverty, lack of access to land, education, healthcare and decent work opportunities perpetuate debt bondage.²³³ In the case of Malaiyaha Tamil workers, they have incurred loans to be offset against their wages to cover their daily living expenses. Amnesty International’s research found that the withholding of daily minimum wages, illegal wage deductions, undefined repayment terms and inflated prices for groceries resulted in the “length and nature of those services” being unlimited and ill-defined. Such practices may amount to debt bondage and as such are similar to slavery.

5.3.1 WITHHOLDING OF DAILY MINIMUM WAGE

By using tactics that prevent workers from receiving the daily minimum wage,²³⁴ private estate and smallholding managements force workers to rely on wage advances and loans to meet their basic daily expenses. The Workers’ Tribunal in 2024 found that although the daily minimum wage for plantation workers had increased, the increase was undermined “by practices such as reducing the weight of tea leaves collected; unilaterally increasing norms to be met to receive the stipulated daily wage”.²³⁵ The tribunal added that such “subterfuge enables employers to blatantly flout the minimum wage decided by the statutory body, such as the Wages Boards, leading into a situation of destitution for workers”.²³⁶ During the research, Amnesty International heard similar reports from workers on various estates that the estate owners had

²²⁷ Interview with Yogapriya, worker, estate 11, Matara District, 17 January 2024.

²²⁸ Interview with Sujatha, worker, estate 7, Matara District, 16 January 2024.

²²⁹ Interview with Anthony, worker, Galle District, 19 February 2024 (met at a playground outside the estate).

²³⁰ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, p.10, paras 52-53.

²³¹ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 4 July 2016, UN Doc. A/HRC/33/46, para. 6.

²³² ILO, *ILO Indicators of Forced Labour* (previously cited), p. 23.

²³³ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 4 July 2016, UN Doc. A/HRC/33/46, para. 39.

²³⁴ At the time of the field research in January and February 2024, the daily minimum wage was LKR 1,000 (USD 3.15). This section covers practices related to withholding of the daily minimum wage in 2024.

²³⁵ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited).

²³⁶ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited).

imposed a requirement that workers should pluck a particular quantity of tea leaves to qualify for the daily minimum wage. This was referred to as the daily “target”.²³⁷

Such targets meant that some workers had to work more hours or days to qualify for the daily minimum wage. According to the ILO, if employees have to work more overtime than is allowed under national law to earn at least the minimum wage, especially to reach unrealistic production targets, this can amount to forced labour.²³⁸ Furthermore, such withholding of the daily minimum wage prevents workers from being able to pay off their loans, instead forcing them to borrow more money to be able to meet essential needs.

On 27 of the 45 estates visited, the daily target was reportedly over 25 kg per day.²³⁹ One worker, Subramaniam, explained that to qualify for the daily wage of LKR 1,000 (USD 3.1) he had to complete the “assigned work”, which at times could not be completed within a day:

“If we do not finish the assigned work, they count three days of work as one day’s work. If we finish the work, they pay LKR 1,000. If we are unable to complete it, our names are not recorded. We rarely know the outcome until the end of the month.”²⁴⁰

Another worker, Gayathri, recounted a similar situation.²⁴¹ One woman worker told researchers: “For one day of salary, I’ve worked for three days in this estate.”²⁴² Similarly, Vigneswaran said that they were only paid the daily wage if the assigned task was completed:

“Even if we work for 20 days in a month, our names may appear [on the list of workers] only for 17 or 18 days... Even if we question it, they say our work was insufficient, the assigned tasks were not completed, or the weight was not as expected... We are expected to pluck 28 kg of tea leaves per day. On some days, we are unable to reach that target. Even if we pluck 20 kg, it is considered as only half day.”²⁴³

The Workers’ Tribunal also documented the practice of unilaterally increasing the daily target and halving the wage if the target was not met:

“Since the [LKR] 1,000 wage decision, those who used to have a norm [target] of 18 kg were now being asked to collect 25 kg daily, and those who had a norm of 12 kg were

²³⁷ Interviews with workers from estates 3, 8 and 39, Galle and Matara districts, January and February 2024.

²³⁸ ILO, ILO Indicators of Forced Labour (previously cited), p. 27.

²³⁹ Interviews with workers from 28 estates, Galle and Matara districts, January and February 2024.

²⁴⁰ Interview with Subramaniam, worker, estate 26, Galle District, 26 January 2024.

²⁴¹ Interview with Gayathri, worker, estate 14, Matara District, 23 January 2024.

²⁴² Interviews with workers, estate 6, Galle District, 5 February 2024.

²⁴³ Interview with Vigneswaran, worker, estate 6, Galle District, 5 February 2024.

now asked for 16 kg. If the worker is short of the norm [target] even by a kilo or two, she is paid only half day wage of [LKR] 500 for the first 10 kg and [LKR] 40 per kilo for the rest.”²⁴⁴

Several Malaiyaha Tamil workers explained that the quantity of leaves that could be picked in a day was less when tea was not in season, which impacted on how much they could earn. “Since it is the off-season, there are not many tea leaves to pluck. They are forcing us to pluck 25 kg per day. In season, we can reach 30-35 kg,” said one worker.²⁴⁵ “I will not receive a good salary this month because the plucking rate was very low most days. [...] The weight plucked this month is much lower compared to previous months, so we will receive less [money],” said another woman.²⁴⁶ The quality of the leaves picked also impacted their pay: “They deduct 3 kg for the substandard leaves. So, if we pluck 25 kg, it is considered as 22 kg,” said one woman.²⁴⁷ Radha noted that the quality of the tea plants rendered the daily targets impossible: “They do not use fertilizer for the plants. It is like a forest, with many leeches. We can pluck only 5-6 kg for [LKR] 250.”²⁴⁸

Yogapriya, a woman worker, alleged that the management would try to cheat workers out of their wages by refusing to sign their work cards for more than a few days per month – even when they had worked all of the available days.²⁴⁹

“They’ll give us a card at the start of the month, and they’ll mark our work on it for five or six days, but not the rest of the days. Then we can’t ask anything. If we ask, they’ll say, these are all the days you worked.”²⁵⁰

Some workers reported that they were not told how much tea they had picked nor whether they had met the target for the day, even if they asked. This meant that they did not know how much they would be paid each month. On two estates workers said they were not allowed to see how many kilos of tea leaves they had picked.²⁵¹ On two other estates, workers said that they were too afraid to broach inconsistencies with the management for fear of reprisal.²⁵²

Workers on two estates in Galle District showed researchers tallies they had kept of the weight of tea leaves they had picked and the days worked; one said that the estate had shortchanged her by 21 kg in a month and that she had successfully claimed back the money.²⁵³ Not everyone had success though: Maheswari in Matara District had shown her tally to the management and they had refused to believe her, accusing her of “maintaining a false record”.²⁵⁴ She said she was missing around LKR 2,000-3000 (USD 6.3-9.5) from her salary each month, but that the management covered it up by telling her she had made purchases of provisions with that money.

²⁴⁴ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited), p. 10

²⁴⁵ Focus group discussion with workers, estate 20, Galle District, 5 February 2024.

²⁴⁶ Focus group discussion with workers, estate 20, Galle District, 5 February 2024.

²⁴⁷ Focus group discussion with workers, estate 20, Galle District, 5 February 2024.

²⁴⁸ Interview with Radha, worker, estate 27, Matara District, 26 January 2024.

²⁴⁹ Interview with Yogapriya, worker, estate 11, Matara District, 17 January 2024.

²⁵⁰ Interview with Yogapriya, worker, estate 11, Matara District, 17 January 2024

²⁵¹ Interviews with workers, estates 3 and 29, Matara and Galle Districts, 15 January 2024 and 3 February 2024.

²⁵² Interviews with Thavamani, worker, estate 20, Galle District, 5 February 2024 and Savithri, worker, estate 45, Galle District, 26 January 2024.

²⁵³ Focus group discussion with workers, estate 18, Galle District, 4 February 2024; interviews with Maheshwari and Jeyaseelan, workers, estate 3, Matara District, 15 January 2024.

²⁵⁴ Interview with Maheswari, worker, estate 3, Matara District, 15 January 2024.

5.3.2 DEBT ACCRUAL AND ILLEGAL WAGE DEDUCTIONS

On at least 36 private estates and smallholdings, workers reported being in debt to the estate. Workers explained they had accrued debt for wage advances, medical expenses, electricity consumption, groceries, being a guarantor for another worker and moving to a new estate.²⁵⁵ Wage deductions were also reported for the funeral expenses fund, and on certain estates for the payslip itself.

On 19 of the estates visited, workers told researchers that the management did not provide them with payslips, but instead told them orally their salary and the deductions while giving them cash in hand.²⁵⁶ One worker showed researchers her payslip, which was simply a figure written on a brown envelope with no record of how many days had been worked or what deductions had been made.²⁵⁷

Malaiyaha Tamil workers told Amnesty International that they have to take out new loans to cover daily living expenses. At eight estates, workers said they usually received little to no salary after all the deductions, which were primarily loan repayments.²⁵⁸ Shankari, a worker in Matara District, described how her entire salary was deducted for loan repayments, forcing her to rely on further loans from a shop and evening work at the factory to feed her three children.

“Last month I worked 23 days as they calculated four days off my total days of work, because I was not able to reach the target of 17-20 kg of tea plucking per day. So I should’ve received a salary of [LKR] 19,000 rupees [USD 60] for 23 days. But they deducted it all against my loan. They didn’t even give me five cents.”²⁵⁹

Thavamani, a worker in Galle District who lives on a private estate with her husband and two young daughters, recounted a similar situation: almost the entirety of her husband’s salary was deducted for nearly a year as part of loan repayments.²⁶⁰ She explained that when the family arrived at their current estate, they had borrowed LKR 100,000 (USD 333) to pay off a loan owed to their previous employer. The loan repayments were then taken in large increments from her husband’s salary each month, which left the family with no money to buy food. Thavamani said she was unable to work because she did not have any childcare options for her daughters, one of whom was a young toddler who often fell ill.

“We were in such a bad situation and hungry, I can’t even say how difficult it was. Sometimes we even went to bed without eating. Some days, my husband and I would give our children rice and go to bed hungry. Sometimes we would borrow rice from other people, but you can’t do that every day, they’re struggling too. The management won’t agree if we ask them

²⁵⁵ Interviews with workers from 36 estates, Galle and Matara districts, January and February 2024.

²⁵⁶ Interviews with workers from 21 estates, Galle and Matara districts, January and February 2024.

²⁵⁷ Interview with Padma, worker, estate 4, Matara District, 15 January 2024.

²⁵⁸ Interviews with workers from eight estates, Galle and Matara districts, January and February 2024.

²⁵⁹ Interview with Shankari, worker, estate 11, Matara District, 17 January 2024.

²⁶⁰ Interview with Thavamani, worker, estate 20, Galle District, 5 February 2024.

not to deduct the loan. They'll say, 'If you work, then you won't have any issues.'"²⁶¹

On another estate in Matara District, a couple said they had barely received a salary over the course of two years. They received only an advance that would be given to them when they asked. Their grocery provisions, which they requested from the estate once a month, were deducted from their salary, and once the provisions ran out, they would sometimes have to "survive on jackfruit".²⁶² A worker in Galle District explained how, unable to afford essentials due to loan repayment deductions, her husband had taken some private jobs to earn money, as a result of which the estate had told her family to leave.²⁶³ This was even though she continued working on the estate. At the time of the interview, these workers were still living on the same estate.

[Name of the estate-withheld]

නම. / பெயர் [name] : [withheld]
 සේ. අංකය. / ஊ.ந.நி [E.P.F.] [withheld].
 මාසය / திகதி [Month]: 2022 පෙබරවාරි [February]

දෛනික වැටුප / நாள் சம்பளம் [Daily wage] 9 දින / தினம் [Days]		4905
අනිකුත්-දීමනා- / மேலதிக கொடுப்பனவு පෙබරවාරි [February] 4		545
වැඩිදිව වැටුප / கூடிய கொழுந்து சம்பளம் [wages for extra leaves plucked]		
දිරි දීමනා [incentives]		
අමතර මනා [additional allowances]		4095
අය කිරීම සේ.අ.අ. / கழிவுகள்: ஊ.ந.நி [E.P.F.Deductions]	436	
අය කිරීම සහල් බඩු සඳහා / அரிசி பொருட்களுக்காக [Grocery deductions]		
අය කිරීම ණය මුදල / கடன் [loan repayments]		
අය කිරීම අත්තිකාරම් / முற்பணம் [advance payments]		
අය කිරීම පන්තිය [pension payments]		
අය කිරීම අවුරුදු ණය මුදල / பண்டிகை முற்பணம் [new year loan payments]	750	
අය කිරීම පොල් / தேங்காய் [charges for coconuts]		
අය කිරීම කෝවිල් / கோவில் [kovil charges]		
අය කිරීම තේ / தேயிலை [tea charges]		
අය කිරීම මරණාධිර අරමුදල / மரண சடங்கு நிதி கட்டணம் [payment for the funeral fund]	100	
අය කිරීම පල්ලිය / தேவாலயம் [church charges]		
අය කිරීම මාස මස මස මුදල / கடந்த மாத கடன் [Last month's outstanding amount]		
විදුලි බිල / வேறு [electricity]	270	
බැංකුව [bank]		
ඉතිරි මුදල / மிகுதி பணம் [remaining amount]	7989	
මුළු වැටුප / முழு சம்பளம் [full wages]	9545	9545

↑ This is a replication of an actual payslip provided to a worker which shows deductions for EPF, loan repayment, funeral fund and electricity. An English translation has been added in grey italics for the reader's benefit. Photo: Amnesty International

²⁶¹ Interview with Thavamani, worker, estate 20, Galle District, 5 February 2024.

²⁶² Interviews with Jayalakshmi and Suranga, worker, estate 33, Matara District, 28 January 2024.

²⁶³ Focus group discussion with workers, estate 18, Galle District, 4 February 2024.

Workers also borrowed money for medical expenses. One worker explained how a loan was used to cover the hospital bill for a 15-day stay and the cost of medicines when their son was hospitalized with high blood pressure.²⁶⁴ Another worker said, “My daughter got rashes all over her skin so I had to incur debts to treat her.”²⁶⁵ One worker’s experience reflected a lack of transparency in the way loans were incurred. He explained how after being injured while working the management had covered his medical expenses, but he later learned that the amount was being deducted from his salary.²⁶⁶

[Name of the estate-withheld]
PAY DETAILS SLIP

නම. [பெயர் / name]: [withheld]
 கீ: ஃ. ஃ. கீ. [ஊழியர் எண் / EPF]: [withheld].
 மாதம் [மாதம் / Month]: டிசம்பர் [Dec.] 2023
 பணி காலம் [வேலை நாட்கள் No. of days worked]: 18
 தினசரி [நாள் கூலி / Daily wage]: 900/-
 சிவன விசேஷ [வாழ்வாதார கொடுப்பனவு / Living allowance]: 100/-

பணி காலம் [wages for days worked] வேலை செய்த நாட்களுக்கான கூலி	18,000.00
பணி காலம் [Extra plucked leaves] கூடுதலாக பறிக்கப்பட்ட இலைகள் கொடுப்பனவு	-
சனிக்கிழமை / பௌசம் [Sunday/Poya] சனிக்கிழமை / பௌசம்	
பிப்ரவரி/ஏப்ரல்/மே [February/April/May] பிப்ரவரி / ஏப்ரல் / மே	-
சலுகை [Incentives] சலுகை தொகை	-
பிற கொடுப்பனவு [other allowances] பிற கொடுப்பனவு	-
பிற [other] பிற	8 கிளாஸ்ட் பிடி [Holiday pay] விடுமுறை சம்பளம்
மொத்த [Total wages] மொத்த சம்பளம்	18,000
கழிவு [Deductions / கழிவுகள்]	
ஃபிங் பிடி [EPF/ ஃபிங்]	1800.00
தேயிலை [Tea leaves/ தேயிலை]	325.00
கோவில் [Kovil/ கோவில்]	300.00
கடன் [Loan payments/ கடன்] கடன்	3,000.00
பாண்டிங் [to the Trade union / தொழிற்சங்கத்திற்கு]	
பாண்டிங் [Coconut தேயிலை]	
பாண்டிங் [Advance/ முன்பணம்]	5,000.00
பாண்டிங் [Payment slip/ சம்பள சீட்டு]	3.00
பாண்டிங் [Last month's coconut payments/ முந்தைய மாத தேயிலை] கடன்	
பாண்டிங் [stamp dues / முத்திரை] கடன்	
பாண்டிங் [New Year advance / புத்தாண்டு முன்பணம்]	1,000.00
பாண்டிங் [rice / அரிசி] பாண்டிங் [coconut]	
பாண்டிங் [total deductions / கழிவுகள் மொத்தம்]	11,428.00
பாண்டிங் [Balance wages / மிஞ்சி] சம்பளம்	6,572.00
பாண்டிங் [Loan / கடன்]	

↑ This is a replication of an actual payslip provided to a worker which shows deductions for EPF, tea leaves, kovil, loans, wage advance, new year advance, and the payslip itself. The English and Tamil translations have been added in grey italics for the reader's benefit. Photo: Amnesty International

²⁶⁴ Focus group discussion with workers, estate 16, Matara District, 24 January 2024.

²⁶⁵ Focus group discussion with workers, estate 16, Matara District, 24 January 2024.

²⁶⁶ Focus group discussion with workers, estate 18, Galle District, 4 February 2024.

Workers on three estates reported deductions from their salaries for electricity consumption, but electricity bills and consumption details were not always shared with the workers.²⁶⁷ Haran, a worker in Matara District, said, “The light [electricity] bill comes to the estate. We don’t know how much they’re deducting or what they’re doing... Last month, my mother’s light bill was [LKR] 350 rupees, but they deducted [LKR] 550 rupees. I told my mother to ask them about it, but she didn’t. She said there was no point.”²⁶⁸

Some Malaiyaha Tamil workers referred to being a guarantor for someone else’s loan. Certain estates required a guarantor, who would be held responsible for the loan in the event the worker attempted to leave without paying it off. Amnesty researchers spoke to at least three workers who were paying off the loans of their relatives or friends.²⁶⁹ A worker from an estate in Matara District explained that when the estate management told their workers to look for new recruits, it was risky to recommend workers because if a recommended newly recruited worker left the estate without repaying their loan, the workers who had introduced them would be forced to repay the loan.²⁷⁰ Lalitha in Matara District said she had recommended a family who later fled without settling their loan. It was only when Lalitha wanted to move to another estate that she found out that she had to settle that family’s loan.²⁷¹

Malaiyaha Tamil workers are forced to take on new loans when moving to a new estate. Interviewees explained that when they move from one estate to another, they negotiate a new loan with the prospective employer to pay off their existing debt.²⁷² Workers reported that unless the existing loans were repaid, they were not allowed to move to another estate. According to officials from the Labour Department, this transferral of debt when workers are arranging to move from one estate to another could amount to debt bondage, but the department had not received complaints about such debt bondage.²⁷³ The department said that the practice of workers purchasing groceries from a village shop on credit, and then an employer from a new estate paying off this loan and “buying out” the workers from another estate to their own estate, could also amount to debt bondage.²⁷⁴ The Labour Department has an obligation under international human rights law to proactively investigate incidents of debt bondage and ensure that effective prosecutions take place.

Malaiyaha Tamil workers’ lack of access to the daily minimum wage, coupled with unfair deductions by employers, heightens their vulnerability to debt bondage and forced labour.



An envelope with only the amount paid on it, without a breakdown of deductions or the number of days worked. Photo: Amnesty International

²⁶⁷ Interviews with workers, estates 4, 12 and 18, Galle and Matara districts, January and February 2024.

²⁶⁸ Interview with Haran, worker, estate 4, Matara District, 15 January 2024.

²⁶⁹ Interviews with Lalitha, worker, estate 11, Matara District, 17 January 2024; Suranga, worker, estate 33, Matara District, 28 January 2024; and Pushpanathan, worker, estate 17, Matara District, 24 January 2024.

²⁷⁰ Interviews with Jayalakshmi, worker, estate 33, Matara District, 28 January 2024.

²⁷¹ Interview with Lalitha, worker, estate 11, Matara District, 6 January 2024.

²⁷² Interview with Shankari, worker, estate 11, Matara District, 17 January 2024.

²⁷³ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

²⁷⁴ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

5.3.3 UNDEFINED REPAYMENT TERMS

Amnesty International found that in many cases workers did not know how much money they owed. There was no mutual agreement over the interest rate and some workers felt they had been overcharged in repayments. At least three workers told the researchers that their loan had substantially increased when they asked for their tally.²⁷⁵ Maheswari and Jeyaseelan, a couple at an estate in Matara District, said they did not understand how their loan had increased from LKR 77,000 (USD 260) to LKR 94,000 (USD 317) over a period of two years.²⁷⁶ Jayalakshmi, a worker in Matara District, said her loan had increased from LKR 75,000 (USD 253) to LKR 85,000 (USD 287) when she left her previous estate despite making regular deductions from her wages.²⁷⁷

Amnesty International spoke to an estate manager who said interest would be applied to loans usually at standard bank rates of 5-8%.²⁷⁸ He explained that in some instances estates borrowed loan money from third-party providers with a higher interest rate of up to 32% and that this interest would be added to the loan.²⁷⁹ There is a lack of clarity and transparency in the terms of loans and workers are unaware of how much interest they are liable to pay. In her 2016 report on debt bondage, the UN Special Rapporteur on Contemporary Forms of Slavery referred to this opacity, saying how in situations of debt bondage employers “adjust interest rates to make further deductions arbitrarily as penalties for perceived poor performance and/or to charge high prices for basic goods or working tools resulting in an increase of the debt”.²⁸⁰ The report pointed out that such practices perpetuate “deeply exploitative situations”.²⁸¹

The circumstances described by workers across different private estates and smallholdings vary in their specifics, but overall the testimonies paint a picture of opaque, arbitrary deductions, coercive repayment terms, and wages routinely reduced to below minimum standards. These accounts point to a structurally coercive environment, in which debt is not merely a financial burden, but a mechanism of control that traps workers, entrenches the longstanding marginalization of estate workers and exposes them to ongoing human rights abuses.

5.3.4 INFLATED FOOD PRICES

Workers raised concerns about the lack of transparency about charges and deductions for groceries. On an estate in Galle District, a worker said the management “won’t show us the bill for the items we’ve bought... If it’s 3,000 rupees but they deduct 5,000 rupees... we have to pay that.”²⁸² A couple working on a smallholding said the owner had encouraged them to buy provisions on credit at a certain shop, so that they did not receive any money in salary, with the owner paying off the shop debt in lieu of paying the worker’s salary.²⁸³ Urmila, a young, single mother who was living and working with her mother, Amudha, and her 14-year-old sister on an estate in the Galle District, described how the owners of their previous estate had deducted grocery bills directly from their salaries without providing records of either the grocery or salary amounts, leaving them with very little income. Furthermore, they were only permitted to buy items at the estate-owned shop.²⁸⁴

Interviewees also reported groceries being sold to them at a higher price than in the local town.²⁸⁵ Pathmanandan gave the example of a packet of spices with a printed price of LKR 700, for which the estate management deducted LKR 1,000.²⁸⁶ One worker said that when they received a wage advance, they had to use it to purchase items from the estate.

²⁷⁵ Interviews with Jayalakshmi, worker, estate 33, Matara District, 28 January 2024; Radha, worker, estate 27, Matara District, 26 January 2024; and Jayakanthan, worker, estate 43, Matara District, 14 January 2024.

²⁷⁶ Interviews with Maheshwari and Jeyaseelan, workers, estate 3, Matara District, 15 January 2024.

²⁷⁷ Interviews with Jayalakshmi, worker, estate 33, Matara District, 28 January 2024.

²⁷⁸ Interviews with workers, estate 13, Matara District, 22 January 2024.

²⁷⁹ Interviews with Vishnu, plantation manager, estate 13, Matara District, 22 January 2024.

²⁸⁰ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 4 July 2016, UN Doc. A/HRC/33/46, para. 7.

²⁸¹ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, 4 July 2016, UN Doc. A/HRC/33/46, para. 7.

²⁸² Interview with Kathirvelan, worker, estate 29, Galle District, 3 February 2024.

²⁸³ Interview with Akash and Thanuja, worker, estate 32, Matara District, 28 January 2024.

²⁸⁴ Interview with Amudha and Urmila, worker, estate 41, Galle District, 6 February 2024.

²⁸⁵ Focus group discussion with workers, estate 17, Matara District, 24 January 2024.

²⁸⁶ Focus group discussion with workers, estate 17, Matara District, 24 January 2024.

“We are not allowed to buy from outside... If we buy from a shop, we can check whether it is [LKR] 150 or 160. When we buy from the estate, they say they are giving it at a lower price, but a large amount is deducted. If we ask about prices, they respond angrily...”²⁸⁷

Workers explained how their low wages and high loan repayments led to increased deductions for advances or credit for food bills over time, increasing their debt to the estate.

The researchers were unable to verify the alleged price differences, but these testimonies from workers highlight their deep mistrust of the estates where they live and work, their lack of freedom to shop elsewhere, and the exploitation by estate management of workers' low literacy levels, adding a further layer of opacity and arbitrariness to salary deductions.

5.3.5 WORKERS TIED TO AN EMPLOYER

Several interviews provided evidence of successive generations of workers being bound to an employer because of inherited debt. One worker was paying off the loan of his father, who had left the estate, and another was paying off his deceased father's loan.²⁸⁸ Amnesty International also spoke to three other women, on different estates, who had given up their education to work on the estate and each of whose salaries were deducted to repay their parents' loans.²⁸⁹

“It's like being sold from one estate to another. When I was younger, my mother was looking for a new estate, and when they went to a new estate, they borrowed [LKR] 100,000 in loans and the estate made my mother and father sign. When we wanted to leave, they said the amount was [LKR] 180,000. When we asked, they said, ‘You signed, and this is how much we borrowed from the bank, and you have to pay interest.’”²⁹⁰

Repaying these loans is nearly impossible for workers because they are trapped in a cycle of growing debt.

“We're trying to reduce the loan, but it won't go down at all... They'll do everything and deduct it from our accounts and trap us here. It's like being in jail... We're living in hell.”²⁹¹

²⁸⁷ Interview with Radha, worker, estate 27, Matara District, 26 January 2024.

²⁸⁸ Interviews with Suranga, worker, estate 33, Matara District, 28 January 2024 and Pushpanathan, worker, estate 17, Matara District, 24 January 2024.

²⁸⁹ Interviews with workers (Dhanalakshmi, estate 25; Janaki, estate 43; and Oviya, estate 37), Matara and Galle Districts, January and February 2024.

²⁹⁰ Interview with Jayakanthan, worker, estate 43, Matara District, 14 January 2024.

²⁹¹ Interview with Vamadevan, worker, estate 17, Matara District, 24 January 2024.

Another worker, Mayuri, reiterated the sense of entrapment: “We take salary advances from the estate. They make incorrect calculations and try to retain part of the money with them. Since there are not enough workers, they are trying to trap us here [through these methods].”²⁹²

5.4 RESTRICTION OF MOVEMENT

Workers on at least 22 private estates and smallholdings described restrictions imposed by estate management on their freedom of movement.²⁹³ The restrictions varied from estate to estate and included not being able to leave the estate after a certain time, not being permitted to undertake personal errands or travel without approval, and having to inform management of where they were going.

Workers on at least three estates told Amnesty International that their identity documents had been retained by the estate as a “guarantee” against their debt.²⁹⁴ On one estate, workers reported that their identity documents had to be handed in whenever they left the estate, while on another estate the management retained workers’ identity documents until they had repaid their loan in full.²⁹⁵ These reports resonate with the findings of the UN Special Rapporteur on Contemporary Forms of Slavery in his 2022 report on Sri Lanka. In the report he noted how bonded labour was particularly prevalent in smaller private estates where workers were not allowed to leave the estates of their own will since they had taken out loans with the owners.²⁹⁶

Vamadevan, a worker on a private estate from Matara District, told Amnesty International that workers were often prevented from leaving the estate because the management was scared that they would try to escape without paying off their loans. He said his identity card had been taken by the estate to prevent him from leaving:

“They’ll only give it [identity card] back once we’ve finished paying off the loan... You can leave the estate on a personal journey, but only after getting permission and for one or two days. If you stay longer than that, you get call after call, saying, ‘I’ll put all your stuff outside. I’ll lock your house up.’ As soon as you come back, you have to go to work, otherwise they’ll scold you.”²⁹⁷

Workers on 22 estates described similar circumstances, that they had to seek permission from the management to go on journeys and were largely not permitted to leave for more than a few days at a time.²⁹⁸ At least three estates reportedly had a rule that a whole family could not travel outside the estate, with one person being required to stay at home as a guarantee that the others would return.²⁹⁹ A worker in Galle District told the researchers that his wife had gone to visit their married daughter, but he was compelled to stay at home and could not accompany her.³⁰⁰ Another worker, Jayaseelan, from Matara District reported a similar rule on the estate where he worked: “We can go anywhere freely as long as it’s just one of us going. If

²⁹² Interview with Mayuri, worker, estate 39, Galle District, 5 February 2024.

²⁹³ Interviews with workers from 22 estates, Galle and Matara districts, January and February 2024.

²⁹⁴ Interviews with workers (Roshi, estate 9; Vamadevan, estate 17; and Yogesh, estate 36), Galle and Matara districts, January and February 2024.

²⁹⁵ Interviews with workers (Roshi, estate 9; Vamadevan, estate 17; and Yogesh, estate 36), Galle and Matara districts, January and February 2024.

²⁹⁶ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, section 53.

²⁹⁷ Interview with Vamadevan, worker, estate 17, Matara District, 24 January 2024.

²⁹⁸ Interviews with workers from 22 estates, Galle and Matara districts, January and February 2024.

²⁹⁹ Interviews with Kathirvelan, worker, estate 26, Galle District, 26 January 2024 and Maheswari and Jayaseelan, estate 3, Matara District, 15 January 2024; focus group discussion with workers, estate 16, Matara District, 24 January 2024.

³⁰⁰ Interview with Subramaniam, worker, estate 26, Galle District, 26 January 2024.

we go together, we have to inform [management] and if we're going for two days, we should be back by the third day.”³⁰¹

Such restrictions on free movement can impact the exercise and enjoyment of other human rights, such as the right to a family life without arbitrary interference. For example, on an estate in Galle District, no external visitors were allowed, not even family. One worker described how she had been told her son could no longer visit her.³⁰² On another estate, Sujatha told Amnesty International that she had to sneak out to visit her husband in hospital, to avoid being seen and penalized by the management.³⁰³ On an estate in Matara District, young couple Thanuja and Akash said: “Last public holiday, we went to my mother’s house, and the owner told us to come back the next day. He wouldn’t let us stay. We have to get permission to travel... Some people call the owner as soon as they see us on the road.”³⁰⁴

Restrictions on freedom of movement also undermine the enjoyment of the right to education. Two workers told the researchers that on their previous estate they had not even been allowed to send their children to school because the management feared that workers would use this as a chance to escape the estate.³⁰⁵ Vigneswaran, a father, explained: “Our children’s school asks us to come for parents’ meetings, but the estate won’t allow us to go, so we have to go without telling them.”³⁰⁶

A trade union activist from the Southern Province summarized the unfairness of the situation facing Malaiyaha Tamil workers:

“Estates have to stop harassing people [Malaiyaha Tamil workers] and terrifying them, seizing their identity cards and birth certificates and vaccination cards, and keeping them under lock and key and only allowing one person to go out.”³⁰⁷

5.5 ABUSIVE WORKING AND LIVING CONDITIONS³⁰⁸

5.5.1 OCCUPATIONAL HEALTH AND SAFETY

The ILO has stated that tea estate workers in Sri Lanka face high risk of exposure to occupational injury, including from “fertilizers, pesticides, and other agro-chemicals” without protective equipment.³⁰⁹ A 2018 ILO report on Sri Lankan tea smallholders noted “[s]afety at work” as a serious concern, “as the majority of the smallholders neither use nor provide personal protective equipment [masks, goggles and protective clothing] for their workers”. This is especially pertinent “when carrying out tasks such as applying agrochemicals or mechanical weeding”.³¹⁰ The Workers’ Tribunal confirmed this, noting that “plucking of leaves causes cuts to the fingers, which left untreated due to lack of time or resources leads to infections” and that the use of “pesticides without gloves also aggravates open cuts on the hands”. It further notes, in particular, that the application of “fertilizer and chemicals without face masks and gloves exposes workers to immediate discomfort and long-term health risks”.³¹¹

³⁰¹ Interview with Jayaseelan, worker, estate 3, Matara District, 15 January 2024.

³⁰² Interview with Amudha, worker, estate 41, Galle District, 6 February 2024.

³⁰³ Interview with Sujatha, worker, estate 7, Matara District, 16 January 2024, sharing her experiences at her previous estate 46, Matara District, which the researchers did not visit.

³⁰⁴ Interviews with Akash and Thanuja, worker, estate 32, Matara District, 28 January 2024.

³⁰⁵ Interviews with Ganesh and Sujatha, worker, estate 7, Matara District, 16 January 2024.

³⁰⁶ Focus group discussions with workers, estates 6 and 18, Galle District, 4 and 5 February 2024.

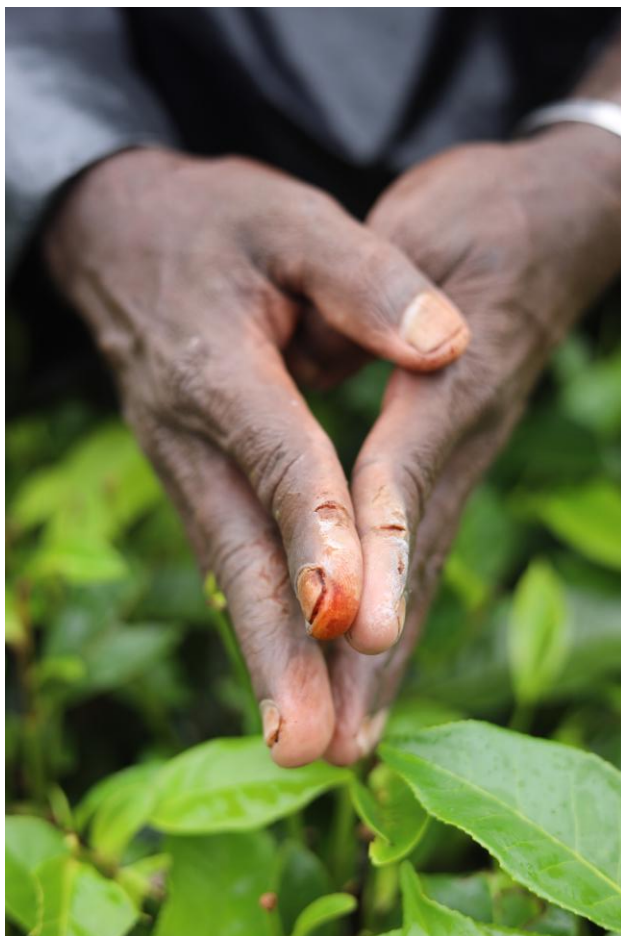
³⁰⁷ Interview with trade unionist, Matara District, January 2024.

³⁰⁸ Photographic evidence on file, withheld from publication due to security concerns.

³⁰⁹ ILO, “Safety and health for all plantation workers in South Asia: Sri Lanka component”, <https://www.ilo.org/projects-and-partnerships/projects/safety-health-all-plantation-workers-south-asia-sri-lanka-component> (accessed on 12 January 2026).

³¹⁰ ILO, *Future of Work for Tea Smallholders in Sri Lanka*, 2018, <https://www.ilo.org/publications/future-work-tea-smallholders-sri-lanka>, p. vii.

³¹¹ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited), para. 93.



*Cuts accumulated over years from picking tea leaves.
Photo: Selvaraja Rajasegar/ Amnesty International*

Many of the workers interviewed by Amnesty International described precarious working conditions, especially when working with chemicals for which they were not provided with personal protective equipment.³¹² The researchers visited one estate where the administration official said that the estate, which is visited by large numbers of tourists, would only provide uniforms and protective gear to workers when tourists were present.³¹³ A worker from Galle District reported that the workers were expected to pay to supply their own protective equipment:

“They don’t give us any protective equipment. We’ll have it only if we buy it ourselves. There are no gloves, no masks... If we get hurt, they’ll try to cover it up and say it happened because of us. They won’t admit it’s because we didn’t have the equipment.”³¹⁴

At present, there is no national policy or legislation that specifically recognizes and addresses the occupational health and safety concerns of estate workers. Sri Lanka’s National Institute of Occupational Safety and Health, established under Act No. 38 of 2009, aims to promote the prevention and control of all forms of work-related hazards and ensure the safety, health and welfare of employers and employees at workplaces through education, training, research and other interventions. Currently, however, the Institute

³¹² Interviews with workers from 25 estates, Galle and Matara districts, January and February 2024.

³¹³ Interview with administrator, estate 34, Galle District, 7 February 2024.

³¹⁴ Focus group discussion with workers, estate 18, Galle District, 4 February 2024.

does not appear to have adopted any policies or programmes specific to tea estates. As a result, estate workers are compelled to seek remedies under general legislation, which only provides for situations after an injury has occurred such as the Workmen's Compensation Ordinance. Under this ordinance, an employer is liable to pay compensation for injury to a worker caused by an accident arising out of and in the course of employment, including while travelling between home and the workplace.³¹⁵ There is no liability, however, on the employer to pay compensation if the injury does not result in total or partial disablement of the worker beyond a period of three days. A comprehensive law specific to tea estate work would help to address the gaps in protection related to the occupational health and safety concerns faced by estate workers and highlighted by this research.

5.5.2 SUBSTANDARD LIVING CONDITIONS

Malaiyaha Tamil estate workers' living conditions fail to meet key elements of the right to adequate housing. Apart from the absence of security of tenure already discussed (see section 5.1.2), the housing provided to workers lacks sufficient space, weatherproof infrastructure and adequate sanitation. The majority of Malaiyaha Tamil workers live in overcrowded housing units built during the colonial era – known as “line rooms” – without access to adequate sanitation and clean water. These units consist of a single room of 10-12 feet in length,³¹⁶ without separate space for bedrooms or a toilet.³¹⁷ Amnesty International visited 34 line rooms of workers living on estates.³¹⁸ Line rooms on 18 estates had structural issues that needed urgent attention, especially to prevent flooding during the rainy season.³¹⁹ Such living conditions jeopardize workers' and their families' right to an adequate standard of living.³²⁰

Some workers had limited access to toilet facilities. The Special Rapporteur on minority rights reported in 2017 that 20% of people living in line rooms lacked latrines, according to information provided by the Sri Lankan Human Development Organization.³²¹ On one estate, Amnesty researchers observed that there were five houses relying on a single toilet, with a steep climb to reach it. On another estate, the toilet was a flimsily-built structure outside the line rooms with a small tin roof and a squatting pan that was broken with the soil underneath visible. There was no running water within the toilet and occupants have to fetch water from elsewhere to use inside.

The inadequate living and working conditions experienced by Malaiyaha Tamil workers, alongside other indicators, further increase the risk of forced labour.

³¹⁵ Sri Lanka, Workmen's Compensation Ordinance No. 19 of 1934, as amended by Act No. 10 of 2005 and 2022 amendments, section 3.

³¹⁶ Daily Mirror, “CSOs present roadmap to grant a better life for Malaiyaha Tamil community”, 13 September 2024, <https://www.dailymirror.lk/print/news-features/CSOs-present-roadmap-to-grant-a-better-life-for-Malaiyaha-Tamil-community/131-291648>

³¹⁷ Interviews with workers from 34 estates, Galle and Matara districts, January and February 2024.

³¹⁸ Interviews with workers from 34 estates, Galle and Matara districts, January and February 2024.

³¹⁹ Interviews with workers from estates 2, 26 and 39, Galle and Matara districts, January and February 2024.

³²⁰ UN General Assembly, Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Tomoya Obokata, 6 July 2022, UN Doc. A/HRC/51/26/Add.1, para. 54; UN General Assembly, Report of the Special Rapporteur on minority issues on her mission to Sri Lanka, Sri Lanka, 31 January 2017, UN doc. A/HRC/34/53/Add.3, para. 54; The Hindu, “Malaiyaha Tamils: Two hundred years of struggle”, 28 May 2023, <https://www.thehindu.com/news/international/malaiyaha-tamils-two-hundred-years-of-struggle/article66901833.ece>

³²¹ UN General Assembly, Report of the Special Rapporteur on minority issues on her mission to Sri Lanka, Sri Lanka, 31 January 2017, UN doc. A/HRC/34/53/Add.3, para. 54.

6. ACCESS TO SOCIAL SECURITY

Amnesty International's research reveals significant gaps in Malaiyaha Tamil workers' access to social security benefits. During the interviews, workers highlighted that they did not have access to maternity benefits, a pension or sickness leave. Employers on private estates and smallholdings deliberately and incorrectly classify Malaiyaha Tamil workers as "casual workers", which disconnects them from all labour-related legal entitlements and basic statutory benefits. These include access to the minimum daily wage and other allowances related to this, such as social security benefits under the Employees Provident Fund Act and the Employees Trust Fund Act, the right to gratuity under the Payment of Gratuity Act, special protections guaranteed under the Employment of Women, Young Persons and Children Act, and provisions of the Maternity Benefits Ordinance.

A 2018 ILO study on Sri Lankan tea estates noted that the lack of social security in the "tea supply chain has become more prominent due to the increasing casualization of labour".³²² The Workers' Tribunal similarly also highlighted that casualization practices denied the guarantee of a minimum daily wage and removed workers from the ambit of the Maternity Benefits Act.³²³ The tribunal stated that such casualization of labour was "the most dangerous weapon being wielded upon an already vulnerable worker" and "designed to free the employer from statutory obligations and accountability vis-a-vis workers' rights".³²⁴

Sri Lanka's Supreme Court and Court of Appeal have affirmed that where an employer retains power to control the worker, such a person cannot be treated as an independent contractor.³²⁵ This control includes the employer retaining the power to direct how the work is to be done³²⁶ or the right to control the employee as to the manner in which the work has to be done.³²⁷ Employer control points to an employment relationship.³²⁸ Conversely, an independent contractor is one who retains independence and discretion over how tasks are carried out; where such discretion is absent, the worker cannot be treated as independent.³²⁹ Furthermore, courts have held that labels are not determinative and even if a worker is referred to as "temporary" or "casual", the real character of the employment must be examined.³³⁰

The Sri Lanka Labour Department told Amnesty International that their approach in the context of these casualization practices is to assess whether there is a clear employer-employee relationship, irrespective of

³²² ILO, *Future of work for Tea Smallholders in Sri Lanka*, 2018, p. 15.

³²³ Workers' Tribunal, "Findings and recommendations as presented by the justices" (previously cited), paras 45 and 83.

³²⁴ Workers' Tribunal, "Findings and recommendations as presented by the justices" (previously cited), paras 104 and 111.

³²⁵ Supreme Court, *Jamis Appuhamy v. Shanmugam*, Application 80 NLR 298, 8 March 1978; Supreme Court, *Times of Ceylon Ltd. v. Vurthiya Samithiya*, Application 1 All ER 74, 1951; Supreme Court, *Sri Lanka Insurance Corporation Ltd v. A.C.R. Wijesundara*, SC Appeal 99/2010, 28 June 2017; and Supreme Court, *Superintendent of Pussella State Plantation, Parakaduwa v. Sri Lanka Nidahas Sevaka Sangamaya*, Application 1 SLR 108, 5 March 1996.

³²⁶ Supreme Court, *Times of Ceylon Ltd. v. Vurthiya Samithiya*, Application 1 All ER 74, 1951.

³²⁷ Court of Appeal, *De Silva v. The Associated Newspapers of Ceylon*, Application 2 Sri LR 173, 5 March 1979.

³²⁸ Supreme Court, *Ceylon Mercantile Union v. Ceylon Fertilizer Corporation*, Application 1 Sri LR 401, 6-7 July 1985; Supreme Court, *Sri Lanka Insurance Corporation v. Commissioner of Labour and Others*, Application 1 Sri LR 1, 11 February 2008; Court of Appeal, *Courtaulds Trading Company (Pvt) Ltd v. M.D.C. Amaratunga and others*, Application CA/Writ/194/2016, 2019; Court of Appeal, *Kolundzija v. Commissioner General of Labour and others*, 1 Sri LR 142, 2020.

³²⁹ Court of Appeal, *Thilakarathne v. Assistant Commissioner of Labour, Gampaha*, 2 Sri LR 35, 2020, p. 44.

³³⁰ Supreme Court, *Superintendent of Pussella State Plantation, Parakaduwa v. Sri Lanka Nidahas Sevaka Sangamaya*, Application 1 SLR 108, 5 March 1996; Supreme Court, *Sri Lanka Insurance Corporation Ltd v. A.C.R. Wijesundara*, SC Appeal 99/2010, 28 June 2017.

the employer's labelling of the worker.³³¹ The Labour Department does not consider someone who works regularly, on rotation, a few days every week, as a casual worker; such a person would be considered a worker and entitled to EPF and ETF.³³² By contrast, a person who worked for three hours on one random day, to fulfil a specific task such as sweeping a garden or cutting the branches of a tree and clearing it up, would be considered a casual worker.³³³

Malaiyaha Tamil estate workers, often referred to as “casual” workers by the owners of private estates and smallholdings, remain under the full control of their employers. The employers determine work allocation, supervision, pay and regular working hours, demonstrating that workers have no autonomy.³³⁴ This level of control makes the classification of workers as independent contractors not only incorrect, but also exploitative. For example, workers have stipulated working hours. On 10 of the estates visited, workers said they worked on average at least nine hours a day, including a lunch break.³³⁵ On one estate in Galle District, workers said the working day would sometimes last almost 10 hours, with only a half-hour break for lunch.³³⁶ “We'll be eating, and they'll suddenly come and call us, saying time's up and we have to go back to work,” said one worker, demonstrating their lack of independence or discretion over the manner in which they performed their work.³³⁷ One worker who did not have access to EPF and ETF benefits provided further evidence of their formal worker status: “Workers assigned to plucking tea must work from 7:30 AM until 4:00 PM.”³³⁸

Similarly, workers have no power to negotiate their pay and are subjected to unfair withholding of wages when they do not meet unrealistic targets, even for reasons beyond their control. An estate administrator said, “They must work 25 days per month. If they work 25 days, they get [LKR] 1,000 per day. If not, the daily rate is reduced... [If they work less than 25 days,] their daily wage will be [LKR] 859-950.”³³⁹

6.1 MATERNITY BENEFITS

The misclassification of Malaiyaha Tamil workers as “casual” workers means that workers are excluded from maternity benefits. In seven of the estates that Amnesty International visited, women had been offered a lump sum as “maternity pay”, between LKR 10,000 (USD 34) and LKR 80,000 (USD 270).³⁴⁰ This was provided as a lump sum and new mothers could choose a suitable time to go back to work. One woman worker who was not offered any maternity benefits said: “After delivery, I resumed work after two months. But there is no fixed timeline to resume work after delivery.”³⁴¹ Malar, a Malaiyaha Tamil worker from Matara District, was told that she would receive three months' pay as maternity benefits, but instead she received only LKR 5,000, which was roughly five days' pay.³⁴²

Although women workers in the estate sector could be entitled to maternity benefits under the Maternity Benefits Ordinance 1939, it excludes women “whose employment is of a casual nature”.³⁴³ As a result, female workers classified as “casual” workers by estate employers are denied access to their entitlement of 12 weeks of leave, two before the birth and 10 weeks after.³⁴⁴ The ordinance also prevents an employer from terminating the employment of a woman worker for taking leave because of the pregnancy and criminalizes non-compliance with the ordinance by an employer.³⁴⁵ Such benefits are denied to Malaiyaha Tamil women workers due to casualization practices adopted by private estates and smallholdings.

³³¹ Interview with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards for Tea Growing and Manufacturing Trade, 12 January 2026.

³³² Interview with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards for Tea Growing and Manufacturing Trade, 12 January 2026.

³³³ Interview with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards for Tea Growing and Manufacturing Trade, 12 January 2026.

³³⁴ Workers' Tribunal, “Findings and recommendations as presented by the justices” (previously cited), p.29.

³³⁵ Interviews with workers from 11 estates, Galle and Matara districts, January and February 2024.

³³⁶ Focus group discussion with workers, estate 18, Galle District, 4 February 2024.

³³⁷ Focus group discussion with workers, estate 17, Matara District, 24 January 2024.

³³⁸ Focus group discussion with workers, estate 31, Galle District, 3 February 2024.

³³⁹ Interview with administrator, estate 34, Galle District, 7 February 2024.

³⁴⁰ Interviews with workers from seven estates, Galle and Matara districts, January and February 2024.

³⁴¹ Focus group discussion with workers, estate 30, Galle District, 3 February 2024.

³⁴² Interview with Malar, worker, estate 19, Matara District, 23 January 2024.

³⁴³ Sri Lanka, Maternity Benefits Ordinance No. 32 of 1939, as amended, section 21.

³⁴⁴ Sri Lanka, Maternity Benefits Ordinance No. 32 of 1939, as amended, section 21. Section 3(1)(b)(i) states that a woman is entitled to six weeks of leave for a second or subsequent pregnancy, including if the pregnancy does not result in a live child.

³⁴⁵ Sri Lanka, Maternity Benefits Ordinance No. 32 of 1939, as amended, sections 10A and 16.

6.2 PENSION BENEFITS

In Sri Lanka, employers are required to contribute to the Employee Provident Fund (EPF) and Employee Trust Fund (ETF), which form part of Sri Lanka's social security system that benefits employees after retirement. On eight estates, workers said that they were either uncertain of having been registered or were not registered for EPF and ETF benefits.³⁴⁶ Employers are required to register workers for EPF within 14 days of recruitment.³⁴⁷

On five estates, interviewees reported that they did not have access to pension contributions documentation, which they would need in order to claim their pension upon retirement.³⁴⁸ Although wage deductions were being made for EPF contributions, these workers were unclear whether they would be able to claim their pensions due to lack of documentation. For example, employment contracts and payslips are important documents when monitoring contributions and claiming EPF and ETF.³⁴⁹ On five estates, workers told Amnesty researchers that money was being deducted from their salaries for their pensions, but they had not received any proof.³⁵⁰ One worker in her 70s said the management had attempted to withhold her pension and she was told she would only receive her pension when she left the estate.³⁵¹ Another worker said, "They deduct EPF from us and when I asked about it, they shouted. I told them if they do not provide the papers, I would go to the labour office to file a case. Then they remained quiet."³⁵² Amnesty International is unaware of whether such documentation was eventually provided to the worker.

The Workers' Tribunal highlighted that non-contribution of EPF and ETF by the employer was a frequent grievance and that workers often only discovered this when they attempted to claim their payment benefits.³⁵³ The tribunal further noted that although workers can invoke the dispute mechanism administered by the Labour Department, there were delays that "may even compel such workers to return to work or seek employment in old age".³⁵⁴

One man who had worked for 33 years on estates, including eight years on his current estate, had never seen a pension contribution statement, despite requests. He told the researchers, "I've been here for eight years and I still haven't received a pension slip. When I ask, they tell me it's at the superintendent's bungalow. I still haven't seen it."³⁵⁵ Without pension statements, this worker in his 60s has no proof with which to claim pension benefits. Another worker in Matara District was reportedly told to lie to the authorities when they visited his estate, telling them he had been there for three or six months, when in reality he had been there for 20 years. For the majority of that time, he said that no pension contributions were made on his behalf, but in the last 18 months the estate had begun to contribute towards his pension.³⁵⁶ Another worker said that EPF deductions used to be taken from their wages, but her husband requested the deductions be stopped due to uncertainty over claiming it and due to their existing loans.³⁵⁷

The Employees Provident Fund Act No. 15 of 1958 requires employers to make mandatory payments into the fund with a contribution by the employee.³⁵⁸ The fund can be accessed at retirement and for women a portion can be accessed upon marriage.³⁵⁹ Under the Employees Trust Fund Act No. 46 of 1980, employers have to contribute 3% of an employee's gross earnings to a fund for their financial wellbeing after retirement.³⁶⁰ Failure by the employer to make their own contributions and those on behalf of the employee to the EPF and/or ETF is an offence under respective laws.³⁶¹

³⁴⁶ Interviews with workers from seven estates, Galle and Matara districts, January and February 2024.

³⁴⁷ Interview with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards for Tea Growing and Manufacturing Trade, 12 January 2026.

³⁴⁸ Interviews with workers from five estates, Galle and Matara districts, January and February 2024.

³⁴⁹ Interview with a lawyer, 1 March 2025; Workers' Tribunal, "Findings and recommendations as presented by the justices" (previously cited, p. 32, para. 133; A.D.S.N. Jayasinghe and H.M.S. Priyanath, *Determinants and Challenges of Social Security for Tea Estate Workers: A Systematic Literature Review*, Department of Economics, University of Colombo, Sri Lanka, April 2025, <https://arts.cmb.ac.lk/econ/wp-content/uploads/2025/05/wp-02-print-version-1.pdf>, p.21.

³⁵⁰ Interviews with workers from five estates, Galle and Matara districts, January and February 2024.

³⁵¹ Interview with Padma, worker, estate 4, Matara District, 15 January 2024.

³⁵² Focus group discussion with workers, estate 20, Galle District, 5 February 2024.

³⁵³ Workers' Tribunal, "Findings and recommendations as presented by the justices" (previously cited), para. 76.

³⁵⁴ Workers' Tribunal, "Findings and recommendations as presented by the justices" (previously cited), para. 76.

³⁵⁵ Interview with Pathmanathan, worker, estate 17, Matara District, 24 January 2024.

³⁵⁶ The interviewee did not specify which authority had visited and may not have been aware of which state institution or department the person who visited represented; interview with Vigneswaran, worker, estate 6, Galle District, 5 February 2024.

³⁵⁷ Interview with Mayuri, worker, estate 39, 5 February 2024.

³⁵⁸ Sri Lanka, Employees Provident Fund Act No. 15 of 1958, as amended.

³⁵⁹ Sri Lanka, Employees Provident Fund Act No. 15 of 1958, as amended, section 23.

³⁶⁰ Sri Lanka, Employees Trust Fund Act No.46 of 1980, as amended, section 16.

³⁶¹ Sri Lanka, Employees Provident Fund Act No. 15 of 1958, as amended, section 34, 35, 37; Employees Trust Fund Act No. 46 of 1980, as amended, section 39 and 40.

Estate workers who lack EPF and ETF cover can seek support from the Social Security Board.³⁶² The board's role is to provide pension and social security benefits to workers who are not entitled to government pensions.³⁶³ According to the Director General of the Matara District Social Security Board, workers must make monthly contributions – of varying amounts based on age – through post offices or employer salary deductions.³⁶⁴ The scheme includes the payment of a pension, a lump sum gratuity in the event of partial disablement, a lump sum gratuity or a periodical payment in case of total disablement, and a death gratuity.³⁶⁵ The director general told Amnesty International that the board conducts outreach programmes in estates across Deniyaya (Matara District), Bogoda (Badulla District) and other areas, encouraging enrolment with estate management support.³⁶⁶ He explained that major challenges to effective implementation of the service was the language barrier due to limited Tamil-speaking officers in regional offices and irregular payments due to workers' unstable incomes.³⁶⁷

6.3 SICKNESS BENEFITS

The research highlighted that workers do not have access to paid sick leave. Leave for plantation workers is governed by the Tea Growing and Manufacturing Wages Board, but there were no provisions on sick leave or medical leave in their decisions.³⁶⁸ The only stipulation regarding leave was a maximum of 17 days of paid annual leave.³⁶⁹

One worker, Madhumitha, from an estate in Galle District, said that if workers were unwell, they were expected to take medication and go to work, and that they had to cover the associated expenses themselves.³⁷⁰ Another worker, Amudha, said at her previous estate she had to work 30 days per month, and that even if she had fever, she had to go to work.³⁷¹ Rajeswari, a worker from Galle District, elaborated:

“If we have a cold you have to run to work... If you say you have fever today, they will say to take some money and go and get some medicine. After that, if we're still at home, they'll say, 'I gave you some money for some medication, right? You're fine now, right? You can't have fever for that long.' And so, then we run to work. We have to!”³⁷²

Shankari, a worker from Matara District, described a culture of complete intolerance towards illness:

“If they tell us to come to work, we have to go, even if we're sick... They'll scold us, saying we have to work or we have to leave. They'll tell us to come and sign for sick leave. They'll

³⁶² Established under the Social Security Board Act No. 17 of 1996, as amended.

³⁶³ Sri Lanka Social Security Board Act No. 33 of 1999, section 4.

³⁶⁴ Interview with B.G. Amila, Director General of the Social Security Board – Matara District Office, 9 January 2025.

³⁶⁵ Sri Lanka, Social Security Board Act No. 17 of 1996, as amended, section 8.

³⁶⁶ Interview with B.G. Amila, Director General of the Social Security Board – Matara District Office, 9 January 2025.

³⁶⁷ Interview with B.G. Amila, Director General of the Social Security Board – Matara District Office, 9 January 2025.

³⁶⁸ Employers' Federation of Ceylon, *Decisions of the Wages Boards: Revised edition 2020*, 2020, p. 12.

³⁶⁹ Employers' Federation of Ceylon, *Decisions of the Wages Boards: Revised edition 2020*, 2020, p. 21.

³⁷⁰ Interview with Madhumitha, worker, estate 25, Galle District, 26 January 2024.

³⁷¹ Interview with Amudha, worker, estate 41, Galle District, 6 February 2024.

³⁷² Focus group discussion with workers, estate 25, Galle District, 26 January 2024.

say, ‘You can walk, can’t you? This sickness hasn’t stopped your legs from working, come and sign.’”³⁷³

6.4 THE RIGHT TO SOCIAL SECURITY

The practice of casualization of tea estate work and the culture of discrimination deny Malaiyaha Tamil workers access to social security benefits, including a pension, maternity leave and sick leave, contravening Sri Lanka’s human rights obligations, particularly under ICESCR. States have an obligation to respect, protect and fulfil the right to social security. The obligation to protect requires states parties to prevent third parties such as individuals, groups and corporations from interfering in any way with the enjoyment of the right to social security.³⁷⁴ This includes preventing private estates and smallholdings from interfering with the right to social security of Malaiyaha Tamil workers. According to the CESCR, this can be achieved through effective legislative and other measures to ensure access to social security.³⁷⁵

The obligation is threefold and includes the obligation to facilitate, promote and provide. The obligation to facilitate requires states parties “to take positive measures to assist individuals and communities to enjoy the right to social security”, such as through adopting a national social security strategy and plan of action.³⁷⁶ In 2025, Sri Lanka introduced a National Social Protection Strategy, which aims to “[p]rotect the poor, vulnerable, and excluded through income and care support”; “[e]xpand coverage to informal workers” through contributory schemes; and “[p]romote employment, productivity, and labour dignity”.³⁷⁷

The obligation to promote requires states parties to take steps to ensure that there is “appropriate education and public awareness” on accessing social security, especially in rural areas and among linguistic and other minorities.³⁷⁸ In instances where individuals or groups are unable to realize the right to social security themselves, due to reasons beyond their control, within the existing system, states are obliged to provide the right to social security. States parties will need to establish non-contributory schemes or other social assistance measures for individuals and groups who are unable to make sufficient contributions.³⁷⁹

Further, states must ensure that such social security mechanisms are available, adequate and accessible, in particular for those engaged in the informal economy “where social security systems are based on a formal employment relationship, business unit or registered residence”.³⁸⁰ The CESCR noted that “states parties must take steps to the maximum of their available resources to ensure that the social security systems cover those persons working in the informal economy”, which includes “all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements”.³⁸¹ Failure to take sufficient action, including enforcing relevant laws and policies, is a violation of these obligations.³⁸²

According to CESCR General Comment 19, the redistributive nature of social security “plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion”.³⁸³ Thus, Sri Lanka should take proactive steps towards guaranteeing the right to social security of Malaiyaha Tamil workers, especially in private estates and smallholdings, and enforce relevant laws against owners who seek to deny workers of their social security protections.

³⁷³ Interview with Shankari, worker, estate 11, Matara District, 17 January 2024.

³⁷⁴ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 45.

³⁷⁵ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 45.

³⁷⁶ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 48.

³⁷⁷ Department of National Planning, Ministry of Finance, Planning and Economic Development, Sri Lanka, Sri Lanka: National Social Protection Strategy, 2025.

³⁷⁸ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 49.

³⁷⁹ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 50.

³⁸⁰ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 34.

³⁸¹ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 34.

³⁸² CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008, para. 65.

³⁸³ CESCR, General Comment 19, UN Doc. E/C.12/GC/19, 4 February 2008.

7. FREEDOM OF ASSOCIATION

Restrictions on joining and forming trade unions imposed by private estates and smallholdings on Malaiyaha Tamil workers are unlawful under Sri Lanka's Constitution, national legislation and international obligations. The constitution specifically guarantees to every citizen freedom of peaceful assembly, freedom of association, and freedom to form and join a trade union.³⁸⁴ Amnesty International's research shows that trade union access for tea estate workers is very limited, and often entirely absent or prohibited by their employers.

Trade unions in Sri Lanka are registered and monitored under the Trade Unions Ordinance, No. 14 of 1935 (as amended). The ordinance defines a trade union as any association or combination of workmen or employers, whether temporary or permanent, for the objective of either the regulation of relations between workmen and employers, or between workmen and workmen, or between employers and employers; the imposing of restrictive conditions on the conduct in trade; the representation of either workmen or employers in trade disputes; or the promotion or organization or financing of strikes or lock-outs in any trade.³⁸⁵ There should be a minimum of seven members to form and register a trade union.³⁸⁶

The estates visited by Amnesty International appeared to be hostile to the idea of unions and did not have unions operating.³⁸⁷ One worker commented, "There is no union to act on our behalf. There is no one to ask for our rights."³⁸⁸ Another worker, Yasodha from Matara District, said that at her previous estate the management threatening to hit her because she had been to the union.³⁸⁹ Workers at an estate in Galle District said they had attempted to set up a trade union, but the idea was shut down by the management before it started.³⁹⁰ Elsewhere, workers told researchers they did not know about the union.³⁹¹ Workers reported being afraid to contact the union:

"If we approach the union for assistance, we must pack and leave everything. We should leave the estate straight away. If we find another residence, we can stand against the estate"

³⁸⁴ Article 14 of Sri Lanka's Constitution.

³⁸⁵ Sri Lanka, Trade Unions Ordinance No. 14 of 1935, as amended, section 2.

³⁸⁶ Sri Lanka, Trade Unions Ordinance No. 14 of 1935, as amended, section 9.

³⁸⁷ Interview with Gayathri, worker, estate 14, Matara District, 23 January 2024; focus group discussion with Malaiyaha Tamil women, estate 37, Matara District, 4 February 2024; interview with Prof. Thaiyamuthu Thanaraj, Commissioner of the Human Rights Commission of Sri Lanka, 18 December 2025.

³⁸⁸ Focus group discussion with workers, estate 28, Matara District, 27 January 2024.

³⁸⁹ Interviews with Yasodha, worker, estate 3, Matara District, 15 January 2024.

³⁹⁰ Focus group discussion with workers, estate 17, Matara District, 24 January 2024.

³⁹¹ Interview with Shankari, worker, estate 11, Matara District, 17 January 2024; focus group discussion with workers, estate 28, Matara District, 27 January 2024.

with union assistance. Until we leave here, we must obey the estate.”³⁹²

A trade unionist interviewed by Amnesty International noted that due to geographic distances, trade union presence for tea estate workers in the Southern Province was largely limited to the area of Deniyaya town in Matara District.³⁹³ He said that workers in Galle District and parts of Matara District, which were further from Deniyaya, did not have access to trade unions. The union had received reports of high rates of labour rights abuses in these areas, and he felt there was a correlation between the lack of unions and increased rights abuses.³⁹⁴

Restrictions on the right to form and join trade unions without discrimination – such as evidenced by this research – are inconsistent with international standards, including Article 20 of the UDHR, Article 22 of the ICCPR, Article 8 of the ICESCR, the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

³⁹² Focus group discussion with workers, estate 25, Galle District, 26 January 2024.

³⁹³ Interview with trade unionist, 7 January 2024.

³⁹⁴ Interview with trade union leader, Matara District, 7 January 2024.

8. LABOUR INSPECTIONS AND MONITORING

Amnesty International's research found significant failings in labour inspections and enforcement of employment standards at tea estates in Matara and Galle Districts. Civil society activists interviewed for the research highlighted the lack of labour inspections on privately-owned estates and smallholdings. Labour inspections are conducted by officials from the Department of Labour and are intended to ensure employers comply with labour standards such as safety, wages, working hours and child labour.

Noting the insufficiency of labour inspections on privately-owned estates, an activist interviewed by Amnesty emphasized the need for a mechanism to monitor and report on labour issues within these estates.³⁹⁵ He said that where monitoring does take place, the relevant authorities focus on reporting and auditing profits, sales and production values, instead of looking into labour standards.³⁹⁶ Another activist reported that even when labour inspections did take place, the Labour Department would announce their visit to the estate in advance, which enabled the estate to hide abuses.³⁹⁷ Similarly, the ILO notes that in Sri Lanka "labour inspections are not usually carried out in the tea [...] smallholder subsector unless complaints are lodged with the labour office".³⁹⁸

Workers interviewed commented that state officials rarely visited the estates and that their grievances remained unresolved:

"No one comes to check-in on our situation or ask about our problems. Therefore, we do not have any opportunity to raise our concerns. Even if we complain to the AG office,³⁹⁹ they do not consider it seriously. They may come one day and then leave, saying that there are not many families in this area. They do not understand our struggles."⁴⁰⁰

³⁹⁵ Interview with Anthony Jesudasan, Voice of the People Plantation Organization, 18 November 2025.

³⁹⁶ Interview with Anthony Jesudasan, Voice of the People Plantation Organization, 18 November 2025.

³⁹⁷ Interview with lawyer, 1 March 2025.

³⁹⁸ ILO, "Safety and health for all plantation workers in South Asia: Sri Lanka component", <https://www.ilo.org/projects-and-partnerships/projects/safety-health-all-plantation-workers-south-asia-sri-lanka-component> (accessed on 20 November 2025).

³⁹⁹ Common parlance among workers to refer to the District Secretariat.

⁴⁰⁰ Interview with worker, estate 39, Galle District, 5 February 2024.

Workers on an estate in Galle District said that government officials last visited the estate around five years ago. One worker commented on the inefficacy of the inspection:

“My baby was two years old then. They asked me whether I received the maternity fund. I said no. They told me I could get it in the future. That was all. There was no response and I didn’t receive anything.”⁴⁰¹

The Department of Labour, which sits within the Ministry of Labour, is responsible for enforcing labour laws in Sri Lanka through inspections focusing on issues such as “working time, wages, the employee provident fund, working conditions and the working environment”.⁴⁰² According to the Department of Labour, routine inspections and group labour inspections are conducted to ensure compliance with the labour laws.⁴⁰³ Fortnightly routine inspections are conducted by each District Labour Office.⁴⁰⁴ Group inspections are conducted when the authorities are notified of a particular labour issue affecting a large group.⁴⁰⁵ When there are multiple issues, labour inspectors begin their inspection at one geographical point based on a particular issue and continue beyond the initial geographic and thematic scope.⁴⁰⁶ The mandate of the Labour Department also allows its officers to conduct inspections in response to a complaint. The department receives complaints via telephone, fax and the official website. The department has powers to conduct enquiries, contact employers and employees, and register an employee for EPF when an employer has failed and refuses to do so.⁴⁰⁷

The Department of Labour’s 2024 annual report states that 95,757 site inspections were carried out in 2024. Of these, 101 inspections were conducted based on complaints regarding child labour.⁴⁰⁸ The report does not include disaggregated data based on region and sector, and therefore does not say whether any inspections of private tea estates and smallholdings took place.

According to the Labour Department, conducting labour inspections in the estate sector, specifically in smaller privately-owned and smallholder estates, poses specific challenges, including employers residing outside the estate, the lack of documentation for workers and the language barrier.⁴⁰⁹ Furthermore, Labour Department officials told Amnesty International that workers find it difficult to make complaints during routine inspections because their employment is likely to be impacted or terminated afterwards.⁴¹⁰

The CESCR expressed concern about the inadequacy of labour inspections and the impact this has on labour rights abuses in the estate sector in its Concluding Observations on Sri Lanka in 2017. The committee highlighted the limited number of labour officers and inspectors in the industrial and service sectors, and a lack of dedicated resources for effective monitoring and inspections.⁴¹¹ It recommended that Sri Lanka “increase the number of labour inspectors”.⁴¹²

Several civil society organizations in Sri Lanka have been calling on the state to strengthen domestic labour laws governing the estate sector in accordance with ILO law and standards. They are also calling for the establishment of a “special Monitoring Unit of the Human Rights Commission of Sri Lanka to oversee the estate areas”.⁴¹³ In 2024, the Human Rights Commission (HRC) relaunched its thematic subcommittees,

⁴⁰¹ Focus group discussion with workers, estate 30, Galle District, 3 February 2024.

⁴⁰² ILO, “Labour inspection profile”, <https://www.ilo.org/topics-and-sectors/labour-inspection/labour-inspection-profile-sri-lanka> (accessed on 20 November 2024).

⁴⁰³ Interview with H. Ajith Priyantha, Secretary of the Wages Board for Tea and Rupika Ranawake, Commissioner of Labour, Labour Standards Division, Department of Labour, 12 January 2026; Labour inspection profile - Sri Lanka. (2025, September 11).

⁴⁰⁴ Interview with H. Ajith Priyantha (previously cited).

⁴⁰⁵ Interview with H. Ajith Priyantha (previously cited).

⁴⁰⁶ Interview with H. Ajith Priyantha (previously cited).

⁴⁰⁷ Interview with H. Ajith Priyantha (previously cited).

⁴⁰⁸ Department of Labour, Sri Lanka, *Annual Performance Report 2024*, 2024, <https://labourdept.gov.lk/annual-reports/>, p. 24.

⁴⁰⁹ Interview with H. Ajith Priyantha (previously cited).

⁴¹⁰ Interview with H. Ajith Priyantha (previously cited).

⁴¹¹ CESCR, Concluding Observations of fifth periodic report of Sri Lanka, 4 August 2017, UN Doc. E/C.12/LKA/CO/5, para. 29.

⁴¹² CESCR, Concluding Observations of fifth periodic report of Sri Lanka, 4 August 2017, UN Doc. E/C.12/LKA/CO/5, para. 30.

⁴¹³ A.S. Chandrabose and P.P. Sivapragasam, *Red Colour of Tea: Central Issues that Impact the Tea Plantation Community of Sri Lanka*, 2015.

including one on the Malaiyaha Tamil community.⁴¹⁴ The subcommittee is currently working on a report on the plantation community, but the HRC told Amnesty International that abuses that occur within the private sector, such as private tea estates and smallholdings, do not fall within the scope of the HRC.⁴¹⁵ The lack of effective state oversight and regulation of labour conditions through inspections and monitoring remains a key challenge for preventing human rights abuses on private estates and smallholdings in the Southern Province.

The ILO Centenary Declaration for the Future of Work declares that the ILO must direct its efforts to strengthening labour administration and inspection.⁴¹⁶ The ILO Committee of Experts on the Application of Conventions and Recommendations states that “labour inspection is a vital public function”, which is “at the core of promoting and enforcing decent working conditions and respect for fundamental principles and rights at work”.⁴¹⁷ According to the Labour Inspection (Agriculture) Convention, 1969 (No. 129), ILO members should maintain a system of labour inspection in agriculture.⁴¹⁸ Such labour inspections are to be conducted with the aim of securing the enforcement of legal provisions on conditions of work such “as provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons”.⁴¹⁹ They should also supply technical information and advice to employers and workers on the most effective means of complying with the legal provisions and bringing to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions.⁴²⁰ The convention also highlights that labour inspectors should be adequately trained.⁴²¹ Sri Lanka has yet to ratify Labour Inspection (Agriculture) Convention, 1969 (No. 129).

⁴¹⁴ Human Rights Commission of Sri Lanka, “Thematic sub committees”, <https://www.hrcsl.lk/about/thematic-sub-committees/> (accessed on 15 December 2025).

⁴¹⁵ Interview with Prof. Thaiyamuthu Thanaraj, Commissioner of the Human Rights Commission of Sri Lanka, 18 December 2025.

⁴¹⁶ ILO, *ILO Centenary Declaration for the Future of Work*, 26 June 2019, <https://www.ilo.org/resource/ilc/108/ilo-centenary-declaration-future-work>, p.5, para. xi.

⁴¹⁷ ILO Labour Inspection Convention, 1947 (No. 81); ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), Committee of Experts on the Application of Conventions and Recommendations General observation, 2020.

⁴¹⁸ ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129).

⁴¹⁹ ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), Article 6.

⁴²⁰ ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), Article 6.

⁴²¹ ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129), Article 9

9. ACCESS TO JUSTICE

This research highlights conduct by estate management and employment conditions on estates in the Southern Province that constitute criminal offenses under Sri Lankan law.

9.1 PROTECTIVE LEGISLATION

The Sri Lankan Penal Code criminalizes any form of physical assault and any act that causes hurt or grievous hurt to another,⁴²² as well as sexual abuse,⁴²³ sexual harassment,⁴²⁴ and intimidation.⁴²⁵ Furthermore, the constitution guarantees the right to equality and non-discrimination, personal liberty and freedom of movement to all persons.⁴²⁶

The Penal Code Amendment No. 16 of 2006 creates a specific offence of causing a person to be subject to bondage or serfdom, forced labour or slavery;⁴²⁷ however, the threshold to prove debt bondage under the Penal Code is higher than under the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (see section 4.1). The Penal Code defines debt bondage as “the status or condition of a debtor arising from a pledge by the debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not set - off against the debt *and* the length and nature of those services are undefined” (emphasis added). In the Penal Code the factors are cumulative, whereas in the convention – the international standard – the factors are alternative. This discrepancy between national legislation and international standards must be rectified.

The Wages Boards Ordinance limits wage deductions to authorized deductions such as tax and other statutory deductions, repayments of advances received, or any such payment made out of the wages to a person other than the employer.⁴²⁸ The aggregate amount should not exceed 75% of the worker’s wages.⁴²⁹

In the case of non-payment of EPF/ETF contributions and maternity leave payments, a complaint can be made to the Labour Department who can compel payment of statutory dues, including through prosecution.⁴³⁰ According to 2024 annual report of the Labour Department, it filed 2,291 cases during that year, while another 1,834 cases were dealt with under the EPF Act before the Magistrate’s Court.⁴³¹ 250 cases have been filed and a 241 cases have been disposed of under the Wages Board Ordinance.⁴³² There is no disaggregated data available based on the sector and region.

⁴²² Sri Lanka, Penal Code, 1883, sections 310, 311 and 342.

⁴²³ Sri Lanka, Penal Code, 1883, section 365.

⁴²⁴ Sri Lanka, Penal Code, 1883, section 345.

⁴²⁵ Sri Lanka, Penal Code, 1883, section 346.

⁴²⁶ Constitution of Sri Lanka, Articles 12, 13 and 14.

⁴²⁷ Sri Lanka, Penal Code, section, section 358A.

⁴²⁸ Sri Lanka, Wages Boards Ordinance No. 27 of 1941, as amended, section 2.

⁴²⁹ Sri Lanka, Wages Boards Ordinance No. 27 of 1941, as amended, section 2.

⁴³⁰ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited, p. 30, para. 128.

⁴³¹ Department of Labour, Sri Lanka, Annual Performance Report 2024, 2024, <https://labourdept.gov.lk/annual-reports/>, p. 29.

⁴³² Department of Labour, Sri Lanka, Annual Performance Report 2024, 2024, <https://labourdept.gov.lk/annual-reports/>, p. 29.

9.2 THE REALITY OF LEGAL ACTION

In reality, however, the existence of these laws do not protect workers from exploitative practices relating to working conditions.⁴³³ The Workers' Tribunal noted that the "[p]rofound vulnerability and lack of voice of plantation workers has placed them outside the ambit of this otherwise strong legal regime".⁴³⁴ As Labour Department officials reported, workers find it difficult to lodge complaints of any abuse or assault against their estate management because of fear of reprisals, which renders these laws ineffective in the estate sector. An activist interviewed agreed that workers are reluctant to access legal remedies and raise their concerns against the employer.⁴³⁵

Access to justice for Malaiyaha Tamil workers is impeded by language, geographical distance, inability to take time off work to follow up on complaints due to loss of wages, discriminatory or prejudicial treatment by state officials including police, and the lack of access to documentation including relating to their employment.⁴³⁶ One worker said, "We cannot approach the police because everything is under [the estate management's] control. We have no way to stand against [the estate management]".⁴³⁷

During a focus group in Matara District, one worker described experiencing a similar lack of support from the police. They recounted how, while working on their previous estate, their daughter asked for a salary advance. In response, not only was the request denied, but they were verbally abused and their work terminated.⁴³⁸ They approached the police for assistance, but felt that the police favoured the estate owner, who was a doctor working at a hospital in the capital city Colombo, because the police had asked them to stay outside while they had a conversation with the doctor inside. "We were not given the advance. There was no food to eat, and the police didn't help," the worker said. When they returned to their estate housing, the estate owner allegedly sent some men to beat them, after which they complained to the police again. At this point, the officer-in-charge of the police station requested the owner not to harm them while they found another estate and left.

Radha, a Malaiyaha Tamil worker, described how she borrowed LKR 120,000 (USD 378), which ended up as a loan of LKR 280,000 (USD 882):

"I have documents showing that we borrowed [LKR] 120,000. They deducted [LKR] 3,000 from both our salaries monthly. According to our calculations, the remaining amount should not be [LKR] 280,000. My husband left after one year because he could not continue. For his absence, they charged [LKR] 10,000 interest per day. That is how they inflated the amount. Just imagine, [LKR] 10,000 per day for 10 days... When we went to the police station, officers informed us that fines were included. That is how the loan reached [LKR] 280,000."⁴³⁹

⁴³³ Interview with Anthony Jesudasan, Voice of the People Plantation Organization, November 2025.

⁴³⁴ Workers' Tribunal, "Findings and recommendations as presented by the justices" (previously cited), p. 30, para. 129.

⁴³⁵ Interview with Anthony Jesudasan, Voice of the People Plantation Organization, November 2025.

⁴³⁶ Interview with Prof. T. Thanaraj, Commissioner of the Human Rights Commission of Sri Lanka, 18 December 2025.

⁴³⁷ Focus group discussion with workers, estate 25, Galle District, 26 January 2024.

⁴³⁸ Focus group discussion with workers, estate 15, Matara District, 24 January 2024.

⁴³⁹ Interview with Radha, worker, estate 27, Matara District, 26 January 2024.

According to Radha, although the police visited the estate, no solution was offered and instead she had to leave that estate in fear of assault or having her movement restricted. Radha also tried to pursue legal action to recover her household items from an estate where she had worked previously. She showed researchers a complaint she had made to the police to recover her belongings⁴⁴⁰ and a letter from the District Labour Office summoning the owner of the previous estate to the office because of a complaint filed by Radha and her husband related to the non-payment of EPF. A trade union member advised her, however, not to pursue the complaint given the potential negative consequences for her family in the future.

“Filing a case is not an easy process. It requires a lot of money and we would also have to openly express our opinions. Because of this, we gave up the idea. We thought it would be better to work and earn money and buy whatever we need when possible, rather than trying to recover our belongings from the previous estate quarters.”

Radha and her husband also went to the labour office in Matara for help, but found that the labour officers favoured the estate management:

“The labour officers act only in favour of the management. They don’t even listen to what we say. They only listen to the estate owner. They don’t trust us, they trust only them. The owner said he will file a case against us at higher levels. Then the labour officers said if he files a case, you [Radha and her husband] will have to pay back to the estate. After working for six months to the estate, why should we pay the estate?”

Similar concerns were shared by workers during the Workers’ Tribunal in 2024, where one worker asked, “Is it the Department of Labour or Department for Employers?”⁴⁴¹ The tribunal noted that “[p]rofound vulnerability and lack of voice of plantation workers has placed them outside the ambit of this otherwise strong legal regime”.⁴⁴²

The ambit of the Labour Department appears to be very limited. According to the department, even in instances where there are complaints related to the employer seizing employee documents or withholding payments, the Labour Department does not have the mandate to intervene other than to refer it as an industrial dispute to the Labour Tribunal or advise the employee to lodge a complaint at the police station.⁴⁴³ The department explained that “the labour officers cannot interfere” in instances that may amount to debt bondage and can only refer such matters to the police.⁴⁴⁴ Furthermore, the Labour Department admitted that its officers lack sufficient knowledge to identify forced labour and debt bondage practices on estates.⁴⁴⁵

⁴⁴⁰ Photographic evidence on file with Amnesty International.

⁴⁴¹ Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited), p. 30, para. 129. The quote is taken from the Workers’ Tribunal records and is not part of Amnesty International’s research.

⁴⁴² Workers’ Tribunal, “Findings and recommendations as presented by the justices” (previously cited), p. 30, para. 129.

⁴⁴³ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

⁴⁴⁴ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

⁴⁴⁵ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

If a dispute is not resolved by the Labour Department within three months, it can be referred to the Labour Tribunal or to arbitration.⁴⁴⁶ In 2024, 81 disputes were referred to arbitration,⁴⁴⁷ but according to the Labour Department, it is unlikely that a complaint from the estate sector, especially a private estate, would progress to the level of arbitration.⁴⁴⁸ A representative from the Wages Board summarized, “Workers are not able to expend the time, effort or money to pursue this long process. If the employer pays a settlement amount, the worker will simply transfer to another small estate to work.”⁴⁴⁹

Access to justice is a key human right protected under international human rights law. Article 2(3) of the ICCPR says that a state party should ensure that any person whose rights have been violated under the covenant “have an effective remedy” by “competent judicial, administrative or legislative authorities”. Furthermore, the right to legal aid is an essential precondition for exercise of the right to an effective remedy.⁴⁵⁰ Legal aid aims to eliminate “obstacles and barriers that impair or restrict access to justice by providing assistance to people otherwise unable to afford legal representation and access to the court”.⁴⁵¹ According to the CERD General Recommendation XXIX, states parties should “[t]ake the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by providing legal aid”.⁴⁵² In Sri Lanka, legal aid is available for low-income communities through 77 legal aid centres across the island.

Persistent marginalization and systemic discrimination obstruct the Malaiyaha Tamil community’s access to institutions such as the police, the Labour Department, the Labour Tribunal and arbitration for effective remedies against ongoing forced labour and unfair labour practices on private estates and smallholdings.

⁴⁴⁶ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

⁴⁴⁷ Department of Labour, Sri Lanka, Annual Performance Report 2024, 2024, <https://labourdept.gov.lk/annual-reports/>, p. 26.

⁴⁴⁸ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

⁴⁴⁹ Interviews with Rupika Ranawake, Commissioner of Labour, Labour Standards Division and Hettiarachchige Ajith Priyantha, Secretary to the Wages Boards, 12 January 2026.

⁴⁵⁰ UN General Assembly, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knau, 15 March 2013, UN Doc. A/HRC/23/43, para. 20.

⁴⁵¹ UN General Assembly, Report of the Special Rapporteur on the independence of judges and lawyers, Gabriela Knau, 15 March 2013, UN Doc. A/HRC/23/43, para. 27.

⁴⁵² CERD, General Recommendation XXIX on Article 1 (previously cited).

10. CONCLUSION AND RECOMMENDATIONS

Amnesty International's research highlights the extent to which the rights of the Malaiyaha Tamil community on private estates and smallholdings in the Southern Province of Sri Lanka have been undermined. In particular, it raises concerns around the prevalence of numerous indicators of forced labour. It also highlights state failures to protect and fulfil the right to social security, freedom of association and access to justice, and to ensure adequate labour monitoring and inspections.

The report examines intersectional caste-based discrimination faced by workers on private estates and smallholdings based on their Malaiyaha Tamil identity, which materializes in income status, dependence on employment-linked housing, limited literacy, and accumulated debt. This discrimination has resulted in a position of heightened vulnerability that is exploited by employers to subject Malaiyaha Tamil workers to forced labour. These workers are also subjected to verbal, physical and sexual abuse at the hands of the estate management. They are trapped by cycles of debt occasioned by illegal wage deductions, undefined repayment terms and debt accrual from inflated food prices, which has resulted in workers being tied to an employer in a situation resembling debt bondage. Estate managements have also imposed restrictions on workers' freedom of movement beyond the estate boundaries.

The report shows how estate employers consistently casualize the labour of the Malaiyaha Tamil tea workers, denying them access to the benefits they are entitled to under Sri Lankan employment law. These workers clearly meet the threshold for employment status, yet are frequently denied social security benefits such as maternity payments, pension contributions and sickness benefits.

The testimonies heard during the research interviews highlighted the extensive abuse and poor working conditions experienced by Malaiyaha Tamil workers on estates in Matara and Galle districts. Their experiences clearly contravene national employment and criminal legislation, but the research shows that workers experience multiple difficulties in accessing justice. These include barriers to an effective remedy in the case of a dispute or complaint, lack of support from authorities such as the local labour department office or the police, as well as the absence of effective state oversight and regulation of labour conditions on private estates and smallholdings in the Southern Province. Workers also have limited opportunities to exercise their freedom of association by joining or starting up a trade union because estates frequently prohibit and penalize workers engaging in union action. The lack of state oversight and the barriers to legal action increase the vulnerability of Malaiyaha Tamil workers to forced labour and abusive and unlawful working conditions.

Based on the findings of this research, Amnesty International makes the following recommendations to the Sri Lankan government in line with its obligations under international human rights law and international labour standards.

10.1 RECOMMENDATIONS

MINISTRY OF LABOUR

- Immediately initiate a targeted special labour inspection to determine the nature and extent of forced labour, debt bondage, child labour, sexual harassment, and other rights violations in private estates. This inspection should commence with privately-owned estates and smallholdings in the Southern Province, and expand to other estates areas.
- Ensure that any suspected Penal Code offences identified during inspections are promptly referred to the Sri Lanka Police and the Attorney General's Office for criminal investigation and prosecution, in line with their statutory mandates.
- Present the findings, recommendations and planned follow-up actions from the special inspection to the National Labour Advisory Council to facilitate tripartite review, policy dialogue, and oversight.
- Strengthen the Labour Department's regular labour inspection functions relating to private estates and smallholdings in the Southern Province. To this end:
 - employ and train more inspectors;
 - train labour officers on Penal Code provisions and international standards relating to forced labour, including debt bondage, to be able to identify violations in their inspection process, with an emphasis on the Malaiyaha Tamil community;
 - increase the frequency of inspections, especially unannounced inspections; and
 - ensure that the labour offices in private estate and smallholding areas in the Southern Province have adequate Tamil-speaking male and female officers to participate in the above inspections.
- Ensure that labour officers carry out coordinated inspections, jointly with the Sri Lanka Police, the National Child Protection Authority, and other relevant government agencies, particularly where potential criminal offences, child labour concerns, or cross-sector regulatory issues are identified.
- Conduct awareness programmes for the Malaiyaha Tamil community on forced labour practices and how to access remedies and protection.
- Conduct a National Forced Labour Assessment taking into consideration the entrenched discrimination of the Malaiyaha Tamil community in the estate areas, which results in heightened vulnerability to forced labour.
- Ensure that Malaiyaha Tamil workers receive adequate support to lodge complaints with district labour offices and, if issues remain unresolved, are assisted to pursue their cases through Labour Tribunal and arbitration processes and seek compensation, including unpaid wages.
- Determine a binding fair living wage in consultation with the Wages Board for the Tea Growing and Manufacturing Trade that ensures access to an adequate standard of living and prevents cycles of debt. This should be subjected to periodic review and increased in line with the cost of living and inflation.
- Take targeted steps to ensure that Malaiyaha Tamil workers on estates have access to social security benefits, including:
 - monitoring their access to maternity and pension benefits through regular inspections;
 - ensuring that outreach programmes and mobile clinics are conducted in the estate areas in the Southern Province to register all resident workers for EPF and ETF, and to facilitate the resolution of outstanding EPF and ETF issues; and
 - making necessary provisions to provide sickness benefits.
- Present disaggregated data on inspections in annual reports, including data based on region and sector, particularly on the number of private estates and smallholdings covered, as well as the number of Malaiyaha Tamil estate workers who received assistance.

MINISTRY OF PUBLIC SECURITY

- Ensure that the Sri Lanka Police initiate prompt criminal investigations, whether following referrals from the Labour Department or based on their own authority, into any suspected forced labour, debt bondage, child labour, physical and sexual abuse or other criminal abuses, and pursue appropriate prosecutorial action.
- Ensure that police officers working around estate areas are equipped with the requisite knowledge and skills to identify forced labour violations.
- Recruit police officers from within the Malaiyaha Tamil community.
- Instruct the police to seek the support of the Attorney General's Office to file charges against perpetrators under the appropriate Penal Code provisions related to forced labour.
- Set up a special desk in police stations around private estates and smallholdings to receive complaints relating to workers' rights.

MINISTRY OF PLANTATION AND COMMUNITY INFRASTRUCTURE AND MINISTRY OF HOUSING CONSTRUCTION AND WATER SUPPLY

- Take urgent action to provide adequate housing to Malaiyaha Tamil workers in the Southern Province through government housing schemes with security of tenure.
- Ensure that relevant public authorities take proactive steps to identify and address barriers faced by the Malaiyaha Tamil community in accessing adequate housing, land, sanitation, education, and essential public services, including through coordinated outreach and monitoring at the local level.
- Prohibit all forced evictions and ensure nobody is left homeless following an eviction.

MINISTRY OF JUSTICE AND NATIONAL INTEGRATION

- Enact a comprehensive law specific to estate workers to provide for protection around working conditions and welfare, including areas such as occupational health and safety not covered by existing legislation.
- Ensure that the definition of debt bondage is consistent with international standards and is enforced. Bring all other domestic law and practice on ending forced labour into conformity with relevant international laws and standards.
- Support criminal prosecutions and appropriate civil proceedings and ensure that penalties imposed by law are strictly enforced.
- Take the necessary steps to secure equal access to the justice system, including courts and tribunals, for the Malaiyaha Tamil community, with the support of the Legal Aid Commission of Sri Lanka.
- Ensure that all relevant government institutions and departments, including the Labour Department and Sri Lanka Police, interpret and apply constitutional equality guarantees, in line with Sri Lanka's international human rights obligations, in a manner that ensures full protection of the Malaiyaha Tamil community from intersectional discrimination, including discrimination based on caste, ethnicity, gender, language and socio-economic status.
- Take proactive measures to eliminate structural and intersectional discrimination affecting Malaiyaha Tamil communities through the enactment of a comprehensive anti-discrimination law.

MINISTRY OF FOREIGN AFFAIRS, FOREIGN EMPLOYMENT AND TOURISM

- Ratify and implement the Labour Inspection (Agriculture) Convention, 1969 (No. 129); Social Security (Minimum Standards) Convention, 1952 (No. 102); Occupational Safety and Health Convention, 1981 (No. 155); and Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

HUMAN RIGHTS COMMISSION

- Conduct a fact-finding mission to investigate the violations presented in this report by expanding the commission's mandate to cover abuses by private actors on the basis of the state obligation to protect individuals from human rights abuses by third parties.
- Publish findings of the mission and recommend appropriate follow-up actions as necessary.

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CONTACT US



info@amnesty.org



+44 (0)20 7413 5500

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ABANDONED BY THE STATE, TRAPPED IN PRIVATE ESTATES

RIGHTS ABUSES AGAINST SRI LANKA'S MALAIYAH TAMIL TEA WORKERS

Amnesty International's research into private tea estates and smallholdings in Sri Lanka's Southern Province exposes a pattern of abuses that may amount to forced labour against Malaiyaha Tamil workers, a community already marginalised by generations of discrimination, landlessness and exclusion.

Based on multiple sources including interviews with more than 150 workers across 45 estates, the findings reveal how employers exploit structural vulnerability to maintain control over workers' lives and labour. The investigation documented abuses across multiple International Labour Organization indicators of forced labour: abuse of vulnerability, intimidation and threats, physical and sexual violence, debt bondage, restriction of movement, and abusive working and living conditions.

Workers described being trapped in cycles of debt through withheld wages and illegal deductions. Many depend on employers not only for work, but also for housing, healthcare and survival itself. Fear of eviction, violence or loss of income left workers unable to challenge exploitation. The report also found severe restrictions on freedom of movement, unsafe working conditions, inadequate housing, and denial of social security protections through the deliberate misclassification of workers as "casual" labourers.

Despite Sri Lanka's legal obligations under international law, labour inspections, accountability mechanisms and access to justice remain deeply inadequate, leaving many workers unfortunately without any meaningful protection or remedy.

The Government of Sri Lanka must protect Malaiyaha Tamil tea workers from forced labour and ensure access to justice and socio-economic rights now!