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The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights (OHCHR) and has the honour to refer to the communication dated 18 April 2023 regarding General Assembly Resolution A/RES/76/172 on the Protection of migrants.

The Permanent Mission of Sri Lanka further has the honour to forward herewith inputs from the Government of Sri Lanka as requested by the OHCHR for the report entitled 'Human rights of migrants' to be submitted to the 54th session of the Human Rights Council and transmitted to the 78th session of the General Assembly for consideration.

An acknowledgement of receipt by the OHCHR of the enclosed information, would be appreciated.

The Permanent Mission of the Democratic Socialist Republic of Sri Lanka to the United Nations Office in Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.

Geneva, 10 May 2023



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Protection of Migrants

The Government of Sri Lanka has always ensured safe and legal migration for overseas employment by continuously improving the relevant legal and physical infrastructure. The Ministry of Labour and Foreign Employment and the Sri Lanka Bureau of Foreign Employment (SLBFE) have taken several initiatives in order to protect Sri Lankan Nationals working abroad.

The SLBFE has expanded its network of local and overseas branches to ensure welfare and protection of migrant employees as well as the protection of their rights including labour and human rights at pre-departure, in-service and post-departure stages. The regulations that are implemented to ensure the welfare and protection of migrant workers and their rights locally and overseas do not discriminate based on gender. Extensive measures have been taken with regard to ensuring the welfare of female workers, considering their vulnerability and social and cultural obligations of the South Asian Region.

Prospective migrant workers are educated on safe migration and the ways of recognizing and protecting their rights and facilities are extended by the government through Sri Lanka Missions overseas by using electronic and printed media. Besides, they are also provided mandatory pre-departure training programmes. The Ministry of Labour and Foreign Employment has deployed its staff at Divisional Secretariat level for the enhancement of awareness at grass-root level in addition to the island-wide network of SLBFE branch offices.

Sri Lanka, as a Country of Origin for migrant labour, implements several programmes focusing on three aspects, namely prevention of irregular migration, interventions to promote regular migration and advocacy for safe, regular and orderly migration.

Accordingly, all Sri Lankans who wish to migrate for employment should get registered with the SLBFE before leaving for employment in terms of Section 53(3) of the Sri Lanka Bureau of Foreign Employment Act No 21 of 1985. Those who violate this mandatory requirement will be subject to punishment by the court of Law. This is a preventive measure taken to protect migrant workers and their rights, limiting or preventing exposure to vulnerability in destination countries and to prevent irregular migration for employment abroad. Moreover, the registration process has been simplified and it is operated through an IT based system to minimize bureaucratic hurdles and ensure reasonable service to each migrant worker. The registration process has been facilitated at island wide network of branch offices, airports in Sri Lanka and Sri Lankan missions overseas.

Those who get registered duly with the SLBFE are entitled to insurance schemes of which the premium is paid by the SLBFE and are entitled to a range of welfare benefits to migrant workers and their family members. Some of the benefits of registering with the SLBFE are listed below.

1. Registering with the SLBFE allows for proper channels to be followed in securing foreign employment, reducing the incidence of irregular migration and unethical recruitment.
2. The SLBFE maintains an updated database of Sri Lankan migrant workers, which is useful for locating and providing support to them in vulnerable situations and manage them.
3. The SLBFE and its labour sections in the diplomatic missions abroad, as well as its branches throughout the country, provide welfare services to migrant workers

In addition, registered workers get the following benefits as well.

1. All registered migrant workers are entitled to a free insurance scheme with the registration covering the total period of service.
2. SLBFE supports and strengthens the families of registered migrant workers.
3. Provide educational support for children including material support and scholarships.
4. SLBFE ensures job security and other benefits for registered workers.
5. In case of any issues in the host country, SLBFE represents the registered migrant workers and provide care and protection through the Diplomatic Missions of the destination country.

Adequate facilities have been provided at all shelters operated by the SLBFE at Sri Lankan diplomatic missions under the supervision of a diplomatic officer and a female safe housekeeper has been attached for these shelters. Besides, sufficient space and other facilities are made available at all these shelters. All officials attached to employment and welfare sections of Sri Lankan missions have been trained adequately with regard to all the areas which are needed for discharging their duties and are trained throughout their tenure regularly and their performances are evaluated on a monthly basis in order to ensure an efficient and effective services delivery to the migrant workers.

Moreover, several measures are taken to ensure the protection of migrant workers and their families during their employment and upon their return to the country. Some of these measures include:

1. Family Background Report (FBR)

The mechanism of the Family Background Report has been simplified. The restriction on women with children under 5 years old has been changed to a Care Plan, which only prevents mothers with children under 2 years from migrating for employment. While mothers with children under 2 are restricted from foreign employment for the safety and protection of the children and in terms of the rights of the child, as per the Constitution, women are generally not restricted from exercising their right to work protected by Article 14(1)(g) of the Constitution of the Democratic Socialist Republic of Sri Lanka.

2. ‘Manusavi’ pension scheme

SLBFE has launched ‘Manusavi Pensions Scheme’ for Migrant Workers in collaboration with Sri Lanka Social Security Board, to empower the migrant workers with a social security benefit after their return.

3. Insurance Scheme – By the Employer

The SLBFE has taken an initiative to introduce an insurance scheme for migrant workers with approval of the Cabinet of Ministers, granted on 23rd September 2022, in order to address these concerns , as well as the repatriations that occur due to medical unfitness, harassment (physical, sexual, mental), any pandemic situation, pregnancy, premature termination of contract by employer in case of bankruptcy, closure of Company and repatriations through the representative SL Mission due to any reason, death, permanent total disability due to accidents, pre-detected serious illnesses, residential ICU treatment due to Covid or any other pandemic situation and legal expenses towards non-insurance related cases such as non-payment of salary, physical harassment or abuse, breach of employment contract by the employer etc., of an insured member.

4. Other benefits

Additionally, returning migrant workers in need are provided with various welfare packages, including housing or self-employment grants for disabled returnees, and self-employment assistance for all returnees. Migrant workers are adequately educated on these benefits and procedure at the pre-departure training and via various awareness programmes conducted at provincial level and through social media.

Sri Lanka has entered into Memorandum of Understanding (MOUs) with countries in order to protect the workers' rights and to open regular migration pathways with collaborative mechanisms.

In addition, Sri Lanka is an active member of the Regional Consultative Processes such as the Colombo Process, Abu Dhabi Dialogue and the Bali Process that work on Safe, orderly and regular migration.

Further, Sri Lanka promotes whole of Government and whole of Society approach in formulating, implementing, and monitoring of national policies and programmes related to labour migration sector.

SLBFE is a member of the Anti-Trafficking Taskforce established at ministerial level, which engaged in Inter-agency coordination to promote coordinated responses to human trafficking and exploitation. Further, the SLBFE is working together with all the stakeholders of the Anti-Trafficking Taskforce; i.e. Ministry of Justice, Prison Affairs and Constitutional Reforms, Sri Lanka Police, Attorney Generals' Department, Ministry of Labour and Foreign Employment, Department of Probation and Child Care Services, National Committee of Women, National Authority for the Protection of the Victims of Crimes and Witnesses, Department of Immigration & Emigration, Department of Registration of Persons and Human Trafficking, Smuggling Investigation and Maritime Crime Investigation Division, to achieve its goals in strengthening institutional mechanisms and intergovernmental coordination to address human trafficking.

Moreover, civil society organizations, trade unions, non- government organizations in Sri Lanka working for migrants have been consulted by the government authorities through wider consultations, working groups, steering committees at the time of formulation as well as in implementing National Policies on labour migration and related projects / programmes. The Ministry of Labour and Foreign Employment has implemented capacity development programmes for Civil Society Organizations and Trade Unions to make them equipped with necessary skills and knowledge on all aspects of migration.

The outbreak of COVID-19 had a direct bearing on the migrant workers and their families. The majority have been laid off work, permanently as well as temporarily, creating a decline massive deficit of remittances that support the national economy by 19 per cent in 2020.

The Sri Lanka Bureau of Foreign Employment (SLBFE) formed a Working Group on 30th April 2020 to prepare a response plan to the COVID -19 pandemic and its aftermath on Sri Lankan

migrant workers, comprising of members from the SLBFE, the International Organization for Migration (IOM) and the International Labour Organization (ILO).

During the Covid-19 Pandemic, the SLBFE has facilitated migrant workers by conducting online pre- departure training programmes. Further, the SLBFE has de-centralized the awareness programmes through Senior Managers allocated to Provinces, in order to overcome the challenges faced by the Pandemic situation.

A comprehensive re-integration program for migrant returnees affected by the COVID-19 pandemic is currently in operation throughout the country with the involvement of Branch Offices of the Sri Lanka Bureau of Foreign Employment (SLBFE) including development officers of the Ministry of Labour and Foreign Employment stationed in Divisional Secretariats.

The National Action Plan on Return and Reintegration adopts a holistic approach that includes aspects of social, economic and physiological reintegration of migrant workers. It has also specified that reintegration needs to commence at the stage of pre-departure and continue throughout the migration cycle. It includes a review of the existing savings and investments schemes credit and business development programmes and provide incentives for promotion of enterprise creation and economic empowerment of migrant returnees.

All migrant workers have now been facilitated to lodge complaints with the SLBFE and its branch network in Sri Lanka via online, providing access from any part of the World. (This facility is in addition to the facilities available in Employment and Welfare Sections of 14 Missions to address grievances of Sri Lankan Migrant Workers). Moreover, the e-connect App also facilitates to lodge complaints with the SLBFE from any part of the world.

Moreover, amendments to the SLBFE's Act have been proposed to regularize the involvement of sub agents in the recruitment process.

Some of the relevant information is mentioned below.

1. In order to monitor unregistered migrant workers, the SLBFE has deployed adequate staff at airports to ensure they register with the SLBFE, reducing the number of unregistered workers leaving for employment abroad.
2. In addition, regularizing sub-agents has been proposed as an amendment to the SLBFE Act, which is expected to be enacted in the near future.
3. Further, at the pre-departure stage, the migrant workers who possess visas other than work visas or employment permits, are required to submit a declaration mentioning their purpose

of leaving the Country.

4. The value of the bank guarantee for Licensed Foreign Employment Agents has been increased to 3 million Sri Lankan Rupees (Rs.3 Mn) to provide support to migrant workers recruited by agents who find themselves in irregular situations, such as during repatriation or in compensation issues. It is a mechanism imposed to minimize the risk and cost which is borne by the migrant worker and the Government. Moreover, the period of the said Bank Guarantee has increased to 3 years from 2 years in view of minimizing the risk of migrant workers at irregular situations.
5. Awareness programs are conducted to protect vulnerable migrant workers and to provide essential legal advice on human trafficking and victim protection for officers in the labor sections of overseas missions. These sessions support regularizing migrant workers in irregular situations outside the country. Returned Sri Lankan migrant workers have access to justice and remedies, including the ability to file complaints with the SLBFE about any violations of rules and regulations by licensed foreign employment agencies at any stage including pre-departure stage. They can also report incidents of human trafficking to the SLBFE.
6. Programmes of awareness raising of aspirant migrant workers on regular migration pathways were conducted through a number of ways such as mass media, social media and field level programmes with the assistance of development officers of the Ministry attached to District/Divisional secretariat, online Job Bank, SLBFE official Website, G to G Recruitment Programmes , and pre-employment and pre-departure training for aspirant migrant workers and re- migrants.

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