Sri Lanka
Global Compact on Safe, Orderly and Regular Migration

NATIONAL CONSULTATION OUTCOME REPORT

September 2017

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Introduction

The Sri Lanka National Multi-Stakeholder Consultation on Global Compact on Safe, Orderly and Regular Migration (GCM) was held on August 25, 2017 in Colombo, with the participation of 89 attendees. The preparatory work to the National Multi-Stakeholder Consultation (the Consultation) included the establishment of a Working Group comprising of officials from the Ministry of Foreign Employment, Ministry of Foreign Affairs, Ministry of Internal Affairs, Ministry of Justice, International Organization for Migration (IOM) and the Swiss Agency for Development Cooperation (SDC). Based on the decision of the Working Group, two Sensitization Workshops, for Government and for Civil Society respectively, were held as precursors to the Consultation. The Sensitization Workshops served the purpose of introducing the GCM to relevant stakeholders in Sri Lanka and explaining the importance of submitting their inputs at the Consultation through the stakeholder input collection form developed for this purpose.

A summary of the collected stakeholder input was presented for information and validation amongst the participants at the outset of the Consultation and formed the basis for the thematic discussions. The Consultation included further deliberations on all six thematic areas of the GCM in separate breakout sessions. Each breakout group consisted of stakeholders from Government and non-Government Institutions, a pre-identified resource person who steered and presented the summary of the discussion and a rapporteur provided by the GCM Secretariat of the International Organization for Migration.

Participation into thematic working groups was voluntary, and a near equal distribution of number of participants per group was achieved. The group discussions focused on the 11 guiding questions provided in the GCM reporting templates. However, due to the significant importance of labour migration from Sri Lanka, most of the discussions under respective thematic clusters honed in on various nuances of migration for overseas employment, and the interrelatedness of thematic areas resulted in some overlap across group discussions.

This report is based on submissions received in response to input collection form circulated, as well as on presentations, floor discussions and detailed notes from the Consultation. Prior to finalization, a draft report was shared with all stakeholders for validation. The report is organized by thematic clusters along the 11 guiding questions provided in the GCM reporting template. Due to the cross-cutting nature of a number of issues raised during the Consultation, the report in some instances lists common challenges and recommendations under two or more thematic areas to capture their multi-sector relevance and to more accurately reflect the discussions held during the Consultation.
Chapter 1: Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance

1.1 Issues discussed

- Protection of human rights
- Freedom of movement and freedom from discrimination
- Migrants in vulnerable situations
- Migrants’ integration in countries of destination
- Migrants’ access to basic services
- Health of migrants

1.2 Priorities

- Promoting decent work for migrant workers, particularly women migrants
- Extend ‘decent’ work to encompass ‘decent living conditions’ for migrant workers
- Improve handling of migrant workers’ complaints
- Introduce and monitor performance indicators for polices implemented at the grass root level

1.3 Goals

- Ensure voting rights for migrant workers
- Adopt a multi-sectoral approach in coordinating migration matters

1.4 Challenges

- Migrants’ difficulty in accessing benefits from insurance schemes.
- Selectivity of coverage in social inclusion programme and limited coverage for undocumented migrants and those who face employment contract violations, abuses and health complications.
- Restrictions in access to medical coverage and primary care services at all stages of the migration cycle.
- Limitations in access to health care for undocumented migrants.
- Limited awareness among migrants on benefits/entitlements under the health insurance schemes.
- Inconsistencies in access to health insurance benefits/claims.
- Limited public awareness on responsibilities and accountability of countries of destination.
- Under-reporting of sexual exploitation due to fear of consequences/lack of evidence to prove a complaint.
- Limited ability of Sri Lankan diplomatic missions to assist migrants to access justice.
- Absence of appropriate labour laws or government authorities in some countries of destination to protect and address migrant workers’ right to justice and fair hearing of their grievances.
- Difficulties faced by home countries to advocate for changes to discriminatory laws/regulations/policies of countries of destination.
- Some labour attachés are political appointees who have limited knowledge of applicable laws and conventions and are not capacitated to handle migrants’ grievances adequately.
- The capacity gaps and resource constraints in countries of destination to provide better facilities and ensure wellbeing of migrant populations as equal to the citizens.
- Foreign Domestic Workers (FDW) are not fully recognized as legitimate workers in the Gulf corridor.
- Sri Lanka has not ratified Convention concerning domestic workers.
- Absence of voting rights for Sri Lankan working overseas.
- Application of age and gender restrictions on foreign employment.
- Inadequate understanding among migrants about what to expect upon arrival at destination country.
- Difficulty in workplace/cultural adjustments for migrants in countries of destination.

1.5 Existing national/ regional policies

- Equality of all men and women protected by the Constitution of Sri Lanka.
- Migration and human rights related Conventions ratified and domestic legislations in effect.
- National Labour Migration Policy (NLMP), 2008.
- National Migration Health Policy, 2013.
- Kafala law in the Gulf Cooperation Council (GCC) countries.

1.6 Existing projects, activities and initiatives

- Empowering male and female migrant workers with mandatory pre-departure training programmes carried out by the Sri Lanka Bureau of Foreign Employment (SLBFE) to prevent them from exploitation, xenophobia etc.
- Inclusion of human rights based considerations in all projects and programmes of the Ministry of Foreign Employment and the SLBFE at all four stages of the labour migration.
- Service contracts for migrant workers are provided under the close supervision of Government Authority, SLBFE, and the Sri Lankan Diplomatic Missions at countries of destination.
All recruitment agents recruiting Sri Lankans for foreign employment are registered and licensed by the government and they have to abide the rules and regulations of the SLBFE.

All foreign recruitment agents /employers recruiting Sri Lankan nationals must be registered with the Diplomatic Missions and each and every job order and placements should be approved by the relevant Sri Lankan Diplomatic Missions.

All migrant workers registered with the SLBFE are provided with free-health insurance coverage by the government to cover the service period.

Consular assistance is given through Sri Lankan Diplomatic Missions in 16 major destination countries.

Existence of 11 temporary shelters in countries of destination under the supervision of the Sri Lankan Diplomatic Missions, catering especially to distressed female migrant workers who are victims of abuse, exploitation and other issues.

Distressed female returnees are provided with government operated temporary shelters in Sri Lanka.

Web-based complaint management system is operated providing accessible and free services to migrant workers/family members/recruitment agents linking the relevant Sri Lankan Diplomatic Missions at countries of destination.

Gulf Approved Medical Centres Association (GAMCA) testing centres operate to GCC medical terms and conditions.

1.7 Innovative solutions

Some companies in the Gulf such as in Dubai have introduced a new practice whereby the migrant worker is provided with an insurance card to access health services. The employer bears 70% of the cost and the worker is expected to pay the balance 30%.

1.8 Recommendations

Provide post arrival orientation for migrants at countries of destination.

Improve ground level support for migrants in countries of destination to accustom to local situations (language culture, labour market information).

Introduce mechanisms to provide effective post arrival information services.

Ensure migrants are more aware of how their insurance scheme works.

Bilateral Agreements and Memorandum of Understanding to address rights to access medical coverage and primary/emergency care services.

Introduce a free health insurance (paid by employer) for all migrant workers.

Advocate at the diplomatic level about the importance of migrant workers’ health as a fundamental universal human right.

National Migration Health Policy implementation needs more focus and inclusion into the National Labour Migration Policy.

Strengthen international and national human rights policies and institutions to ensure access to health, education, justice and other relevant services to all migrants.
Right to access to health throughout the migration cycle is not adequately ensured and requires better coordination on a technical level with Health stakeholders.

Enhance monitoring of universal health coverage in relation to migrants and their associated vulnerabilities.

Introduce coherent policies and mechanisms to enable all relevant stakeholders to include migrants in their national systems for provision of health, education, housing services, etc.

Facilitate high level Government meetings between home and countries of destination to address violations of migrant workers’ rights, working and living conditions.

Develop a mobile application with contact details of relevant institutions in host and home countries to contact when in distress.

Implement the guidelines developed by the Global Migration Group (GMG) on protection of migrants in vulnerable situations.

Improve coordinated migration policies to reduce human rights violations and vulnerable situations faced by migrants.

Encourage countries of destination to ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW) and other relevant labor migration conventions.

Introduce effective client feedback system to assess/evaluate services provided by the Government.

Learn best practices from the Philippines regarding migrant workers programmes.

Enhance inter-ministerial cooperation and policy coherence on migration matters.

Engage with ministries of labour in destination countries and negotiate for Kafala reforms in Bilateral Agreements, Memorandum of Understanding, and through Regional Consultative Processes such as the Colombo Process (CP) and Abu Dhabi Dialogue (ADD).

Closely monitor performance of labour attachés and avoid political appointments.

Develop universally agreed set of guidelines on identifying categories of migrants who are in need of international protection, and those who qualify as vulnerable groups to address their needs effectively.

Enhance capacity of consular officers and labour attachés in dealing with international labour instruments and country of destination laws to facilitate better mediation and resolution of disputes between migrant workers and their employers.

Encourage countries of destination to have a complaints mechanism i.e. a hotline number or mobile application to lodge complaints by migrant workers in distress.

Provide voting rights to Sri Lankans living/working abroad.

1.9 Government actors

Ministry of Foreign Employment
Ministry of Labour
Ministry of Foreign Affairs
Ministry of Health, Nutrition and Indigenous Medicine
➢ Sri Lanka Bureau of Foreign Employment
➢ Embassies
➢ Labour attachés.

1.10 Other actors/ stakeholders

➢ International Labour Organization
➢ International Organization for Migration
➢ Non-Government Organizations
➢ Civil Society Organizations

1.11 Related SDGs

➢ 3.8- “Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.”
➢ 5.2- “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.”
➢ 8.7- “Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”
➢ 10.7- “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”
➢ 16.3- “Promote the rule of law at the national and international levels and ensure equal access to justice for all.”
➢ 16.6- “Develop effective, accountable and transparent institutions at all levels.”
➢ 16.2- “End abuse, exploitation, trafficking and all forms of violence against and torture of children.”
Chapter 2: Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution

2.1 Issues discussed

- Need for increasing/diversifying international migration corridors.
- Climate mitigation policies and their nexus with migration.

2.2 Priorities

- Identify and address root causes of migration.
- Reverse push factors to re-migrate upon return.
- Policy coherence and inter-ministerial coordination.
- Facilitation inclusive social services / social security policies.
- Minimize low skilled migration of women while empowering them and enhancing their living conditions including through poverty alleviation.
- Up-skilling of migrant workers from Sri Lanka.

2.3 Goals

- Strengthen tripartite partnerships (government-employer-employee) at local levels in the next 5-10 years.
- Fully implement the National Decent Work Agenda.
- Formalize informal labour channels (i.e. access to unions and social protection, etc.).
- Adopt a National Action Plan to mainstream migration into policy planning with focus on addressing drivers i.e. economic, social factors.
- Better, more comprehensive, comparable and disaggregated data collection on migration.
- Limit low skilled migration and strive for high skilled migration in the next 5-10 years.
- Eliminate domestic/gender based violence as a driver of migration.
- Develop/revise climate change adaptation/mitigation policies with a special focus on migration.
- Set up a country level task force to address climate change as a driver of migration.

2.4 Challenges

- Existence of pockets of poverty and regional economic disparities.
- Inadequacy of social services and social safety nets.
Inadequacy of social protection to address the needs of the most vulnerable groups of people (healthcare, pensions, etc).
Unequal access to healthcare and education.
Inadequacy of social workers at ‘Grama Niladhari’ (GN/Village Officer) level (i.e. Women’s Development Officers).
Inadequacy of migration related data collection and research, information management and sharing.
Inadequate access to decent work opportunities in country of origin.
Low confidence in law enforcement and/or rule of law.
Policy incoherence and inter-ministerial coordination gaps in relation to international agreements and national level policy implementation.
Lack of recognition of the cross-cutting nature of migration.
Limited political will and/or ability in enforcing balanced bilateral agreements.
Constraints in national budgets and competing interest or priorities for funding.
Gaps in national human resource capacity development.
Limited Foreign Direct Investment with responsible practices in decent work.
Presence of large informal sectors.
Presence of widespread corruption and limited opportunities for those talented and deserving better job prospects.
Prevalence of nationalistic and patriotic sentiments, which marginalize minority communities.
Inadequacy of climate mitigation policies in reflecting/ representing people on the move.
Lack of gender responsive policy for migrants and those displaced due to natural disasters.

2.5 Existing national/ regional policies

Sri Lanka has ratified and effectively implemented existing international law, including the Convention on Migrant Workers and Their Families.
Sri Lanka has ratified eight core-conventions of the International Labour Organization (ILO) related to rights of workers.
National Labour Migration Policy (NLMP) of 2008 gives due regard to the gender dimension of drivers of migration.
Return and Reintegration policy was introduced as a sub policy of the National Labour Migration Policy.
National Climate Change Adaptation Plan is in place but no focus on human mobility.
National Youth Policy (2014) recognizes employment opportunities in newly emerging economic areas (Technical and Vocational Education and training) where high quality skills development and training are essential.

2.6 Existing projects, activities and initiatives

Family Background Report policy was introduced with the intention of protecting the welfare of children left behind of migrant workers. Even though the intention was correct (from child protection point of view, still valid to avoid early separation etc.), the FBR led to unexpected negative consequences.

Complement the family background report with a suitable coordinated care plan to be put in place prior to migration as a means for follow up and action in line with the National Migration Health Policy.

Poverty Alleviation strategies have been adopted in Sri Lanka, such as development of rural economies and pushing low-income families out of poverty.

Efforts such as promotion of private sector as the “Engine of Growth”, “Export Development”, and “Small and Medium Enterprise Development” to create new types of jobs and new economic sectors within Sri Lanka.

Regional economic cooperation and regional integration efforts, such as Association of Southeast Asian Nations (ASEAN) and One Belt One Road Initiatives, which contribute towards eliminating some drivers for migration.

Regional and international efforts in terms of climate change such as Addis Ababa Action Agenda (AAAA) and the Sendai Framework.

National Implementation of Sustainable Development Goals and indicators.

Sri Lanka ratified Paris Agreement on Climate Change and is committed to its implementation process at national level.

Technical and Vocational Education Training provided to ensure better employment option within Sri Lanka.

2.7 Innovative solutions

Ministry of Women and Child Affair allocates at least 25% of their funds for projects targeting rural women.

2.8 Recommendations

Include support structures through line ministries to better serve women migrant workers and to engage with families left behind, especially caregivers with children.

Ensure the wellbeing of the family left-behind, with particular focus on migrants’ children.

Introduce government supported day-care centres and other family support programmes for left-behind family members.
- Develop an action plan to link ministries by mainstreaming migration into development.
- Include intensive consultation with stakeholders, especially private sector, in policy making.
- Concentrate on migration for medium and high-end employment.
- Incorporate diversity into national policy-making to respect all cultures and sexualities with protection mechanisms that would enable migration by choice rather than compulsion.
- Introduce gender-responsive policy for climate change, and natural disaster-induced migration in Sri Lanka.
- Recognize those affected by climate-induced displacement under human rights law.
- National policies on climate change to include climate-induced migration and allocate sufficient budgets for program implementation.
- Set up country-level taskforces (with accountability mechanisms) to address climate change as a driver of migration.
- Provide developing countries the necessary capacity for disaster risk assessment and management strategies to prevent climate change and disaster-driven displacements.
- Introduce climate change and related migration into the agenda of regional consultative processes such as Colombo Process and the Abu Dhabi Dialogue.
- Advocate for greater commitment and responsibility from the South Asian Association for Regional Cooperation (SAARC) as a sub-regional mechanism.
- Minimize restrictions on migration based on job status.
- Consider socio-economic needs of marginalized/underserved populations and youth and women in national economic/employment/gender policy formulation to ensure that migration is a choice and not a necessity owing to lack of opportunity.
- Introduce better programmes to help women facing domestic violence such as free legal services, family counseling, shelters, self-employment, and small grant schemes, to help them become independent and self-reliant.
- Provide support for countries for full implementation of the Sustainable Development Goals (SDGs) in order to improve the living condition of people and reduce poverty, climate change, conflict, and disaster-driven migration.
- Pay particular attention to the vulnerabilities and migration related to SDGs so that the final objective of SDGs in ‘leaving no one behind’ becomes a reality.

### 2.9 Government actors

- Ministry of Labour
- Ministry of Skills Development
- Ministry of Foreign Employment
- Sri Lanka Bureau of Foreign Employment
- Ministry of Disaster Management
- Ministry of Environment
- Ministry of Resettlement
2.10 Other actors/stakeholders

- Civil Society Organizations
- Trade Unions
- Recruitment Agencies

2.11 Related SDGs

- 1.2- “By 2030, reduce at least by half the proportion of men, women and children of all ages living in poverty in all its dimensions according to national definitions.”
- 1.5- “By 2030, build the resilience of the poor and those in vulnerable situations and reduce their exposure and vulnerability to climate-related extreme events and other economic, social and environmental shocks and disasters.”
- 1.b- “Create sound policy frameworks at the national, regional, and international levels, based on pro-poor and ender sensitive development strategies, to support accelerated investment in poverty eradication actions.”
- 5.2- “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.”
- 8.8- “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.”
- 13.1- “Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries.”
- 13.2- “Integrate climate change measures into national policies, strategies and planning.”
- 13.3- “Improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning.”
- 16.3- “Promote the rule of law at the national and international levels and ensure equal access to justice for all.”
- 16.6- “Develop effective, accountable and transparent institutions at all levels.”
- 16.11- “Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries to prevent violence and combat terrorism.”
- 16.12- “Promote and enforce non-discriminatory laws and policies for sustainable development.”
Chapter 3: International Cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration

3.1 Issues discussed

➢ Facilitated migration
➢ Migration governance
➢ Border control
➢ Return, readmission, reintegration
➢ Migration data

3.2 Priorities

➢ Development of well-balanced migration governance framework to ensure sustainable socio-economic development of the country while fulfilling security requirements.
➢ Strengthen border security/management capacities through policy/legislative measures.
➢ Strengthen country of destination cooperation to improve return and re-integration of migrant workers.
➢ Improve recognition of development potential of returnee migrants.
➢ Build image of returnees as contributors to development.

3.3 Goals

➢ Have effective migration governance framework and indicators in place.
➢ Ensure safe migration principles while addressing national security concerns.

3.4 Challenges

➢ Absence of comprehensive study to identify gaps in migration governance.
➢ Inadequate capacity within some key institutions around migration governance.
➢ Excessive restrictions related to regular migration channels.
➢ Lack of adequate safe and accessible regular pathways for migration and admission, including via family reunification, labour mobility at all skills levels, and opportunities.
➢ Inadequacy of data and sharing of information among agencies.
➢ Limitations of available data on returnee migrants.
➢ Lack of accurate data and information on returnee migrant workers.
➢ Inadequacy of sustainable return and reintegration options and the risk of re-migration.
➢ Limited initiatives in building the image of returnees as contributors to development.
➢ Lack of focus on gender dimensions surrounding reintegration issues.
➢ Underlying misconception on the image of returnees within society.
➢ Limited access to advisory services and guidance on mechanisms for reintegration.
No incentives (i.e. gratuity, end of contract lump sum) provided by countries of destination for successful return and re-integration of migrant workers.

Selectivity of coverage in reintegration programmes and limitations in coverage for undocumented migrant returnees, victims of contract violations and those returning with severe abuses and health complications.

Health is often neglected in the field of international cooperation on migration governance.

Lack of transparency in the implementation of Readmission Agreements and related forceful deportation.

Lack of sustainability strategies on return and reintegration poses the risk of migrants being pushed into unsafe remigration efforts.

Absence of effective Passenger Risk Assessment at Border.

Inadequate inter-agency cooperation among agencies involved in border management.

Inadequate use of modern technologies for border management.

Absence of a National Identity Management Strategy.

Limited cooperation between institutions involved in border management.

Outdated legislation to support border enforcement agencies.

Lack of clear understanding and policies about inbound migration to Sri Lanka.

3.5 Existing national/ regional policies

- National Labour Migration Policy
- Sub Policy on Return and Reintegration
- Immigrants & Emigrants Act, and ongoing reforms to Immigration law

3.6 Existing projects, activities and initiatives

- Establishment of the National Advisory Committee on Labour Migration.
- Publication of Annual Statistical Report by the Sri Lanka Bureau of Foreign Employment, with disaggregated data on labour migration.
- Active engagement in Regional Consultative Processes, and provided leadership for better governance of migration during Sri Lanka’s chairmanship of the Colombo Process and Abu Dhabi Dialogue.
- Entered in to Memorandums of Understanding with major destination countries to enhance cooperation between country of home and countries of destination.
- Ongoing negotiations on operational readmission protocols with European Union (EU) member states (i.e. Poland, Netherlands).
- Signed Migration agreement with Switzerland (2017).
- Established National Co-ordination Committee on Re-admission (NCCR) and three sub committees for policy, operation and reintegration.
- Established Return and Re-admission unit (RRU) in the Department of Immigration and Emigration with Re-Admission Case Management System (RCMS). Access links to Re-
Admission Case Management System are provided upon request to countries of destination and Sri Lankan Diplomatic Missions in countries of destination.

- Established Information Management System (IMS) and related data sharing with other institutions.
- Established Integrated Enquiry Management System, which is the single point of contact for obtaining majority of information such as Passport Issue and Border Control Details, Stop List, Lost and Stolen Passport Details, Dual Citizenship Information, Migration Statistics and Visa Status Information etc.
- Activities carried out by the United Nations High Commissioner for Refugees (UNHCR) on voluntary repatriation of Sri Lankan refugees mainly from India, Malaysia, and other Asian countries.
- Activities carried out by the International Organization for Migration (IOM) on assisted voluntary return and reintegration of Sri Lankan migrants mainly from EU countries, Australia, Indonesia, Malaysia, and other Asian countries.
- Agreement between Department of Immigration and Emigration and Société Internationale de Télécommunications Aéronautiques (SITA) on Advance passenger Information (API) where passengers are screened at departure points and passenger information is shared among countries.
- Establishment of the Strategic Information Management System for Border Operations, which collects, collates and analyzes arrival and departure data to improve border security by providing connectivity with INTERPOL\'s alert lists, Advance Passenger Information data and domestic intelligence network.
- Establishment of the border risk assessment centre to collect, collate and analyze passenger data for Advanced Passenger Risk Assessment and to identify the high risk travelers and intercept them at the border.
- Establishment of a high level National Border Management Committee (NBMC) comprising key government agencies to harmonize the policy priorities across agencies, and to develop related policies on border management.
- Conducted a gap analysis exercise to identify gaps in current immigration laws enacted in 1948.
- Introduction of Biometric Identify Verification for Travel Document Issuance to strengthen the integrity of the travel document issuance process.
- Collection of fingerprints and International Civil Aviation Organization (ICAO) compliant face image and checking against the existing database to avoid duplication of identities.
- Ongoing development of Integrated Border Management (IBM) strategy to establish a cohesive, proactive, intelligence driven approach to border management by border control agencies for achieving greater efficiencies over flow of passengers and goods across the border, while sustaining a balance with national security requirements.

### 3.7 Innovative solutions

- Development and application of Information and Communications Technology (ICT) solutions to ensure effective delivery of government and non-governmental services throughout migration continuum.
Capacity building and provision of tools by the private sector (ex. KML Cables Private Limited) to returnee migrants in occupations such as electricians and plumbers to facilitate self-employment.

Recruitment of returnee migrants in specific sectors like female domestic work and housekeeping by popular hotels chains to facilitate return and reintegration.

Provision of easy accessibility to soft loan schemes to returnee migrants to start self-employment or small businesses.

Conducting skill assessment of returnees under programme on Recognized Prior Learning (RPL).

### 3.8 Recommendations

- Ensure returns and readmissions are carried out safely and effectively in compliance with the International Human Rights Laws and the other relevant laws.
- Improve implementation of readmission agreements and encourage voluntary return.
- Explore sustainability of voluntary return and reintegration programmes conducted directly by the Government with the support of stakeholders.
- Exploring trilateral cooperation on readmission by including other stakeholders.
- Support developing countries to establish and maintain viable alternative options ‘beyond detention’ for irregular migrants, particularly to protect migrant children.
- Develop better dialogue and cooperation between home and countries of destination to ensure dignified and sustainable return process and for provision of assistance for reintegration.
- Enhance training and cooperation on tackling forged documents and identifying vulnerable migrants particularly unaccompanied minors etc.
- Invite Gulf states to participate in the South Asian Association for Regional Cooperation (SAARC) deliberations on labour migration with appropriate intervention strategies for consideration.
- Draw good practices from the Philippines’ Labour Migration Act, in revising the Sri Lanka Bureau of Foreign Employment Act.
- Strengthen country of destination cooperation to improve incentives, gratuity, and end of contract lump sum for successful return and re-integration of migrant workers.
- Introduce more accessible advisory services and guidance on mechanisms for reintegration.
- Offer package of services to break cycle of return and re-migration.
- Provide social security benefits such as a Pension Scheme for returnee migrant workers.
- Motivate returnee migrants into development and utilize their entrepreneurial skills.
- Form local returnee migrant groups and women’s organizations for returnee migrants to target livelihood activities that help returnees utilize skills acquired at country of destination. i.e provision of cleaning / catering / care giving services.
- Change the image of migrants and returnee migrants in society.
- Introduce a national campaign to promote awareness of services and opportunities offered to returnee migrants.
- Consider long term needs of returning migrant workers in return and re-integration policy formulation.
- Improve development potential of returnee migrants.
- Build image of returnees as contributors to development.
- Enhance capacity building in migration governance.
- Include Health stakeholders in the national, regional and global discourse around international cooperation on migration governance.
- Establish an integrated system to monitor progress on migration governance.
- Include provisions for capacity buildings in migration governance in Bilateral Agreements.
- Open or diversify effective and accessible regular migration channels including timely family reunification, labour mobility at all skills levels, education opportunities, and humanitarian admission schemes.
- Improve opportunities for regular pathways for migration through Bilateral Agreements.
- Strengthen information dissemination about regular migration pathways.
- Expand National Labour Migration Policy beyond labour migrants to a comprehensive Migration Policy.
- Strengthen and develop all aspects of the recently established National Border Management Committee.
- Enhance transparency in the implementation of Readmission Agreements.
- Agree on sharing data on migrants in irregular status to encourage return processes.
- Provide opportunity to share data with both sending and receiving countries to make evidence based policies on labour migration.
- Share Advance Passenger Information with relevant border enforcement agencies across home, transit, and countries of destination.
- Expand investment and technical assistance to establish integrated border management system for countries of destination.
- Introduce mandatory requirement for checking boarding passes at immigration clearance upon arrival.
- Introduction of biometrics and iris recognition and cutting edge technology in immigration and emigration clearance at Sri Lankan ports.
- Establish a global standard for sharing of visa information to Airport staff.
- Develop a National Identity Management Strategy.
- Establish an Integrated Border Management (IBM) system.
- Introduce Advanced Passenger Risk Assessment capability to facilitate faster clearance of licit travelers.
- Introduce advanced state-of-the-art technology for border control.
- Promote international cooperation for border management with regional and global institutions and processes.
- Revise the legislation and existing policies to meet the contemporary country’s needs and make use of, exchange, and implement the best practices of migration related decisions identified by the Regional Consultative Processes (i.e. Bali Process).
- Share data between border control agencies, both internally and externally as and when necessary.
Aim for Sri Lanka to sign/ratify the International Labour Organization’s Migration for Employment Convention (C97), Migrant Workers (Supplementary Provisions) Convention (C143), Private Employment Agencies Convention (C181) and Domestic Workers Convention (C189).

3.9 Government actors

- Ministry of Foreign Employment
- Ministry of Foreign Affairs
- Department of Immigration & Emigration
- Ministry of Resettlement
- Labor Migration
- Sri Lanka Police
- Sri Lanka Navy & Coast Guards
- Ministry of Justice
- Information and Communication Technology Agency of Sri Lanka (ICTA)
- Civil Aviation Authority
- Ministry of Health, Nutrition and Indigenous Medicine

3.10 Other actors/ stakeholders

- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- Civil Society

3.11 Related SDGs

- 8.8 – “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants and those in precarious employment.”
- 10.7 - “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”
- 16.2 - “End abuse, exploitation, trafficking and all forms of violence against and torture of children.”
- 16.b - “Promote and enforce non-discriminatory laws and policies for sustainable development.”
Chapter 4: Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits

4.1 Issues discussed

➢ International migration and sustainable development of countries of origin.
➢ Contribution made by migrants to sustainable development.
➢ Interrelationship between migration and development.
➢ Cost of remittances.
➢ Contribution of diaspora to development.

4.2 Priorities

➢ Improve the contribution of migration to development.
➢ Minimize cost of remittances.
➢ Improve diaspora engagement.

4.3 Goals

➢ Improve cooperation among the key stakeholders in the next 2-5 years.
➢ Up-skilling the labour force from low skilled to semi-skilled workers.
➢ Build trust of diaspora in the next 5-10 years.
➢ Minimize transfer costs in formal channels of remitting in the next 2-5 years.
➢ Expand access to regular remittance channels for all migrants regardless of status in the next 2-5 years.
➢ Introduce user-friendly technology/methods for remittance management in the next 2-5 years.
➢ Promote the sharing of detailed disaggregated data on remittances for evidence based policy formulation.
➢ Link migration related priorities with Sustainable Development Goals.

4.4 Challenges

➢ Lack of cooperation among the key stakeholders.
➢ Inadequate recognition of development potential of migrants.
➢ Existence of social stigma associated with specific jobs.
➢ Perpetuation of migration drivers upon return.
➢ Social misconception on the image of migrants in society.
➢ Limited efforts in mainstreaming migration in development planning.
➢ Inadequacy of Bilateral Agreements between the home and countries of destination.
➢ Challenges to build trust of diaspora.
➢ Adverse image of the diaspora among public.
Absence of voting rights for diaspora.
Absence of a comprehensive policy to address the needs of diaspora and to develop strategies to engage with them.
Incoherent monetary policies and their implications on diaspora.
Complex tax structure - resistance to reform, which undermines the possibility of incentives for diaspora.
Limitations in the availability of data on diaspora communities.
Limited knowledge of remittance management among migrant workers at pre-departure stage.
Excessive regulatory frameworks that lead to high transfer costs in formal remitting channels and resulting inclination towards informal channels of remitting.
Difficulty in accounting total remittances due to the significance of informal remittances.
Difficulty in directing remittances for development.
Limitations for irregular migrants to accessing cheaper, safe and regular remittance channels.
Inadequacy of user-friendly technology/methods for remittance management.
Limitations in the availability of data on remittances and gender disaggregated remittance data.

4.5 Existing national/ regional policies

- National Labor Migration Policy
- National Migration Health Policy
- National Human Resource and Employment Policy
- National Decent Work Policy
- Telecommunications Regulatory Commission
- Immigration and Emigration Act
- Monetary Policy
- Exchange Rate Policy

4.6 Existing projects, activities and initiatives

- The Ministry of Foreign Employment has deployed a grass root level administrative mechanism by appointing Migration Development officers to all Divisional Secretariats to collect information on migrant workers and their families left behind. This initiative is effective in identifying the needs of migrant families, and relevant “Development plans” and “care plans” have been introduced.
- Provision of free life and health insurance benefits throughout the contract period for all migrant workers registered with Sri Lanka Bureau of Foreign Employment.
- Sri Lanka Bureau of Foreign Employment provides financial inclusion and literacy training for migrant workers during pre-departure training.
- Private banks provide schemes to enhance financial inclusion of migrant workers and their families.
Sri Lanka’s Chairmanship of the Colombo Process introduced a Thematic Area Working Group on Remittances and there is continued engagement at expert level with this regional consultative process.

- Provision of pre departure orientation by Development Officers of the Ministry of Foreign Employment and Civil Society Organizations to potential migrant workers and their families.
- Regulations at national level to prevent money laundering and to counter financing for terrorism.
- Incentive schemes to attract foreign investment including those from diaspora.
- Developed a National Sustainable Development Framework.

4.7 Innovative solutions

- Implementing welfare measures for families of the migrant workers such as ‘Shramika Surekuma Programme’ that provides loans, financial education, scholarships for children, welfare facility for families of migrant workers.

4.8 Recommendations

- Change the image of migrants in society.
- Introduce media campaigns to improve awareness on contribution of female domestic workers towards development.
- Introduce media campaigns to improve awareness on contribution of remittances towards development.
- Expand recognition for migrants beyond International Migrants Day.
- Ensure absence of politicization of migrants.
- Encourage bilateral arrangements to introduce portable social security, ensure their portability, and their coverage for all migrants including irregular migrants.
- Improve awareness of savings, remittances and remittance management at pre-departure training.
- Strengthen bilateral agreements between host and home countries to harness the benefit of migration for development.
- Introduce strategies to engage with diaspora.
- Introduce strategies to change the public image of the diaspora.
- Introduce voting rights for diaspora.
- Introduce tax holidays and other incentives to diaspora.
- Increase pre departure awareness on possible channels of remittances, their speed, safety aspects etc.
- Discourage informal channels of remitting and incentivize formal channels for remitting.
- Improve awareness and build confidence of technologically modern remittance channels.
- Share available administrative data on gender, destination, and occupation disaggregated remittance data.
Identify the contribution of labour migration to human resource development in country of destination.
Use diaspora for ‘brain gain’, skill transfers and technical assistance.
Offer dual citizenship schemes for diaspora.
Encourage Sri Lankan banks to set up easy remittance system in countries that host large numbers of Sri Lanka migrants.
Enhance transparency and competitiveness among remittance service providers.

4.9 Government actors

- Sri Lanka Foreign Employment Bureau
- Department of Immigration and Emigration
- Ministry of Foreign Affairs
- Ministry Foreign Employment
- Ministry of Finance
- Central Bank of Sri Lanka
- Ministry of National Policy and Economic Development

4.10 Other actors/ stakeholders

- Trade unions
- Recruitment agents
- Financial institutions
- Civil society organizations
- International and national NGOs

4.11 Related SDGs

- Remittance data 10.C- “By 2030, reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent.”
- Recruitment Costs 10.7.1- “Recruitment cost borne by employee as a proportion of yearly income earned in a country of destination.”
Chapter 5: Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including identification, protection and assistance to victims

5.1 Issues discussed

- Human Trafficking
- Migrant Smuggling
- Modern forms of slavery
- Identification of victims of trafficking, smuggling and modern slavery
- Cooperation between institutions involved in border management

5.2 Priorities

- Strengthen enforcement of legislation regulations on human smuggling and trafficking.
- Strategy for victim identification/ data gathering/ reporting.
- Bridge the knowledge gap/ skill gap in labour migration sector.
- Resource mobilization for effective implementation of the mandate of the National Anti-Human Trafficking Task Force.
- Initiate action against the perpetrators.
- Secure convictions.
- Provide maximum protection for the victims of trafficking.

5.3 Goals

- Develop systems/processes to combat/prevent trafficking, protect victims; and prosecute, convict and sentence perpetrators.
- Increase the number of prosecutions conducted for human smuggling/ trafficking related offences.
- Elevate Sri Lanka to tier-1 position and avoid being downgraded to tier-2 Watch position in Trafficking in Persons (TIP) Report through successive implementation of domestic laws/ national initiatives/ international laws.
- Develop a better victim centered care system – to encourage victim protection/ reporting / referral systems.
- Strengthen the legislative structures on human smuggling/ trafficking considering all forms of trafficking/ smuggling.
- Enhance international cooperation to prevent trafficking /smuggling.
- Building public awareness to prevent trafficking and sexual exploitation.
- Enhance pre-departure training programs to cover trafficking, modern slavery, related abuses and even contract violations.
5.4 Challenges

- Lack of legislative basis for interagency cooperation on people smuggling.
- Low capacity of the District level/ national level/ Sri Lanka diplomatic mission officers (attitudes/ perceptions / knowledge / experience / exposure/ training/sensitization) to handle trafficking situations.
- Lack of periodic review of relevance and effectiveness of Government’s efforts made on trafficking and smuggling.
- Limited coverage of components on trafficking, modern slavery, related abuses and contract violations in pre-departure training programs.
- Low levels of awareness among migrants about rights/ responsibilities and contractual obligations of employer and employee.
- Limited awareness among potential victims on protection and assistance mechanisms they can avail themselves of.
- Lack of clarity about the difference between the concepts of human smuggling and human trafficking among law enforcement and local level government.
- Lack of reporting of smuggling/ trafficking related offences.
- Inadequacy in effective implementation of anti- trafficking laws and policies in Sri Lanka.
- Lack of job/economic opportunities at community level makes smuggling an option to seek opportunities overseas.
- Excessive restrictions / rigorous processes/ procedures involved in regular labour migration.
- Difficulties in monitoring and identifying unregistered/ illicit recruitment agencies facilitating smuggling, trafficking and modern slavery.
- Limited efforts in detecting human trafficking cases amongst returnee migrant workers.
- Increased vulnerability to being trafficked due to growing incidence of large-scale displacement triggered by natural or man-made crisis.
- Increase in vulnerabilities such as violence, abuse and exploitation due to the unequal power relationship with smugglers.
- Inability/willingness of victims to seek protection from the state, due to fear of reprisal by perpetrators.
- Lack of options with regard to exit strategies for victims.
- Impersonation and use of counterfeit passports/ multiple identities.
- Limited interaction between recruitment agencies in countries of destination and officials of the Sri Lankan diplomatic missions.
- Lack of prosecution/conviction for trafficking crime in countries of destination.
- Inadequacy in international cooperation on data collection and information sharing.
- Lack of full compliance with international instruments to address trafficking in persons and smuggling of migrants.
- Existence of institutional/legislative gaps to address trafficking and smuggling.
- Lack of victim centered approach.
- Lack of established procedures and protocols in Sri Lanka to handle smuggling cases.
- Absence of public interest litigation on human trafficking.

### 5.5 Existing national/ regional policies

- Enacted the Penal Code (Amendment) Act No. 16 of 2006, which, comprehensively defines the offence of trafficking, exploitation including forced or compulsory labour, slavery, servitude, organ removal, sexual exploitation, or any other act which constitutes an offence under any law.

### 5.6 Existing projects, activities and initiatives

- Introduction of the Five Year National Strategic Plan to Monitor and Combat Human Trafficking in Sri Lanka and its ongoing efforts to combat human trafficking and to regulate the functions of different stakeholders while building collaborative networks to succeed in national efforts to end human trafficking.
- Smuggling Protocol has been incorporated in the new draft of the Immigration Act under a separate chapter.
- Ongoing consular assistance and sheltering facilities for victims at the countries of destination through Sri Lankan diplomatic missions.
- Establishment of a dedicated Anti-human trafficking unit at the Sri Lanka Bureau of Foreign Employment.
- Establishment of a dedicated Anti-human trafficking unit at the Criminal Investigation Division of the Police.
- Ongoing operations of the Sri Lanka Bureau of Foreign Employment at the airport.
- Ongoing activities of the Anti-trafficking task force under the Ministry of Justice, which is the national coordinating body which advises and monitors activities to be implemented in combating human trafficking, co-ordinates key government stakeholders, to increase prosecutions and to improve the protection of victims. The Task Force members meet on a monthly basis to share information and good practices among participants.
- Completed gap analysis exercise to identify gaps in current immigration laws, and ongoing review and revision of Immigration legislation to strengthen laws on human smuggling/ trafficking.
- Grass-root level capacity building/ awareness programmes carried out by Civil Society Organizations.
- Shelter for female and child trafficking victims run by the Ministry of Women and Child Affairs.
Nationwide counter-trafficking information campaign and related training of trainers in the six at risk districts of Anuradhapura, Kurunegala, Nuwara Eliya, Batticaloa & Trincomalee, carried out with the support Ministry of Justice, Australian High Commission and International Organization for Migration.

5.7 Innovative solutions

- Awareness raising to be organized regularly through community level religious institutions.
- Use of social media campaigns to raise awareness of smuggling/trafficking and to promote regular migration.
- Promote regular migration / discourage smuggling/trafficking migration through informative electronic media campaigns.
- Introduce migration into school educational curriculums.
- Develop a forum with policy makers (e.g. Parliamentarians) to discuss migration management.

5.8 Recommendations

- Establish a Parliamentary Committee of Migration.
- Enhance effectiveness of National Anti-Human Trafficking Task Force, with adequate financial resources and capacity building.
- Review and revise the Sri Lanka Bureau of Foreign Employment Act to include sections on combatting trafficking.
- Ratify Smuggling Protocol (subsequent to the introduction of the new Immigration law).
- Provide comprehensive training for migrant workers to raise their awareness on trafficking and modern forms of slavery.
- Carry out continuous consultations with recruitment agencies to identify global trends and changing needs.
- Diversify destinations to include new low risk labor migration markets.
- Develop inter-agency cooperation with regard to countering human smuggling/trafficking.
- Strengthen the tripartite communication between the migrant worker/local agent and international agent from the point of migrant worker deployment.
- Include components on prevention of trafficking/smuggling/modern forms of slavery in all SLBFE training programs offered to prospective migrant workers.
- Develop a platform for continuous stakeholder engagement to monitor trends/changing needs of the sector.
- Introduce regulations to monitor subagents and their activities similar to registered agencies. If this cannot be done, make registered agencies legally and financially accountable for the conduct of sub-agents acting on their behalf.
- Enhance capacity of staff of the relevant government actors to identify and handle trafficking/smuggling/modern forms of slavery.
- Enhance the quality of consular assistance and sheltering facilities provided to victims at countries of destination through Sri Lanka Missions.
- Enhance awareness among officers and public on the offence of trafficking and available services for victims.
- Clarify definition of trafficking to encompass those who entered the country legally, but became irregular and, as a result of their irregular status, face conditions similar to trafficking victims.
- Increase awareness among the Government and Non-Government Agencies of shelter options for trafficked persons.
- Provide trauma counseling for trafficking victims.
- Offer protection and rehabilitation to the victims of trafficking.
- Enhance international cooperation to exchange information and best practices.
- Provide support to victims without criminalizing them.
- Clarify definitions of trafficked person vis-à-vis smuggled person, undocumented migrant.
- Address aspects of trafficking resulting from issues such as contract substitution practiced by employers and recruiters, contract violations and abuses such as modern slavery tactics etc., outside the traditional framework of trafficking.
- Provide flexibility for migrant workers to change the employer following due processes.
- Sign Multilateral Treaties, Bi-lateral Agreements and Memorandum of Understandings between sending and receiving governments for the protection of victims of trafficking, smuggling and modern day slavery.
- Introduce regulations to monitor subagents, investigate and arrest the licensed agents resorting to smuggling, trafficking and modern slavery.
- Include more emphasis on trafficking and smuggling in the agenda of South Asian Association for Regional Cooperation (SAARC).
- Enhance Regional Consultative Processes, Memorandums of Understanding, Bilateral Agreements to address transnational organized crimes on trafficking and smuggling such as the Bali Process.
- Establish and effectively implement national legal frameworks to protect and assist migrants in vulnerable situations in the context of smuggling and trafficking and contemporary forms of slavery, irrespective of their migration status.
- Strengthen capacity of all actors (especially on gender and age responsive) approaches to prevent, identify and respond to exploitation and abuse in the context of smuggling, trafficking and contemporary forms of slavery.
- Enhance collection, sharing, and analysis of disaggregated data, including on the modus operandi and economic models and conditions driving smuggling and trafficking networks.
- Country of destination authorities to monitor the employment of smuggled and trafficked victims.
- Revise composition of the Anti-Human Trafficking Task Force to include participation of all relevant stakeholders.
- Advocate for public interest litigation on human trafficking.
5.9 Government actors

- Ministry of Foreign Employment
- Sri Lanka Bureau of Foreign Employment
- Ministry of Internal Affairs
- National Anti-Human Trafficking Task Force
- Ministry of Labour/Labour Secretariat
- Department of Immigration and Emigration
- Civil Aviation Authority
- Sri Lanka Police (Department of Criminal Investigation, special units on anti-human smuggling/trafficking, Criminal Records Division, Women & Children’s Bureau)
- Ministry of Foreign Affairs
- Sri Lanka Coast Guard
- Ministry of Justice
- Attorney General’s Department
- Ministry of Women and Child Affairs
- National Committee on Women
- National Child Protection Authority
- Department of Probation & Child Care
- Ministry of Social Services & Social Affairs
- Ministry of Defense
- Ministry of Law and Order and Southern Development
- Ministry of Provincial Councils and local Governments
- Information and Communication Technology Agency (ITCA)
- Diplomatic Community
- Chief Judicial Medical Officer
- Human Rights Commission of Sri Lanka
- Ministry of Education

5.10 Other actors/ stakeholders

- Community based organization
- Religious leaders
- Electronic/ print media
- International Labour Organization (ILO)
- International Organization for Migration (IOM)
5.11 Related SDGs

- 5.2. – “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.”
- 8.7- “Take immediate and effective measures to eradicate forced labour, end modern slavery and human.”
- 8.8- “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.”
- 10.7- “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”
- 16.12- “Promote and enforce non-discriminatory laws and policies for sustainable development.”
Chapter 6: Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications, and other relevant measures

6.1 Issues discussed

➢ Regularizing sector specific jobs
➢ Equip semi-skilled and skilled return migrants with advisory services
➢ Implications of irregular migration
➢ Regular pathways
➢ Labour rights of migrants
➢ Safe working and living conditions for migrant workers
➢ Promotion of labour mobility
➢ Recognition of skills, education and qualifications

6.2 Priorities

➢ Understand/identify the possible nexus between policy restrictions on labour migration and irregular migration.
➢ Better regulate recruitment process in home and countries of destination.
➢ Capitalize on outcomes from Regional Consultative Processes, Memorandums of Understandings and Bilateral Agreements.
➢ Improve skills/qualification recognition in home and countries of destination.
➢ Enhance decent working and living conditions at countries of destination.
➢ Harmonize recruitment industry framework.

6.3 Goals

➢ Identify new labour markets in countries of destination countries of destination with better working conditions: 2 - 5 years.
➢ Achieve recognition by all countries of destination for skills acquired by Sri Lankan migrants: 5- 10 years.
➢ Full implementation of Code of Ethical Conduct for recruitment agents.

6.4 Challenges

➢ Difficulty in regulating informal recruitment intermediaries involved in the recruitment process for foreign employment.
➢ Malpractices by informal intermediaries in the recruitment process and their tendency to promote migration via irregular pathways.
➢ Provision of inaccurate information by recruitment agents and informal recruitment intermediaries during the recruitment process and related issues such as exploitation,
abuse, and contract violations that lead to migrants resorting to irregular pathways at countries of destination, despite their entry via regular channels.

- Absence of minimum wages for job classifications.
- Absence of wage protection systems.
- Inadequacy in access to correct information about safe and orderly migration.
- Lack of access to information to make well-informed decisions related to migration at the pre-employment stage.
- Limited information on matching labour market demand and supply in home and country of destination.
- Lack of interest by some international enterprises at countries of destination to provide decent work conditions for migrant workers.
- Excessive expectations of the migrant workers for immediate results at the expenses of high quality long term training programs.
- Limited capacity for labour market research and analysis, and mapping of skills required in each labour market and possibilities to match supply of labour for available opportunities.
- Unregulated activities of recruitment agents / sub-agents, and related differentiated fees being charged.
- Migrants’ limited awareness on the recruitment process as a whole.
- Pre-departure trainings do not target all migrant workers.
- Instances of rejection at the border of Sri Lankan house keepers in some countries, upon entry, despite the processing of a valid visa issued by the country of destination’s Embassy in Sri Lanka.
- Lack of focus of pre-departure training programs on soft skills tailored to the requirements in countries of destination.
- Lack of strategies to assist irregular migrants and migrants in vulnerable situations in finding alternative employment options in home country.
- Capacity gaps in Sri Lankan Diplomatic Missions to support migrant workers in countries of destination.
- Inadequate support from countries of destination to increase accountability of employers/agents and minimize double contracts, inaccurate information about scope of work, and contract violation etc.
- Absence of laws to recognize domestic sector under labour law in some countries of destination.
- Limited opportunities for migrants in irregular status in countries of destination to access health care and protect human rights.
- Absence of laws and policies in countries of destination to ensure decent working conditions for low skilled migrants in Gulf Cooperation Council (GCC), which leads to harassment, and nonpayment of wages, violation of their basic human rights etc.
- Lack of protection to migrant workers after termination of service.
- Lack of awareness among stakeholders on skills standards and recognition.
- Low absorption rates among disadvantaged migrants during pre-departure training programs.
- Countries of destination recognize skills solely based on their country standards.
- Sri Lanka faces the risk to be used as a regional transit hub to circumvent home country restrictions on migration.
- Absence of a mechanism/platform to share labour market information among labour sending and receiving countries.
- Lack of bilateral agreements on grievance handling mechanisms in the country of destination.
- Excessive restrictions imposed on employment visas compared to other types of visas (student/tourist), and related tendency to travel to countries of destination with incorrect visas, especially to circumvent registration with the Sri Lanka Bureau of Foreign Employment.
- Misclassification of refugees as irregular migrants.
- Eliminating migrant worker abuse and reducing high recruitment costs.

6.5 Existing national/ regional policies

- The National Labour Migration Policy's section on ‘Governance’ addresses issues of irregular migration and promotes regular pathways for migration. However, in order to minimize the incidence of irregular migration further coordination is required across stakeholders in the migration process.
- The National Labour Migration Policy's section on ‘Protection and Empowerment of Migrant Workers and their Families’ focuses on decent work and recognition of skills.
- National Advisory Committee on Labour Migration includes most relevant actors. For each priority area, technical working committees are established to follow and review necessary policy issues.
- In 2013, Sri Lanka introduced the Family Background Report (FBR), a policy aimed at reducing the outflow of female migrant workers for vulnerable occupations such as domestic work. The FBR policy has a country/region specific age limits – 25 for those heading to Saudi Arabia, 23 years for rest of the Middle East region, and 21 years for all other countries, is aimed to increase protection of migrants at countries of destination. Despite its best interest, this policy has an unintended implication of increasing irregular migration, as those who are affected by the policy restrictions are reportedly resorting to alternative channels to pursue foreign employment.
- Regulatory functions of the Sri Lanka Bureau of Foreign Employment require recruitment agents to be licensed, and license to be annually reviewed and renewed. Related policies include blacklisting of licensed agents involved in recruitment irregularities. However, the regulatory framework of the Sri Lanka Bureau of Foreign Employment does not encompass informal recruitment intermediaries. Previous efforts by Sri Lanka Bureau of Foreign Employment to issue identification cards to informal recruitment intermediaries through licensed recruitment agents have largely failed.
Currently, an alternative policy framework is being developed to formalize such informal recruitment intermediaries, same is being considered for incorporation in the ongoing revision to the Sri Lanka Bureau of Foreign Employment Act. Other relevant changes considered include incorporating civil society representation in the board of directors of Sri Lanka Bureau of Foreign Employment.

- Sri Lanka Bureau of Foreign Employment oversees pre-departure formalities, departure approvals, pre-departure training welfare, and dispute settlements.
- The National Migration Healthy Policy is applicable to all migrants regardless of their status of migration (regular/irregular/forced/voluntary etc.). However, in its effectiveness is limited by the lack of policy coherence among line ministries.
- From the country of destination aspect, the Musaned (electronic recruitment platforms/e-recruitment) system is implemented in some countries to prevent malpractices in the recruitment process.

### 6.6 Existing projects, activities and initiatives

- Ratified relevant ILO conventions on promoting decent work.
- Signed manpower agreements and Memorandum of Understanding with countries of destination.
- Signed Memorandum of Understanding with Germany on the principles of fair recruitment of personnel for training of geriatric nurses.
- Linked pre-departure training to National Vocational Qualification (NVQ) level qualifications.
- Ongoing skill recognition programmes with collaboration with United Arab Emirates (UAE).
- Ongoing skills development and skills upgrading programmes for prospective migrants and return migrant workers.
- Ongoing efforts to provide effective legal assistance to migrant workers at countries of destination.
- Ongoing awareness programs for district officers.
- Ongoing national level efforts in the regularization of recruitment intermediaries.
- Ongoing implementation of the Code of Ethical Conduct.
- Ongoing pilot projects with countries of destination in Gulf Cooperation Council Countries (GCC) and the Colombo Process Countries which have set best practices in skills development in several identified fields.
- Ongoing Abu Dhabi Dialogue initiatives aimed to enhance transparency and accountability in recruitment for labour migration.
6.7 Innovative solutions

- Provide airport staff access to databases of embassies to verify documentation at time of departure at home country / arrival at the country of destination.
- Effectively use technology to share information across countries about trends in irregular migration and good practices to minimize irregular migration.
- Establish a global standard for sharing of visa information with airport staff.
- Incentives for employers in countries of destination to release migrant workers upon completion of service in line with agreed contract terms and conditions.
- A model Agreement for domestic worker sector deployment between Sri Lanka and UAE is being considered. It is envisaged to reduce abuses in recruitment and enhance protection for migrant workers.
- Introduced ‘Skills Passports’ for universal recognition of skills. This is provided through training under the skills program that will be provided upon assessing the skills and qualification level.
- Established a "Workers' Welfare Fund" to cater the protection and welfare needs of the Migrant workers.
- Sri Lankan Mission in Kuwait has suggested to form a Joint Working Group on Labour, Recruitment and Development of Manpower between Sri Lanka and Kuwait.

6.8 Recommendations

- Re-introduce the requirement for signing employment contract agreement in the presence of the officials of Sri Lanka Bureau of Foreign Employment.
- Enhance support from the Sri Lankan embassies in respective countries of destination.
- Relax excessive regulations where appropriate, and introduce flexible visa regulations in countries of destination.
- Minimum age policy to be reviewed in line with requirements of country of destination.
- Provide alternative opportunities within countries of destination to discourage irregular migration to seek better opportunities.
- Provide awareness on dangers of irregular migration pathways and regular pathways at the grass root level.
- Expand pre-departure information and awareness programmes to disseminate information before individuals decide to migrate (i.e. pre-employment stage).
- Build capacity of Development Officers working at the grass root levels to support better migration decision making towards regular migration pathways and avoid irregular pathways.
- Improve government’s collaboration with civil society organizations to create awareness among migrant communities at the grass root level about irregular migration and their risks.
- Recognize and acknowledge migrant workers who have used a regular pathway and subsequently become irregular migrants for reasons beyond their control and support their re-entry without imposing sanctions or restrictions.
- Enhance international responsibility on sharing information related to labour mobility.
- Develop a framework for international skills and qualification recognition.
- Gain international recognition for skills passport.
- Enhance the effectiveness of available Regional Consultative Processes, to introduce skills development programs conforming to international labour and skills standards.
- Introduce considerations on skills into Bilateral and Regional Arrangements.
- Create an enabling environment for upward mobility in skills development, and create more pathways for regular migration.
- Increase public awareness about Memorandum of Understanding and Government to Government agreements and the opportunities provided by them for regular pathway.
- Enhance the scope of Regional Consultative Processes to play a critical role in monitoring recruitment reforms in countries of destination.
- Introduce strong legally binding contracts between sending and receiving country governments.
- Prescribe model work agreements between labour sending and receiving countries for each skill category and agree on minimum standards for labour protection, the recognition of acquired skills upon return, etc.
- Encourage countries of destination to invest in international qualification standards and trainings in home countries.
- Develop an assessment of the recruitment process to identify gaps and current challenges.
- Review the structure/format/duration/modules of pre-departure training.
- Establish an online mechanism for consulates to have documents of all contracts for verification.
- Use of social media campaigns to raise awareness and to promote regular migration.
- Communication campaigns that are carried out to raise awareness about risks of irregular migration need to address the drivers of migration instead of simply instilling fear through deterrence.
- Promote regular migration/discourage irregular migration through informative electronic media campaigns.
- Introduce migration into school level educational curriculums.
- Develop a forum with policy makers (e.g. Parliamentarians) to discuss high level migration matters.
- Review existing Memorandum of Understanding/agreements on manpower/domestic worker in order to include emerging global labour standards.
- Ensure Migrant Worker Contract uniformity at home and countries of destination through regulatory policy measures.
- Sri Lanka Bureau for Foreign Employment (SLBFE) to become a signatory to contract documents of migrant workers.
- Provide public information on the entire recruitment processes through web and smartphone applications to guide migrants through the recruiting process.
- Introduce fixed and transparent recruiting costs for migrant workers.
Regulate the recruitment industry, its fees, and upfront incentives and introduce effective legal mechanisms to monitor the industry.
Expand awareness of ethical recruitment for migration for both government and non-governmental actors.
Promote standard labour contracts and mutual skill recognition frameworks.
Include migrant workers in labour unions in Sri Lanka and in countries of destination to enhance their collective bargaining powers.
Develop a comprehensive database to capture all information on prospective, in-service and returned migrant workers.
Enhance pre-departure training programs with country specific orientation training.
Introduce simple migrant friendly policies and registration systems in countries of destination to encourage regular migration.
Reward recruitment agencies that deploy fair and ethical recruitment practices and hold them accountable for abuses in the supply chain.
Improve transparency in employer paid recruitment models.
Promote international responsibility in sharing information related to labour mobility.
Encourage country of destination governments to regulate their labour laws to protect migrant workers.
Promote mutual agreement between home and countries of destination on decent work standards for migrant workers.
Enhance pre-departure training to include post arrival orientation at country of destination to provide migrants with necessary and timely access to services (consular, legal, welfare etc.).
Improve involvement of relevant International Organizations to monitor countries of destination’ compliance with international human rights standards and obligations.

6.9 Government actors

- Ministry of Foreign Employment
- Ministry of Foreign Affairs
- Ministry of Finance
- Tertiary and Vocational Education Commission
- Ministry of Labour
- Attorney General’s Department
- Ministry of Justice
- Department of Immigration and Emigration
- Ministry of Women and Child Affairs
- National Child Protection Authority
- Public Administration
- Internal Affairs, Police, Law and Order, Legal aids commission
- Ministry of Social Services
- Ministry of Health, Nutrition and Indigenous Medicine
6.10 Other actors/ stakeholders

- Ministry of Defense
- Social Organizations Networking for Development
- Social Welfare Organization – Ampara District
- Eastern Self-Reliant Community Awakening Organization
- Caritas Seth Sarana
- Plantation Rural Education Development Organization
- Community Development Services in partnership with Center for Human Rights and Community Development
- Caritas SEDEC
- Helvetas Sri Lanka
- International Labour Organization (ILO)
- International Organization for Migration (IOM)
- Employment federations
- Recruitment agencies
- Civil society organization
- Academics/Research organizations
- Lawyers and judges
- Media
- Trade unions
- Financial institutions.

6.11 Related SDGs

- 5.2- “Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.”
- 8.7- “Take Immediate and effective measure to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms” 8.8- “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.”
- 16.3- “Promote the rule of law at the national and international levels and ensure equal access to justice for all.”
- 16.6- “Develop effective, accountable and transparent institutions at all levels.”
- 10.7- “Facilitate orderly, safe and responsible migration and mobility of people including through implementation of planned and well-managed migration policies.”
Chapter 7: Annexes

Annex 1: Agenda

**AGENDA**

**Global Compact on Safe, Orderly and Regular Migration (GCM)**
**National Multi-Stakeholder Consultation**

<table>
<thead>
<tr>
<th>Time</th>
<th>Agenda Item</th>
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<tr>
<td>08.30am-09.00am</td>
<td>Registration</td>
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</table>
| 09.00am-09.05am | Welcome and Inaugural Address  
*Mr. G. S. Withanage, Secretary, Ministry of Foreign Employment* |
| 09.05am-09.10am | Opening Remarks  
*Mr. Giuseppe Crocetti, UN Resident Coordinator a.i. and IOM Chief of Mission, Sri Lanka* |
| 09.10am-09.15am | Special Address  
*Ms. Stéphanie Périllard, Deputy Head of Mission / Head of Chancery Embassy of Switzerland to Sri Lanka and the Maldives* |
| 09.15am-10.15am | Presentation on the ‘Summary of Collated Responses on the Stakeholder Input Collection Form’  
*Dr. Bilesha Weeraratne, IOM Consultant for GCM* |
| 10.15am-10.30am | Tea break                                                                   |
| 10.30am-12.30pm | Group Discussions on Thematic Areas                                        |
| 12.30pm-01.30pm | Lunch Break                                                                 |
| 01.30pm-03.30pm | Presentation of Group Discussions on Thematic Areas                         |
| 03.30pm-04.00pm | Wrap-up and Way forward  
*Dr. Bilesha Weeraratne, IOM Consultant for GCM* |
| 04.00pm onwards | Refreshments                                                                |
Annex 2: List of Attendees

**Govt. Institutions**

1. Mr. G. S. Withanage, Secretary, Ministry of Foreign Employment
2. Ms. Yamuna Perera, Additional Secretary, Ministry of Foreign Employment
3. Ms. H. C. D. De Zoysa, Legal Officer, Ministry of Women and Child Affairs
4. Ms. Kalani Gamage, Manager (Training), Sri Lanka Bureau of Foreign Employment
5. Ms. D. L. Sanasooriya, Senior Assistant Secretary, Ministry of Foreign Employment
6. Ms. Asansa Randewa, Development Officer, Ministry of Foreign Employment
7. Mr. J. M. Thilakarathna Banda, Additional Secretary, Ministry of Transport and Civil Aviation
8. Mr. K. M. Randeniya, Deputy General Manager, Sri Lanka Bureau of Foreign Employment
9. Ms. Maheeka Leelaratne, Development Officer, Ministry of Foreign Employment
10. Ms. Priyanka Perera, Asst. Secretary, Ministry of Skills Development and Vocational Training
11. Ms. R. V. K. Hettige, SAS (Legal) Ministry of Justice
12. Mr. P. H. A. Wimalaweera, Director Management, Ministry of Disaster Management
13. Representative from the Ministry of Foreign Affairs
14. Mr. M. Ramamoorthy, Director, Ministry of Social Empowerment and Welfare
16. Mr. P. M. Rathnasinghe, Manager, Sri Lanka Bureau of Foreign Employment
17. Mr. W. M. V. Wansekara, Additional General Manager, Sri Lanka Bureau of Foreign Employment
18. Mr. L. M. K. Muthukumarana, Deputy General Manager (Legal), Sri Lanka Bureau of Foreign Employment
19. Mr. Rasika Jayasinghe, Manager, Sri Lanka Bureau of Foreign Employment
20. Mr. Ifham Jabir, Asst. Director, Dept. of National Budget
21. Mr. Dayanantha, Legal Officer, Ministry of Disaster Management
22. Ms. M.M.Sandya Sweety, Manager (Reintegration), Sri Lanka Bureau of Foreign Employment
23. Mr. Dashitha Niroshana, Deputy Controller, Dept. of Immigration and Emigration
24. Ms. B. Piume, Asst. Director, Ministry of Mahaweli Development and Environment
25. Ms. Padmini Ratnayake, Advisor, Ministry of Foreign Employment
26. Mr. R.D. Jaminda, Deputy Controller, Dept. of Immigration and Emigration
Other Stakeholders

1. Ms. Stéphanie Périllard, Deputy Head of Mission / Head of Chancery Embassy of Switzerland to Sri Lanka and the Maldives
2. Mr. Giuseppe Crocetti, UN Resident Coordinator a.i. and IOM Chief of Mission, Sri Lanka
3. Ms. Nirosha Hettiarachchi, Monitoring and Evaluation Officer, Saviya Development Foundation (SDF)
4. Ms. Esther Marthaler, Advisor, Helvetas
5. Representative, United National Organization for Foreign Employment Agencies (UNOFEA)
6. Mr. M. Sundaralingam, Director Legal, National Trade Union Federation (NTUF)
7. Mr. M. Umachandran, Lanka Jathika Estate Workers Union (LJEWU)
8. Ms. Yashodha Hettiarachchi, Research Student, University of Colombo
9. Mr. Senthurajah, Executive Director, Social Organizations Networking for Development (SOND)
10. Ms. Nayomi Silva, Manager- Advocacy, LEADS
11. Mr. Benil Thavarasa, National Programme Manager, Swiss Agency for Development and Cooperation (SDC)
12. Mr. Gavin Dissanayake, Project Officer, Institute of Policy Studies
13. Mr. K. Marimuthu, Vice President, Ceylon Workers Congress
14. Mr. Ruchira Gunasekera, Programme Coordinator, Lawyers beyond borders- Sri Lanka Chapter
15. Dr. Neela Gunasekera, Former Chairperson, Sarvodaya
16. Dr. Sunethra. J. Perera, Head Dept. of Demography, University of Colombo
17. Ms. I. M. Naushya, Recruiting Agency
18. Mr. M. F. M. Arshad, Director Secretary, Ibrahim Enterprises Pvt Ltd.
19. Mr. Sujeewa Lal Dahanayake, Coordinator, Lawyers beyond borders- Sri Lanka Chapter
20. Ms. Miyuru Gunasinghe, Program Officer, Solidarity Center
21. Ms. Ishane Deshika, Project Coordinator, Sarvodaya Women’s Movement
22. Ms. Madushika Lansakara, National Programme Officer, Swiss Agency for Development and Cooperation (SDC)
23. Mr. Ariyathilaka, Manager, Upcountry Manpower Agency Pvt Ltd.
24. Mr. Parakrama Dahanayake, Interpreter
25. Mr. S. Subramanium, Interpreter
26. Mr. A. Thibojan, Interpreter
27. Ms. A. Niro, Interpreter
28. Mr. Dilanja, Interpreter
29. Mr. Roshan, Web Developer, Institute for Policy Studies
30. Ms. Shahira, Managing Director, UNOFEA
31. Mr. George Perera, UNOFEA
32. Rev. Sr. Susuila Thomas, Good Shepherd Sisters- Nayakkanda
33. Mr. F. N. Sheffa, Managing Partner
34. Mr. Yu Hwa Li, Senior Executive Manager, Caritas Sedec
35. Mr. Ravi Sandrasekera, Director International Relations, Ceylon Workers Congress
36. Ms. Chandula Kumbukage, Project Officer, Helvetas Swiss Intercooperation
37. Mr. Nadeesh Jayasinghe, Research Assistant, Centre for Women's Research (CENWOR)
38. Mr. Ranjan Weethhasinghe, Senior Manager- Child Protection and Child Rights Governance, Save the Children
39. Mr. Andrew Samuel, Executive Director, Community Development Services (CDS)
40. Mr. F. M. Fanoo, Managing Director, Trans World Agency
41. Mr. M. Umachandran, Lanka Jathika Estate Workers Union (LJEWU)
42. Dr. Susie Perera, Director, Ministry of Health, Nutrition and Indigenous Medicine
43. Ms. Lihini Ratwatte, Consultant- Gender, UNFPA
44. Ms. Ritsu Nacken, Representative, UNFPA
45. Ms. Meneque Amarasinghe, Associate Protection Officer, UNHCR
46. Ms. Dhansanmni Fernando, Executive Assistant, UNHCR
47. Ms. Avanthi Kalanasooriya, Project Officer, UN Women
48. Ms. Aaranya Rajasningham, Communications Specialist, UNDP
49. Ms. SongHa Chae, Child Protection, UNICEF
50. Ms. R. Rathnayake, Operations Officer, FAO
51. Ms. Swaari Rupasinghe, National Programme Officer, ILO
52. Mr. Shantha Kulasekera, Head of Migration Governance, IOM
53. Mr. Wegdam Jan-Willem, Disaster Management, IOM
54. Mr. Priyantha Kulathunge, National Programme Officer, IOM
55. Dr. Bilesha Weeraratne, Institute of Policy Studies
56. Ms. Sashini Gomez, Project Assistant, IOM
57. Mr. Chanaka Herath, Project Assistant, IOM
58. Ms. Amritha Muttiah, Project Assistant, IOM
Annex 3: Breakout Group Discussion Summary Form

1. Issues addressed and relevance: What issues were addressed in the meeting and why are they relevant for your country/region?

2. Priorities: What are the priorities of your country/region with regards to this issue that were identified during the discussion?

3. Goals: What are the goals your country/region wants to set for the next 2-5-10 years? (And what is the desired timeline for those goals?)

4. Challenges and gaps: What country-specific and/or region-specific challenges and gaps on this issue were identified during the discussion?

5. Existing Policies: Which of the existing national/regional policies that were identified work? Which don't work?

6. Existing projects: Which existing projects, activities, and/or initiatives identified during the meeting can be considered effective practices?

7. Innovative approaches: In addition to existing policies or projects, please describe other innovative solutions to tackle this issue that were raised.

8. Recommendations and Implementation: What recommendations were made on the issues addressed during the meeting? What implementation mechanism were discussed?

9. Government Actors: Who are the relevant ministries, agencies, or other governmental entities working on this issue?

10. Non-Government Actors: Which key non-governmental actors/stakeholders (including NGOs, private sector, academia, etc.) were identified as possible actors to cooperate with in working towards the goals for this issue?

11. Links to SDGs: Please describe how addressing this issue can support the implementation of the migration-related SDGs (or of those SDGs not directly related to migration, but that could be related, e.g., SDGs on health and education).
Annex 4: Stakeholder Input Collection Form

GLOBAL COMPACT FOR MIGRATION (GCM)

STAKEHOLDER INPUT COLLECTION FORM

ORGANIZATION NAME: 
SUBMITTED BY (NAME): 
DATE OF SUBMISSION: 

**Please attach a separate sheet of paper to provide your inputs with the number and title of the respective thematic area.

<table>
<thead>
<tr>
<th>Thematic Areas</th>
<th>Related existing Policies and Regulations</th>
<th>Challenges</th>
<th>Recommendations/Good Practices</th>
<th>Any other Remarks</th>
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<tbody>
<tr>
<td>(i) Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance</td>
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<tr>
<td>(ii) Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution</td>
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<td>(iii) International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration</td>
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<td>(iv) Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits</td>
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<td>(v) Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficked victims</td>
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<td>(vi) Irregular migration and regular pathways, including decent work, labor mobility, recognition of skills and qualifications, and other relevant measures</td>
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