



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**

**List of issues prior to the submission of the second periodic
report of Sri Lanka***

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, at its fourteenth session in April 2011 (A/66/48, para. 26), established a procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its report. The replies of the State party to the list of issues constitute its report under article 73, paragraph 1, of the Convention.

A list of issues may also be transmitted to a State party in cases where the Committee decides to examine the implementation of the Convention in accordance with rule 31 bis of the provisional rules of procedure (A/67/48, paras. 25-26).

* Adopted by the Committee at its eighteenth session (15-26 April 2013).

I. General information

1. Please provide disaggregated statistical data and information on migration flows and their characteristics. Please also provide statistical data or, if precise data is not available, data based on studies or estimates, with regard to migrant workers in an irregular situation.
2. In the light of the concerns and recommendations issued by the Committee (CMW/C/LKA/CO/1, para. 22), please indicate the progress made by the State party in developing a harmonized mechanism for gathering, processing and analysing disaggregated data on foreign migrant workers in Sri Lanka, and, in improving data collection, including through studies and estimates, on Sri Lankan migrants abroad in irregular situations.
3. Please provide information on the implementation of the 2008 National Labour Migration Policy, including its budget, coordination, monitoring and evaluation processes, as well as its impact on the rights of migrant workers, including foreign migrant workers, and their families (CMW/C/LKA/CO/1, para. 7). Please elaborate on the factors and difficulties, if any, affecting the implementation of this policy.
4. Please clarify what progress has been made with regard to harmonizing the State party's legislation with the provisions of the Convention (CMW/C/LKA/CO/1, para. 14). Please also indicate whether the Convention has been invoked in the courts or before the administrative authorities of the State party and provide examples, if any.
5. Please indicate any steps taken towards making the declarations provided for in articles 76 and 77 of the Convention, recognizing the competence of the Committee to receive communications from States parties and individuals (CMW/C/LKA/CO/1, para. 16). Please also explain whether the State party has taken any steps towards ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as recommended by the Committee in its previous concluding observations (CMW/C/LKA/CO/1, paras. 19-20), and ILO Convention No. 189 (2011) concerning decent work for domestic workers.
6. Please inform the Committee of the mechanisms put in place by the State party to consult and involve migrants, migrant rights groups and other relevant NGOs in the design and implementation of policies on migration. In this regard, please also indicate whether migrant rights groups are represented on the Board of Directors of the Sri Lanka Bureau of Foreign Employment (SLBFE) and if not, please describe how the State party ensures that their voices are adequately represented in the SLBFE. Please also indicate whether the State party involved NGOs in the preparation of the replies to the present list of issues.

II. Information relating to the articles of the Convention

A. General principles

Articles 7, 37 and 83

7. In light of the recommendations issued by the Committee (CMW/C/LKA/CO/1, para. 26), please provide updated information on the measures taken, including proposed and adopted constitutional and legislative amendments, to guarantee migrant workers and members of their families protection from discrimination, in accordance with article 7 of the Convention.
8. Please provide detailed information on the roles of the Sri Lankan embassies, consulates and labour attachés in supporting and assisting migrant workers and their

families abroad alleging abuse, especially women domestic workers in the Middle East, including through the provision of appropriate shelter, legal assistance, recovery of unpaid wages and other support services. Please also provide information on the legal and other measures taken to ensure that the Sri Lankan diplomatic and consular staff abroad are adequately trained on laws and procedures of the countries of employment of Sri Lankan migrant workers.

9. Please explain the procedures established by the State party to monitor the situation of Sri Lankan migrant workers in detention centres and prisons across all host countries, and to ensure that they have effective access to justice and are not subject to physical and sexual abuse. In this context, please describe how the SLBFE, the Ministry of Foreign Employment Promotion and Welfare (MFEPW), the Ministry of Foreign Affairs and Sri Lankan diplomatic missions coordinate their monitoring and protection activities.

10. Please provide information on the mandate and activities of the National Human Rights Commission (NHRC) of Sri Lanka in promoting and protecting the rights of migrant workers and members of their families. In this regard, please also indicate the actions taken to ensure the independence of the NHRC, as recommended during the Universal Periodic Review in 2012

11. Please provide information on the existing complaint procedures and mechanisms in the State party and in Sri Lankan diplomatic missions through which Sri Lankan migrant workers or prospective migrant domestic workers and their families can seek redress if they are abused or exploited in the host countries or in Sri Lanka. Please elaborate on the measures taken to better publicize such mechanisms and services.

12. With reference to the Workmen's Compensation (Amendment) Act, No. 10 of 2005, which increased the maximum amount of compensation from 250,000 SLRs to 500,000 SLRs, please clarify whether all migrant workers, including foreign migrant workers benefit from the Workmen's Compensation Ordinance, and if so, please provide the number of workers compensated under this Ordinance, including migrant domestic workers.

B. Part III of the Convention

Articles 8 and 9

13. In light of the Committee's previous concluding observations (CMW/C/LKA/CO/1, paras. 51-52), please clarify whether those who irregularly leave or enter Sri Lankan territory are still penalized for the crime of "illegal migration". Please also comment on reports according to which migrants and rejected asylum seekers who returned to Sri Lanka have been subject to arbitrary detention, torture and other serious human rights abuses in the State party. Please explain whether such allegations have been independently investigated.

Articles 10 and 11

14. Please provide information on the measures taken to protect migrant women and children, especially those in irregular situations, from economic and sexual exploitation and other forms of abuse, including trafficking into forced labour, debt bondage and situations of captivity, during the recruitment stage as well as while working in the destination countries.

Articles 16 and 25

15. In the wake of the execution of Rizana Nafeek, a Sri Lankan domestic worker, in January 2013, and regular reports of exploitation and abuse against Sri Lankan migrant domestic workers in host countries, particularly in Saudi Arabia and other countries in the Middle East, please provide detailed information on the measures taken by the State party to ensure a comprehensive response to these individual cases, particularly by:

(a) Implementing systematic reforms to prevent such abuses, including on endeavours to negotiate a review of the “sponsorship” or *kafalah* system with the relevant countries of destination;

(b) Negotiating more secure employment opportunities and enforceable contracts for women in vulnerable sectors, through regional and bilateral agreements in those countries where discriminatory treatment and abuse are more frequent;

(c) Carrying out gender training and sensitization for Government staff dealing with migration issues, in particular those providing legal and consular assistance to Sri Lankan nationals abroad seeking justice against abuse in the workplace;

(d) Increasing awareness among Sri Lankan migrant workers, especially women domestic workers, on the available mechanism for bringing complaints against employers, so that all abuses can be investigated and punished;

(e) Liaising with local and international partner networks to provide services and support to migrants and to advocate for the rights of migrant workers.

16. In light of the concerns and recommendations issued by the Committee on Economic, Social and Cultural Rights (E/C.12/LKA/CO/2-4, para. 21), the Committee on the Rights of the Child (CRC/C/LKA/CO/3-4, paras. 44-45) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/LKA/CO/7, para. 35), please indicate the measures taken to increase and ensure equal employment opportunities for prospective Sri Lankan women migrant workers within the State party with guarantees of equal remuneration, including through temporary special measures aimed at eliminating both horizontal and vertical occupational segregation.

17. In light of the Committee’s previous concluding observations with regard to programmes and training (CMW/C/LKA/CO/1, paras. 12 and 24), please provide information on the efforts made by the State party to publicize the provisions of the Convention to migrant workers and their families. Please also indicate the measures taken to ensure that professionals working with or for migrants, in particular public officials, such as border police officers, immigration officials, embassy and consulate officials, social workers, judges, prosecutors and relevant Government officials are adequately and systematically trained on the Convention and migrants’ rights.

C. Part IV of the Convention

Articles 26 and 40

18. Please provide information on the measures taken to guarantee and protect the right to peaceful assembly and association and freedom to form and join trade unions for migrant workers and members of their families, in accordance with articles 26 and 40 of the Convention (CMW/C/LKA/CO/1, para. 26).

Article 41

19. Please provide information on the steps taken by the State party to ensure that Sri Lankan migrants working abroad have the possibility to register, vote and be elected in elections in Sri Lanka (CMW/C/LKA/CO/1, para. 34).

D. Part VI of the Convention**Article 65**

20. Please provide information on the efforts made to enhance the pre-departure training programme for Sri Lankan workers, particularly for migrant domestic workers. In this regard, please indicate if such programs include detailed information about mechanisms for redress and for lodging complaints against recruitment agents, subagents and/or other intermediaries who violate the law.

21. Please indicate whether the State party has carried out a comprehensive assessment to identify the causes of high female labour migration and the physical, psychological and social impact of migration on the rights and well-being of children and families left behind, as well as of the women themselves. Please also describe the progress made in developing and implementing strategies, policies and programmes, in collaboration with NGOs, to ensure that the rights of migrant workers' children left behind in the home country are protected.

Articles 66 and 68

22. Please provide information on the measures taken, including legislation, to strengthen regulation and rigorous monitoring of labour agencies and subagencies to protect migrant workers and prospective migrant workers, both in the State party and after their arrival in the host countries. Please also describe the criminal and civil penalties against recruitment agencies and subagencies found to be violating regulations, including falsification of documents, recruitment of children, charging excessive recruitment fees, and dissemination of inaccurate information relating to emigration and immigration.

23. Please provide information for the period 2010 to 2013 on:

(a) The number of complaints, including pre-departure complaints from migrant workers and prospective migrant workers, received by:

(i) The Sri Lanka Bureau of Foreign Employment (SLBFE);

(ii) The National Human Rights Commission (NHRC) of Sri Lanka against recruiting agencies and subagencies;

(b) The number of recruitment agencies and subagencies found responsible for abuse of migrant workers as well as the nature of penalties, including suspension and cancellation of license, imposed for such abuse and misconduct..

24. Please provide detailed information on the phenomena of human trafficking and human smuggling in the State party. Please also elaborate on the steps taken to combat all forms of trafficking in persons, particularly women and children, including through increased international, regional and bilateral cooperation with countries of transit and destination, and prosecution of individuals involved in trafficking.

Article 67

25. In light of the Committee's previous recommendations (CMW/C/LKA/CO/1, para. 46), please indicate the steps taken by the State party to:

- (a) Improve the reintegration of migrant workers and members of their families, including women migrant workers, through guarantees of equal employment opportunities;
- (b) Strengthen dissemination of information on SLBFE's Workers Welfare Fund and its insurance scheme to migrant workers and prospective migrant workers.

In this regard, please also indicate how the SLBFE operates and coordinates its activities with other relevant institutions to promote the voluntary return and reintegration of Sri Lankan migrant workers, as well as provide information on the budget allocated to the SLBFE for repatriation and reintegration of migrant workers.

26. Please describe the procedure and mechanism for the repatriation of Sri Lankan migrant workers to Sri Lanka, and indicate if bilateral or multilateral agreements facilitate voluntary return and reintegration of migrant workers.

III. Additional information

27. Please provide updated statistical data, disaggregated by age, geographic location, and socio-economic status, for the period 2010 to 2013 on:

- (a) The number of women and girls migrating to countries in the Middle East;
- (b) The number of women and girls migrating to other countries;
- (c) The reported number and nature of allegations of abuse against migrant domestic workers in host countries;
- (d) The number of migrant domestic workers imprisoned or detained for immigration violations since 2010 (or the most recent years for which statistics are available);
- (e) The reported number of deaths of migrant workers in host countries, disaggregated by gender, work sector and reported cause of death;
- (f) The number of investigations launched by Sri Lankan embassies into the reported cases of abuse and deaths of workers.

28. Please provide any additional information on measures adopted since the Committee's consideration of the State party's initial report in 2009 to implement the Convention and the Committee's previous concluding observations (CMW/C/LKA/CO/1), including relevant disaggregated statistical data, as well as information on any other important developments in the State party relating to the provisions of the Convention.

29. Please also provide information on the steps taken to widely disseminate the previous concluding observations to the general public, Government agencies, Parliament, the judiciary, immigration authorities, Sri Lankan embassies and consulates, non-governmental organizations and other members of civil society, and to make them known to Sri Lankan migrants abroad and foreign migrant workers residing or in transit in the State party.
