



**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**

**Information received from Sri Lanka on follow-up to the  
concluding observations on its second periodic report\*\***

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\* Reissued for technical reasons on 14 March 2022.  
\*\* The present document is being issued without formal editing.



## **I. Information on the implementation of paragraph 9 of the concluding observations (CMW/C/LKA/CO/2)**

1. The draft Employment Migration Authority Bill did not proceed due to various practical issues pointed out by the Ministry of Justice:

- Difficulty in establishing four corporate bodies through one Bill;
- Overlapping objects and powers of the bodies;
- The role of the proposed Authority vis-à-vis other entities;
- Some activities envisaged not being within the mandate of the subject Ministry.

2. Accordingly, Sri Lanka continues with the existing Sri Lanka Bureau of Foreign Employment (SLBFE) Act No 21 of 1985, which is now being reviewed for amendments required for promotion and protection of the rights of migrant workers and their family members. Adequate provisions have been made under the SLBFE Act to institute legal action against the illegal operators and to streamline irregular migration for employment. The revised SLBFE Act, once the proposed amendments are enacted, would further strengthen the protection and well-being of the migrant workers and their family members, especially by recognizing the role of intermediaries, introducing social protection schemes, implementing return and reintegration sub-policy and a code of ethical conduct for licensed recruitment agencies.

3. Apart from the compulsory pre-departure training programmes, the SLBFE has been conducting awareness programmes island-wide on safe migration, benefits of registration with the SLBFE, risks associated with irregular migration, importance of planned migration for family well-being, roles and responsibilities of migrant workers etc., to ensure safe, orderly and regular migration for employment.

## **II. Information on the implementation of paragraph 11 of the concluding observations**

4. Being predominantly a labour-sending country, Sri Lanka would give further consideration with regard to this recommendation of the Committee. In this respect, the developments pertaining to labour-receiving countries increasingly becoming party to the Convention will have to be taken into account, in order to avoid uneven situations that may not be favourable to the sending countries in the long term.

## **III. Information on the implementation of paragraph 37 of the concluding observations**

5. While the right to form and join a trade union is applicable to citizens, it should be emphasized that the constitutional guarantees of equal protection extends to all persons in terms of Article 12 (1) of the Constitution. Articles 10, 11, and 13 of the Constitution also guarantee fundamental rights to all persons, including non-citizens. Any foreign migrant worker has the right and access to legal protection and coverage under the labour legislation of Sri Lanka without discrimination. Further, the collective bargaining agreements arrived at by trade unions and respective employers are applicable to all employees despite their citizenship. Therefore, it can be inferred that the labour rights of foreign workers are also protected by existing legislation.

#### **IV. Information on the implementation of paragraph 45 of the concluding observations**

6. The ‘Select Committee of Parliament to look into and report on the possibility of enabling Sri Lankans employed overseas to exercise their franchise in future elections and matters incidental thereto’ was appointed on 17 November 2016.
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