



**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  
Tenth session, 20 April – 1 May 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 73 OF THE CONVENTION**

**List of issues to be taken up in connection with the consideration of the initial report of  
Sri Lanka (CMW/C/LKA/1)**

**I. GENERAL INFORMATION**

1. Please provide updated data or, in the absence of such data, official estimates with regard to the numbers of migrant workers, including those who are non-documented or in an irregular situation and migrants in transit in the State party's territory, disaggregated by gender, age, nationality and ethnic origin.
2. Please indicate the rank of the Convention in domestic law and provide examples of cases, if any, in which the Convention was directly applied by national courts or administrative authorities.
3. Please specify progress in the process of harmonizing national legislation on migration with the Convention and provide more detailed and updated information on specific legislative, administrative, judicial or other measures taken to implement the provisions of the Convention following its ratification by the State party.
4. Please describe the role, if any, of non-governmental organizations in the implementation of the Convention and in the preparation of the State party's report (see the Committee's provisional guidelines regarding the form and content of initial reports, paragraph 3 (d)).

5. Please explain whether domestic legislation provides for the application of the Convention to refugees and stateless persons (art. 3 (d) of the Convention).

6. Please provide information on the steps taken by the State party to promote and publicize the Convention, and to increase awareness and understanding of its provisions, among migrant workers and members of their families in the territory of the State party, its nationals intending to migrate abroad, State employees and the general public. Has the Convention been translated into the national language? Please also indicate whether specific training programmes on the Convention are implemented for relevant public officials, such as border police officers, embassy and consulate officials and social workers, but also judges, prosecutors and relevant government officials.

7. Please indicate whether there are studies or data on the impact of migration on families, and particularly on children in the State party, especially with respect to (a) unaccompanied children migrating in search of better opportunities; (b) children who may be left behind by their parents.

## **II. INFORMATION RELATING TO THE ARTICLES OF THE CONVENTION**

### **(a) General principles**

8. Please clarify whether relevant national legislation ensuring to all migrant workers and members of their families the rights provided for in the Convention without distinction of any kind covers all the prohibited grounds of discrimination enumerated in articles 1, paragraph 1, and 7 of the Convention, including language, national, ethnic or social origin, nationality, age, economic position, property, marital status and birth or other status.

9. Please explain how migrant workers and members of their families, including those in an undocumented situation, can in practice exercise their right to an effective remedy in accordance with article 83 of the Convention and specify which judicial, administrative, legislative or other authorities are competent to receive complaints of alleged violations of migrant workers' rights.

### **(b) Part III of the Convention Article 8**

10. Please provide further information on the laws and regulations governing the expulsion of migrant workers and members of their families from Sri Lanka, including the right to review the expulsion decision.

### **Article 23**

11. Please provide information on the role of labour welfare officers attached to consulates and on measures taken to ensure that they receive appropriate training to provide assistance to migrant workers and their families living abroad, including adequate knowledge of the local language and of the labour laws of the labour receiving country in which they are posted. Please

also provide information on whether and how Sri Lankan migrant workers and members of their families are made aware of the consular services that are available to them, including the right to have recourse to consular assistance in the case of detention or expulsion.

#### **Article 27**

12. Please provide details on the welfare fund for migrant workers, including its use and how many migrant workers benefit from the fund (see paragraph 42(f) of the State party's report). Please also provide details on the insurance scheme for Sri Lankan migrant workers (see paragraphs 218 to 220 of the State party's report), including any difficulties Sri Lankan migrant workers abroad might have in renewing their membership, and on the pension scheme for migrant workers (see paragraphs 221 to 222 of the State party's report), including how many migrants are covered under the schemes and how many migrant workers have received benefits since the schemes were set up.

#### **Article 28**

13. Please clarify to what extent migrant workers and members of their families who are non-documented or in an irregular situation have access to health care. Please provide information on any measure taken by the State party to ensure the right of irregular migrant workers and members of their families to receive urgent medical care.

#### **Article 30**

14. Please explain whether the children of migrant workers, whether documented or in an undocumented situation, have the right to access to education and how this right is implemented in practice. Please provide statistical data on the enrolment of children of migrant workers at the primary, secondary and tertiary levels of education.

#### **Article 33**

15. Please provide further information as to how the State party informs Sri Lankan nationals wishing to migrate abroad about their rights arising out of the Convention, their rights and obligations in the State of employment, and any other information that would facilitate their integration in the State of employment. In this regard, please also provide further information on pre-departure orientation and other services that are made available to migrant workers by the State party.

16. Please provide further information on the current status of the eight pilot regional Migrant Information and Services Desks (MISDs) established in the offices of the SLBFE District Centres. In particular, please provide information on what services the MISDs offer to migrant workers and how many migrant workers have benefited from these services.

**(c) Part IV of the Convention**  
**Article 40**

17. Article 14 (1) (c) and (d) of the Constitution of Sri Lanka guarantees freedom of association and the right to join and form a trade union to every citizen of Sri Lanka. Please clarify whether documented migrant workers have the right to join and form associations and trade unions.

**Article 41**

18. Please provide updated information on the current situation regarding the exercise of the right to vote by Sri Lankan migrant workers and members of their families living abroad and how the exercise of this right overseas is facilitated. Please also clarify whether Sri Lankan migrant workers have the right to be elected at elections held in the State party.

**Article 42**

19. Please provide further information on the new policy framework initiated by the Ministry of Foreign Employment Promotion and Welfare and approved by the Cabinet of Ministers in February 2007.

20. Please clarify:

- (a) Whether migrant workers are represented in institutions created to address their special needs, such as the Sri Lanka Bureau of Foreign Employment and the Ministry for Foreign Employment Promotion and Welfare. If so, please briefly provide information on their role within these institutions;
- (b) To what extent the State party facilitates the consultation or participation of foreign migrant workers and members of their families in Sri Lanka in decisions concerning the life and administration of local communities.

**Article 44**

21. Please provide information on measures, if any, taken by the State party to protect the unity of the families of migrant workers, whether the families of Sri Lankan migrant workers who have gone abroad or of foreign migrant workers in Sri Lanka.

**Article 46**

22. Please indicate whether Sri Lankan migrant workers enjoy exemption from import duties and taxes in respect of their personal and household effects upon their final return.

**Article 47**

23. Please provide further information on remittances transferred by Sri Lankan migrant workers abroad. Are any taxes levied on incoming remittances? Please provide information on

any measures adopted to facilitate transfers of migrant workers' earnings and savings to Sri Lanka including any agreement to reduce the cost of such transactions for migrant workers.

**(e) Part VI of the Convention**  
**Article 64**

24. Please provide detailed and updated information on the bilateral and multilateral agreements, including memoranda of understanding, concluded in the field of migration, in particular temporary labour, programmes and other agreements concerning employment, protection, double taxation, social security, readmission, return, etc.

**Article 65**

25. Please provide information on the measures taken by the State party to ensure that its migration control measures safeguard the rights of migrant workers, as well as other vulnerable groups, such as asylum-seekers, children and victims of trafficking. Please also indicate whether there is any mechanism to facilitate the identification of victims of trafficking, particularly among migrant workers.

26. With respect to paragraph 260 of the State party's report, please provide further details about the services provided by embassies and consulates to migrant workers, including how many migrants have benefited from their services, under what circumstances these services have been provided, and any problems or obstacles encountered by the State party in the provision of these services.

**Article 66**

27. Please provide further information on (a) the ways and means by which Sri Lankan nationals, in particular women and domestic workers, are typically recruited for work in foreign countries and (b) the measures taken to regulate recruitment activities within the State party of Sri Lankan nationals for employment abroad. Please also provide details about the raids carried out against illegal recruiting agencies (see paragraph 47 of the State party's report (CMW/C/LKA/1)).

**Article 67**

28. Please provide information on the number of returning Sri Lankan migrant workers. Please also provide further details on the Reintegration Programme formulated by the Sri Lanka Bureau of Foreign Employment for returning migrant workers.

**Article 68**

29. Please provide information on measures taken to prevent illegal or clandestine movements of migrant workers and members of their families, including through organized smuggling, especially of children. In this context, what measures has the State party taken against the dissemination of misleading information by smuggling, trafficking or other criminal

networks? Please provide information on migrant workers, if any, who transit through the State party, in particular with regard to their protection from all forms of criminal networks.

30. Please provide information on the number of persons trafficked to, from, in transit through and within the State party since 1 July 2003, disaggregated by sex, age, and nationality and purpose of trafficking. If no precise numbers are available, please provide estimates. Please provide detailed information on cases where persons were convicted of crimes related to trafficking in human beings and smuggling of migrants.

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