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► Emergency evacuation response plan for Sri Lankan migrants



► **Emergency evacuation response plan for
Sri Lankan migrants**

Final report 2024

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- Ministry of Health
- Ministry of Women, Child Affairs and Social Empowerment
- Sri Lanka Bureau of Foreign Employment
- Department of National Planning
- Disaster Management Center
- Department of Immigration & Emigration
- Office for Overseas Sri Lankan Affairs

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- International Organization for Migration (IOM)
- United Nations Development Programme (UNDP)
- United Nations Children's Fund (UNICEF)
- World Food Programme (WFP)
- United Nations High Commissioner for Refugees (UNHCR)
- World Health Organization (WHO)
- Centre for Working Women (CWW)
- Sri Lanka Red Cross Society
- Association of Licensed Foreign Employment Agencies (ALFEA)

Foreword

As more and more Sri Lankans migrate for employment, safeguards are required to ensure their safety, health and support in crises contexts. The rise in conflicts, natural disasters due to climate change and the possibility of future pandemics pose further risks to migrant workers as they travel abroad in search of decent work.

During crises, migrant workers face unique challenges in their host countries, such as language barriers, cultural differences, and limited access to resources. Key focus areas of the response include mental health and psychosocial support, general health care, gender responsiveness, legal protections, and the effective use of ICT and media.

During the Covid-19 pandemic, many migrant workers faced additional hardships due to their migrant status, as host countries developed their Covid-19 responses, which often overlooked the situations and needs of migrant workers. Building upon past lessons from the Sri Lankan context, this plan aims to address and mitigate the various challenges migrant workers face through a broad, coordinated, and multi-faceted approach. It outlines a comprehensive emergency evacuation response plan tailored for Sri Lankan migrant workers facing crises abroad.

This plan seeks to forge a cohesive response mechanism, safeguarding the well-being, safety, and dignity of Sri Lankan migrant workers, and ensuring a robust and supportive system during emergencies.

We thank the Government of Switzerland and its people for their financial assistance through the Safe Labour Migration Programme Phase since 2010.

The ILO Country Office for Sri Lanka and the Maldives will continue to provide technical support to ILO Constituents and other key partners and stakeholders to promote decent work and social justice for all women and men, including safe and migrant workers in contexts of crises.

Joni Simpson

Country Director

ILO Country Office for Sri Lanka and the Maldives

► Executive summary

Sri Lanka has ratified numerous International Labour Organization (ILO) Conventions Including the Protocol of 2014 to the Forced labour Convention for foreign employment by protecting the rights of migrant workers. Yet, there are no internationally accepted provisions or guidelines to develop a country-specific emergency evacuation response plan. Thus, the ILO, under its Safe Labour Migration Programme, commissioned a six-member team to prepare an emergency evacuation response plan for Sri Lanka. A technical review committee, consisting of nearly 20 government stakeholders responsible for facilitating migrant workers, guided their work.

In its conclusion, this report presents a comprehensive emergency evacuation response plan tailored to the unique circumstances faced by Sri Lankan migrant workers during emergencies, structured into four crucial stages: preparedness, crisis response, recovery and reintegration. Within these stages, there is focus on mental health and psychosocial support, general health care, gender-responsiveness, legal system improvements, utilization of ICT, use of media and data governance as areas that can mitigate the adverse impacts of emergencies faced by migrant workers. The report also recommends an amendment to the Disaster Management Act in the form of a Disaster Management (Evacuation to Safety) (Special Provisions) Bill to expand the definition of “disaster” to include “any international disaster” and to include any regulator, depending on the crisis, to assist the Disaster Management Council¹ and to issue directives to any regulator to ensure inter-regulatory coordination, in all areas, from pre-crisis, crisis and post-crisis to the reintegration stages.

This plan does not include arrangements for reintegration as there is a strategy in the National Policy on Migration for Employment which is a comprehensive response to issues of returnees. It is expected that this plan is logically linked to the said strategy.

The bulk of the report reflects the research gathered and analysed to create the plan. During the preparatory stage, understanding the vulnerabilities specific to Sri Lankan migrant workers abroad was paramount. This involved identifying language barriers, cultural nuances and the limited access to resources that pose challenges during an emergency situation. A risk assessment was conducted to anticipate potential emergencies, enabling the establishment of proactive strategies for efficient evacuation and support.

The emergency evacuation response plan for Sri Lankan migrant workers is a comprehensive framework that prioritizes the well-being, safety and dignity of migrant workers during a crisis situation that occurs in their host country. By addressing various challenges across mental health, health care, gender, legal protection, ICT and media domains, this plan aims to create a robust and supportive system that safeguards the rights and welfare of Sri Lankan migrant workers when living abroad.

¹ Council constituted in terms of section 3 of Disaster Management Act No. 13, 2005.

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► Abbreviations

ICT	information and communication technology
ILO	International Labour Organization
IOM	International Organization for Migration
IASC	Inter-Agency Standing Committee
NGOs	non-government organizations
PTSD	post-traumatic stress disorder
SDC	Swiss Agency for Development and Cooperation
SDG	Sustainable Development Goals
STDs	sexually transmitted diseases
UNHCR	United Nations High Commissioners for Refugees
WHO	World Health Organization

Chapter 1

Developing an emergency evacuation response plan

Background

Migration is a prominent global issue in the twenty-first century, with increasing recognition of its importance in the economic and social life of people, benefiting both individuals and societies (MOH 2011). International migration involves diverse groups, including professionals, skilled, semi-skilled and low-skilled workers, armed forces members on peacekeeping missions, students and asylum seekers (MOH 2011). The International Labour Organization (ILO) estimated that as of 2021, there was a total of 169 million international migrant workers, which was a 3 per cent increase since 2017. Of them, 70 million (41.4 per cent) were women (ILO 2021a). Migrant workers make a significant contribution to destination countries' workforce, society and economy while their home country and families benefit economically (Jones 2021).

Migrant workers make an invaluable contribution to the socio-economic development of countries of origin and countries of receiving. The income generated by them is immensely important for countries like Sri Lanka, while migrant workers are crucially helpful for countries with a labour shortfall, such as Saudi Arabia. Migrant workers are also a vital source of finance and foreign exchange for households as well as governments. In return, each government is expected to ensure migrant workers' well-being, rights and protection in each step of their migration journey.

Over the past few decades, Sri Lanka has become a source country for labour migrants. Approximately 1.8 million¹ Sri Lankans worked in more than 120 destination countries in 2019, with the Middle East and Europe hosting the bulk of the migrant labour force, at about 24 per cent (or 8.7 million)² of the country's total workforce. The contribution made by the migrant workforce is also significant to the nation's economy, especially in terms of its foreign exchange earnings.

The Government regulates labour migration from Sri Lanka through the Sri Lanka Bureau of Foreign Employment and the Ministry of Labour and Foreign Employment. The workforce is also facilitated by the Ministry of Foreign Affairs through its network of overseas diplomatic missions. The diplomatic missions in most popular destination countries have special desks to facilitate the needs of the migrant workforce.

The Government has also received support from international and inter-governmental organizations in adopting global good practices and capacity-building concerning its framework for labour migration. The ILO actively participated in developing and implementing the Sri Lanka National Labour Migration Policy. Following this endeavour, the organization was involved in establishing the Sri Lanka Safe Labour Migration Programme with support from the Swiss Agency for Development and Cooperation's (SDC) Global Programme for Migration (since 2010). As a component of the broader framework of the Safe Labour Migration Programme, the ILO commissioned the development of an emergency evacuation response plan. According to the Safe Labour Migration Programme, the plan will be part of Sri Lanka's goal: "Labour migration in Sri Lanka is well-governed, orderly and regularly for all women and men, ensuring decent, safe and productive employment."

Emergencies, including disasters, are not uncommon in most destination countries, especially in regions that are popular destinations for the Sri Lankan migrant workforce. These emergencies generally entail six categories: natural hazards relating to hydro-meteorological or geophysical conditions; armed conflict or civil unrest; health conditions, such as epidemics and pandemics; drastic changes in the socio-economic environment, such as a surge in prices of essential goods; and restrictive government legislation, such

¹ See United Nations Migration Network in Sri Lanka.

² Sri Lanka Labour Force Statistics, Quarterly Bulletin, First Quarter 2022.

as export and import bans; serious violations of international human rights law and international humanitarian law; and industrial hazards, such as industrial accidents and severe pollution.

The COVID-19 pandemic highlighted the need for a mechanism to evacuate migrant workers in an emergency and to repatriate them from their country of destination. A strategy prepared by the Bureau of Foreign Employment to support returnees affected by COVID-19 with the ILO and the International Organization for Migration provided a limited solution on the reintegration aspect. But the need remained for a mechanism to comprehensively address country-specific issues in a crisis situation, with joined-up efforts by all stakeholders, but with the Government as the primary duty-bearer.

Evacuation is generally a last resort but essential if migrants cannot remain safely in the destination country or be relocated safely to another host country. Some migrants may evacuate on their own while others rely on assistance from the government of the destination or their home country, the recruitment agency, their employer, civil society, a trade union or an international organization.

The problem

Disasters, whether natural or human-made, have social implications beyond physical damage, and the literature often overlooks the social aspects of these events. The vulnerability of migrant workers necessitates evacuation as a last resort for their safety. Although Sri Lanka has ratified numerous ILO Conventions and protocols with the objective of improving the quality of foreign employment by protecting the rights of migrant workers, there are no internationally accepted provisions or guidelines to develop a country-specific emergency evacuation response plan. Pre-determined support from governments, agencies, employers and civil society is vital for providing assistance during disasters. Creating accessible pathways for information, social services and safe evacuation options is crucial.

The objective

The overall objective in developing an effective emergency evacuation and response plan is to benefit migrant workers in an emergency situation. The first component of that objective was development of that actual plan, covering preparedness actions related to all forms of risk. The second component is developing a matrix indicating responsibilities of migrant workers and duty-bearers and to demonstrate the role of a communication strategy within the legal framework and the role of an institutional mechanism for enforcing the plan.

Research and drafting methodology

Six consultants with extensive experience in psychosocial support, general health, gender studies, legal protection and information and communications technology (ICT) were engaged to assess the context and provide recommendations essential for the plan's formulation. Their expertise was instrumental in understanding the complexities and nuances of the challenges faced by migrant workers in various dimensions.

The whole process involved the Ministry of Foreign Affairs, the Ministry of Labour and Foreign Employment, the Sri Lanka Bureau of Foreign Employment, the SDC and the ILO, in consultation with international non-government and civil society organizations, trade unions and licensed foreign employment agencies operating in the field of labour migration and by reviewing related material developed by various humanitarian missions.

The process also included a comprehensive literature review, incorporating insights from studies, reports and information management systems relevant to Sri Lanka. Good practices from similar contexts in the region were analysed and considered for inclusion in the plan. Interviews³ were conducted with migrant

³ A total of 15 informant interviews were conducted (four with civil society actors, three with donor and UN agencies officers, three with government organization officers and five with women and men evacuated during the Kuwait war, the Afghan war and the COVID-19 pandemic) by the gender consultant and seven interviews were conducted by the general health expert.

workers who had experience an emergency situation to gain first-hand insights of the challenges and needs in that time. Details of the informant interviews and focus group discussions that the team and individual consultants conducted are provided in Annex I and Annex II. Senior representatives from government ministries, bureaus and allied agencies were also interviewed. This participatory approach ensured that the plan is rooted in the realities and perspectives of affected migrant workers.

A technical review committee was established, comprising representatives from the Ministry of Labour and Foreign Employment, the Bureau of Foreign Employment, the Ministry of Foreign Affairs and other relevant ministries and agencies. Their role was pivotal in validating the recommendations and ensuring alignment with policies and frameworks. Feedback from these representatives enriched the technical aspects of the plan.

The entire process was designed to be inclusive, comprehensive and evidence-based. It aimed to integrate diverse perspectives, expert knowledge, real-life experiences of affected individuals, governmental insights and relevant regional practices. This multidimensional approach ensured that the emergency response plan is not only technically sound but also sensitive, responsive and tailored to the unique needs of Sri Lankan migrant workers living overseas during an emergency situation.

Drafting the plan

The development of this plan concentrated on four critical phases of an evacuation: preparedness, crisis response, recovery and reintegration, with emphasis on several aspects. Primarily, it highlighted the significance of a psychosocial approach to address the mental and emotional well-being of affected individuals during each stage of the evacuation process. The importance of general health issues also was comprehensively considered. The plan's objective underscores the necessity of adopting a gender-responsive framework to cater to the distinct needs and vulnerabilities of different genders, ensuring inclusivity and equity in emergency responses. Addressing barriers within the legal system to enhance access to justice and provide better avenues for grievances among migrant workers was another focal point. Leveraging ICT, the media and data governance were seen as tools to deliver more effective solutions and support mechanisms.

Existing evacuation models and plans developed by other humanitarian organizations (such as the International Organization for Migration and the International Committee of the Red Cross); mechanisms in place and their efficacy for resolving the issue; and good practices from Sri Lanka (post-war evacuation) and other countries were reviewed.

Country-specific plans on the global COVID-19 pandemic were reviewed, along with the operationalization, coordination, monitoring and implementation of the Sub-Policy and National Action plan on Return and Reintegration by the Ministry of Labour and Foreign Employment and the Sri Lanka Bureau of Foreign Employment. The technical review committee consisting of members from the stakeholder agencies, the SDC and the ILO reviewed the progress from time to time and assisted with the validation of reports, including reports covering specific areas.

Drafting process

First, the literature review and desk research were conducted to review (a) mechanisms in place and their efficacy; (b) existing evacuation models and plans developed by other humanitarian organizations; and (c) good practices from Sri Lanka and other countries. Then a draft country-specific emergency evacuation response plan and a responsibility matrix were prepared and presented to the technical review committee. Third, trade unions and licensed foreign employment agencies, civil society organizations and the business community operating in the field of labour migration were consulted. Fourth, consultations were conducted with policymakers, academics, researchers, the Ministry of Foreign Affairs officials, Ministry of Labour and Foreign Employment officials, the Bureau of Foreign Employment officials, Ministry of Health, Ministry of Women, Child Affairs, and Social Empowerment, SDC officers and ILO specialists to discuss

options, solutions, good practices and their inputs. Fifth, the emergency evacuation response plan was finalized and validated before submission to the ILO.

Review of mechanisms and their usefulness

The plan was developed with pathways for migrant workers to access information and social services as well as other evacuation options to ensure their safety. The plan incorporates the roles of government institutes, recruitment agencies, employers, civil society, trade unions and international organizations involved in the migration cycle due to the need for their acting according to their mandates in ensuring the safety of the migrant workers as well as returnees.

Outline of the report

The remaining chapters of this report are as follows: Chapter 2 provides an overview of Sri Lankan migrants and the policy framework. Chapters 3, 4 and 5 respectively address issues of mental health, general health and gender during an emergency evacuation process. Then Chapters 6–9 are cross-cutting, discussing the use of tools – the legal framework, ICT, the media and data governance – for better protecting and reaching migrant workers before and during emergency situations to mitigate the adverse impacts. The final chapter highlights recommendations for filling the gaps that emerged through the research process before presenting the emergency evacuation response plan, consisting of the responsibility matrix and action plan.

Chapter 2

Sri Lankan migrant workers and the policy framework

Sri Lankan migrant workers worldwide

Migration for employment significantly contributes to Sri Lanka's economy by generating employment opportunities and earning foreign income. Approximately 8.3 per cent of Sri Lanka's total population has become a migrant worker (ILO 2018). Total departures for employment in 2017 consisted of 124,180 women (39.9 per cent) and 186,981 men (60.1 per cent) (SLBFE 2017). The average annual number of new and renewed contracts was 217,272 between 2016 and 2019, with a sharp decline in 2020 (by 53,718 contracts) due to the global impact of the COVID-19 pandemic. There was a re-emergence of migration in 2021 and 2022 due to the onset of the economic crisis and high inflation, unprecedented increases in prices and considerable eroding of real wages (in 2022).⁴ The total number of labour migration in 2021 was 122,264 (DOL 2022) and the provisional figure for 2022 was 311,056 (SLBFE 2022).

Remittances from overseas employment contributed 5.4 per cent of Sri Lanka's GDP, amounting to US\$3,789.4 million in 2022. Remittances received through migration for employment in the year 2022 was LKR 1,326,290 million which was 65% of the total foreign exchange earnings of the country (CBSL 2022). In 2022, 84.7 per cent of the migrant worker departures were to the Middle East, 6.3 per cent to Asia (excluding South Asia) and 4 per cent to the European Union.⁵ The country experienced a monthly average of about 94,000 departures, of which only 27.6 per cent were for foreign employment (CBSL 2022).

In addition to the previous popular destinations of Qatar, Saudi Arabia, Kuwait, United Arab Emirates, Oman, Maldives, Republic of Korea, Jordan, Bahrain and Israel (SLBFE 2017), newer destinations for Sri Lankan labour migration include New Zealand, Papua New Guinea, Angola, Turkey, Fiji, Sudan, Japan, Romania and Uganda (SLBFE 2017). In the order of number Sri Lankan migrants in respective countries among the migrant workers in 2019, 28.8 per cent were low-skilled, predominantly engaged in domestic work, particularly in Kuwait and Saudi Arabia, which are popular destinations for women workers (ILO 2019). More than half of the migrant worker departures from Sri Lanka in 2017 fell under no-skill categories, followed by work requiring skills and professional-level work (SLBFE 2017).

Sri Lanka as a source country

Approximately 2 million persons of Sri Lanka's 21 million population reside in a foreign country by 2023. While foreign employment remains a predominant reason for migration, higher education and settlement also have substantial roles, particularly among younger migrants. Drivers of outmigration include low per capita income, unemployment, underemployment, high inflation, indebtedness and limited access to resources.

Over the past two decades, Sri Lanka has experienced a tenfold increase in the number of nationals going abroad, with an estimated annual average outflow of around 200,000 persons (ILO 2017). Migration purposes vary: skilled personnel migrate for settlement with family joining subsequently while skilled, semi-skilled and low-skilled individuals migrate for economic reasons. Political migration includes refugees or asylum seekers, and educational migration is mainly for undergraduate and post-graduate studies.

The Gulf region is a popular destination for labour migration, especially in the lower-skill domains. Higher-educated Sri Lankan migrants prefer European countries and Australia for employment and potential

⁴ The public sector encountered a 20.6 per cent real wage decline. The formal private sector real wage declined 22.7 per cent while informal private sector wages declined 17.5 per cent (CBSL 2022).

⁵ Imasha Iqbal, "Migration for employment almost tripled in 2022", *The Morning*, 27 April 2023.

long-term settlement. Sri Lankan students increasingly choose developed countries for the better employment opportunities and residency for when they finish their studies. Sri Lanka has the highest rate in South Asia of outmigration among its population having a tertiary education.

Migrant remittances are crucial for the Sri Lankan economy. Over the past two decades, remittances steadily increased, reaching US\$7.1 billion in 2019 and accounting for 6.7 per cent of the country's GDP (CBSL 2020). The impact of migrant remittances was evident during the COVID-19 pandemic, with the national economy struggling from the sharp decline in foreign exchange caused by the plummet in remittances.

Governance of labour migration

Sri Lanka, along with other South Asian countries, has experienced an increasing trend towards regulating labour migration, primarily aimed at safeguarding migrants. However, the control over the outflow is challenging due to the diverse forms of migration, such as students transitioning to employment after completing their studies and individuals either working on a tourist visa or some other way outside the formal labour migration process.

The Bureau of Foreign Employment was established in 1985 to regulate Sri Lankans migrating for employment. It is tasked with ensuring the welfare and protection of overseas workers, setting conditions for foreign employment agencies, registration of migrant workers, regulating employment agreements for migrant employees and managing the Workers' Welfare Fund. The Ministry of Labour and Foreign Employment has responsibility for policy implementation, better governance, enhanced protection and the development impacts of migration. The Ministry collaborates with stakeholders, conducts pre-departure training and implements an operational manual for handling migrant workers' grievances.

The Association of Licensed Foreign Employment Agencies collaborates with the Bureau of Foreign Employment to support its mandate and policy framework implementation. Although the Association used to be the umbrella organization for all licensed foreign employment agencies, registration is no longer mandatory. It coordinates fair and ethical recruitment processes, assists the Ministry of Foreign Affairs during emergencies and works closely with the Government. In the realm of education-related migration, students often engage with private-sector entities serving as recruitment agents for foreign universities. These entities offer comprehensive services, necessitating a formal mechanism for regulating their activities.

The Ministry of Foreign Affairs collaborates with the Bureau of Foreign Employment, the Ministry of Labour and Foreign Employment and other stakeholders to ensure the welfare of Sri Lankan migrant workers globally. It operates diplomatic missions in 50 countries, offering consular services and emergency assistance.

Migration for employment policy of Sri Lanka

Sri Lanka first implemented its National Policy and Action Plan on Migration for Employment in 2008. After a comprehensive review ten years later, the National Policy and Action Plan 2020–2023 was developed with technical assistance from the ILO. The review assessed gaps in line with the policy pillars, focusing on governance, protection, empowerment of migrant workers and linking migration to development (MLFE 2023). That updated National Policy and Action Plan emphasized achievements in the empowerment and protection policy area, including the establishment of migrant relief centres, pre-departure orientation, increased memoranda of understanding and bilateral agreements with destination countries and standardizing minimum wages for skilled workers. The review also led to the formulation of a Sub-Policy and National Action Plan on Return and Reintegration in 2015, the establishment of a reintegration unit at the Bureau of Foreign Employment and use of technology for communications and online job banks. Although measures for returning migrants' reintegration and family welfare have been implemented, the focus of the emergency and evacuation response plan is not addressed in the documents regarding the

National Policy and Action Plan on Migration for Employment (MLFE 2023).

The National Policy and Action Plan on Migration for Employment 2023–2027 covers four core policy areas: (a) Governance of labour migration to promote decent and productive employment. (b) Securing the rights and the protection of migrant workers as well as the well-being of their families. (c) Promoting employment opportunities for skilled and semi-skilled migrant workers in the local and global economies. (d) Enhancing the benefits of migration and its nexus with national development.

Issues migrant workers experience in times of crisis

The types of problems migrant workers have faced in a previous crisis situation varies within a broad range: (a) inadequate preparedness for the crisis situation; (b) lack of accurate and validated information and thus considerable misinformation and disinformation; (c) disconnection from the society due to lack of coordination; (d) poor networking among displaced victims; (e) gender-based discrimination, violence or sexual abuse; (f) constraints of humanitarian aid; (g) lack of essential food and other consumables; (h) lack of medical care; (i) no communication with family members; (j) language barriers making it difficult to communicate their problems; (k) non-availability of professional psychological assistance to recover from a trauma related to the crisis situation; (l) loss of job and income for livelihood; (xiii) absence of an economic reintegration system to reinstate jobs; (m) no communication with family and relatives of migrant workers' home countries; and (n) no guidance from the Sri Lankan Government ; and (o) absence of social protection scheme.

Chapter 3

Addressing mental health of migrant workers in an emergency evacuation

Rationale

Migrant workers generally face unique stressors and vulnerabilities that can be exacerbated during an emergency situation. This includes language barriers, cultural isolation, separation from their family, financial instability and uncertain legal status. These factors intensify their susceptibility to mental health challenges, such as anxiety, depression, post-traumatic stress disorder (PTSD) and other psychological distress. The term “psychosocial” describes the interconnection between an individual’s psyche and their social context (ICRC 2017). Neglecting the mental well-being of migrant workers can have severe consequences on their individual health as well as their productivity and contribution to the workforce. Untreated mental health issues can lead to decreased job performance, increased absenteeism, workplace conflicts and, in extreme cases, self-harm or suicide.

During an emergency situation, like a natural disaster, pandemic or armed conflict, the already precarious living and working conditions of migrant workers might worsen, further amplifying their psychological distress. These individuals often lack access to adequate health care services, including mental health support, which further exacerbates their suffering (Abdulle 2006). Failing to address the mental health of migrant workers not only impacts individuals but also creates broader societal implications. A healthy and resilient workforce is essential for economic recovery and societal stability during and after an emergency. Neglecting mental health can perpetuate cycles of vulnerability and hinder efforts towards sustainable development and social cohesion.

Effective measures to address mental health in migrant workers during emergencies include providing culturally sensitive and linguistically appropriate mental health services, raising awareness about mental health issues, destigmatizing seeking help, offering psychosocial support and ensuring access to health care and social services regardless of immigration status. Thus, prioritizing the mental health of migrant workers during emergencies is imperative not only for humanitarian reasons but also for societal well-being and economic stability.

The problem

The COVID-19 pandemic exposed deficiencies in repatriating migrant workers returning from foreign workplaces, prompting the Bureau of Foreign Employment, in collaboration with the ILO and International Organization for Migration, to develop a COVID-19 response strategy for reintegration. However, a comprehensive, country-specific emergency evacuation and response plan is still lacking, requiring collective efforts, especially from the Government (IOM 2018; MICIC 2016; Wickramage et al. 2013; MOH 2011).

Psychosocial challenges faced by migrants manifest at various stages of migration and affect their responses during a crisis. Women, constituting a substantial part of migrant labour, experience heightened vulnerability due to language barriers and lack of knowledge about available services that can exacerbate the psychosocial challenges during an emergency situation. The lack of a holistic approach is an issue essential to address effectively (IOM, 2018; MICIC 2016; Wickramage et al. 2013; MOH 2011).

What the literature and experts say

The research focused on several variables related to the mental health challenges faced by migrant workers during a crisis situation: (a) incidence of crisis situations – and examining the occurrence of emergency crises and common mental health challenges migrant workers experienced during such events, with emphasis on the actions taken by governments, international organizations and NGOs, especially for women and children; (b) psychosocial risk assessment and mitigation – gathering information about methods used for psychosocial risk assessment and activities aimed at mitigating mental health and psychosocial issues among migrant workers in different countries; (c) application of risk assessment and mitigation – collecting data on the actual application of risk assessment methods and mitigation activities on migrant workers. See Annex I for the brief reports from the informant interviews and focus group discussions.

The mechanisms for addressing psychosocial issues and needs of migrants during an emergency situation were assessed as well as the psychosocial issues that Sri Lankan migrant workers experience during the post-crisis stage. The recommended amendments aim to ensure the psychosocial well-being of migrant workers, fostering a compassionate and resilient society. Although national policies and plans exist, there are gaps in their provisions related to emergency evacuation, recovery and integration. The report recommends categorizing migrant workers into distinct subgroups for tailored approaches and highlights the need for specific measures addressing psychosocial challenges during an emergency situation.

Mental health interventions in emergencies

Mental health issues, such as serious disorders and trauma, are prevalent among migrant workers due to socio-environmental variables like discrimination and family separation (Mucci et al. 2020). Studies attribute major mental health illnesses to experiences in a disaster situation, including generalized anxiety disorder, depression, substance use, adjustment disorder and PTSD (see for example, Keya et al. 2023; Galappatti 2003).

Recognizing psychosocial well-being is integral to the overall welfare and productivity of migrant workers. Neglecting psychosocial interventions may lead to increased vulnerabilities and hinder the successful integration of migrant workers. Although the literature and guidelines on psychosocial interventions in emergencies provide a foundation, they often lack specificity for migrant workers in foreign countries. The Inter-Agency Standing Committee guidelines (IASC) ⁶ on mental health and psychosocial support offer comprehensive recommendations but may not fully address migrants' unique circumstances. Leveraging Sri Lanka's policy framework, public health system and its mental health sector is proposed for the efficient handling of cases without creating new systems or training personnel specifically for migrant workers' mental health.

Post-traumatic stress disorder

PTSD is a delayed and/or prolonged response to an exceptionally threatening or catastrophic event, causing distress. Such events include natural or human-made disasters, combat, serious accidents, witnessing violent deaths and being a victim of torture, terrorism, rape or other crimes (WHO 1992). It does not manifest in response to every stressful event; six months after a serious accident, major depression may be more common than PTSD. The tenth revision of the International Classification of Diseases (ICD-10)⁷ includes a category of "Enduring personality changes after catastrophic experience", which may occur instead of or alongside PTSD, which is often comorbid with other psychiatric disorders, including depression, alcohol dependence, substance misuse and anxiety disorders (Harrison et al. 2018).

⁶ Initiated by the World Health Organization, the IASC Guidelines for Mental Health and Psychosocial Support in Emergency Settings reflect the insights of numerous agencies and practitioners worldwide and provide valuable information to organizations and individuals on how to respond appropriately during humanitarian emergencies.

⁷ The International Classification of Diseases (ICD) is designed to promote international comparability in the collection, processing, classification, and presentation of mortality statistics. This includes providing a format for reporting causes of death on the death certificate. The reported conditions are then translated into medical codes through use of the classification structure and the selection and modification rules contained in the applicable revision of the ICD, published by the World Health Organization.

Pre-departure

The literature and experts emphasize disaster preparedness among migrant workers and the importance of preventive measures, education and policy adjustments at various stages of the migration cycle but beginning with pre-departure. Their main points:

1. **Pre-departure stage assessment and training programmes:** Existing pre-departure training programmes need to involve assessments and a revamping to include psychosocial aspects, targeting regular and irregular status migrants. Policy adjustments for mental health disclosure: Policies should consider adjustments to support individuals with mental health conditions, ensuring fair employment opportunities. Confidentiality and medication support: Confidentiality of medical records, assurance of non-discrimination and continued medication support for mental health patients are crucial.
2. **Family involvement and virtual mental health support:** Families should be educated and involved in managing migrant workers' mental health, utilizing virtual appointments and communication. **Awareness of destination countries' health systems:** Migrants should be informed about their destination country's health system during pre-departure training. **Suicidal risk assessment:** Thorough suicidal risk assessments are essential and must consider predispositions and the impact of any disasters.
3. **Collaboration social partners and CSOs, as well as other stakeholders:** Collaboration with development partners (UN, NGOs, Trade Unions, CSOs etc.) is recommended due to the limited reach of the Sri Lankan Government in destination countries.
4. **Subgroup-specific interventions:** Tailored interventions for subgroups within the migrant population must address unique vulnerabilities during an emergency situation.
5. **Reshape pre-departure training programmes:** It is critical to include emergency response protocols, embassy contacts, evacuation plans, coping mechanisms and mental health initiatives in host countries.
6. **Identification and information card:** An identification and information card must be instituted that contains essential details of a migrant worker and provides emergency information for migrant workers.
7. **Pre-departure sessions for students abroad:** Pre-departure sessions should be mandated for private agencies that assist students studying abroad that focus on emergency response protocols and psychosocial support.
8. **Database or monitoring system:** A monitoring system should be established with updated geopolitical information that is necessary to make informed decisions during an emergency.
9. **Incentives for pre-departure programme participation:** Certificates or credit systems should be introduced to encourage participation in pre-departure programmes.
10. **Media campaign:** Comprehensive information on interventions needs to be disseminated that emphasizes the consequences of migrant workers remaining uninformed.
11. **Positive communication strategies:** Positive communication strategies in host countries should be pursued to counter negative rhetoric and foster tolerance, inclusivity and non-discrimination.
12. **Disaster response and evacuation plan:** A comprehensive disaster response and evacuation plan that caters to the needs of foreign migrant (workers foreigners working in Sri Lanka), tourists visiting Sri Lanka etc should be developed.

The literature and consulted officials highlight the need for a holistic approach, collaboration with various stakeholders and proactive measures to enhance the well-being of migrant workers throughout their migration cycle. Because marginalized groups will be more vulnerable in a disaster, they need varied interventions and tailored responses to their unique situations.⁸

⁸ Mothers with small children, older persons, minority races, people with disabilities, children of migrant families and people who have experienced trauma in Sri Lanka (domestic violence).

On arrival and in-service

According to the literature and the interviews, it is critical to assess the mental state of migrant workers before an emergency situation to detect pre-existing mental health conditions that could make individuals more susceptible to psychopathologies during a crisis. However, such medical check up ought not be discriminatory and lead to dismissal non-recruitment, if the medical conditions has no impact on the tasks to be performed. Maintaining optimal day-to-day mental health is a factor for enabling effective coping with disaster situations (Mucci et al. 2020). Regular updates on workers with pre-existing conditions, updating prescriptions, conducting video calls and mental state examinations and providing online counselling sessions are equally critical. Ensuring a support network and access to communication with family and loved ones is crucial for the well-being of migrant workers. Providing consistent updates on geopolitical circumstances empowers migrants to make informed decisions during emergencies, reducing uncertainties and potential traumatic experiences.

In an emergency situation

The literature stresses that any plan for evacuation should consider potential violations, inadvertent separations and the psychosocial well-being of individuals, especially monitoring for suicidal risk among migrant workers. It is important to retain displaced individuals in the same area or country if possible and provide insights into handling mental health issues, particularly suicidal risk, following a disaster or crisis⁹ (WHO 1992). Children within migrant populations during evacuations require specialized attention that emphasizes their vulnerability and potential distress caused by relocation.

The mental toll on health care staff dealing with disaster-related challenges can never be overlooked. Their mental well-being requires monitoring and addressing. The literature recommends proactive measures to alleviate the stress and psychological strain on health care professionals.

For Sri Lankan citizens who choose to stay in the host state during emergencies, measures should be in place to protect and assist them, including access to consular services, communication with families, temporary shelters, emergency aid and psychosocial assistance (IOM 2016). The importance of coordinating evacuation efforts through embassy personnel, forming dedicated teams or dispatching specialized teams from Sri Lanka should consider the reassuring impact of the presence of fellow citizens during evacuations.

A bond or deposit in a Sri Lanka government fund for evacuation-related losses would provide a financial safeguard for citizens in the event of evacuation, offering reassurance about their safety (IOM 2018)

Displacement

The profound impact of disasters on mental health can result in anxiety, generalized anxiety disorder and PTSD. Lower-income individuals are more susceptible to psychological distress after a disaster, thus necessitating targeted interventions and support systems (Keya et al. 2023).

Evacuation, which should be a last-resort intervention, should be considered after the internal relocation of affected populations. However, ensuring safety and suitable living conditions in temporary housing or camps is imperative because poor conditions can deteriorate mental health. Irregular immigrants pose challenges due to their lack of official records and thus no information on their whereabouts. This requires collaboration in terms of cooperation and understanding with destination countries having large migrant populations for effective evacuation (IOM 2016).

Human rights violations are common in emergencies, which highlights the need for gender-specific approaches, especially for victims of rape and torture. The literature highlights collaborative efforts through memoranda of understanding with countries having established evacuation plans that optimize resources and enhance the safety of Sri Lankan citizens, regardless of their immigration status.

⁹ Acute stress reaction, dissociative amnesia, dissociative fugue, dissociative stupor, trance and possession disorders, dissociative convulsions and dissociative motor disorders.

The Chandigarh model,¹⁰ based on Maslow's hierarchy of needs (Maslow 1943), offers psychosocial interventions for crisis situations. The text underscores the need for comprehensive guidelines for temporary housing, with embassy-established shelters meeting humane living conditions and standards to mitigate additional distress for displaced individuals. Specific protocols within shelters must aim to prevent aggression or conflict among occupants.

Advocating for compliance with international human rights standards for mental health support, providing remote counselling and collaborating with NGOs for psychosocial support is important. The literature suggests mechanisms for the appropriate protection of migrants arriving from host States, including "exceptional" provisions¹¹ (IOM 2016).

Additionally, accommodations in temporary shelters should consider individuals' religious practices, offering flexibility and support. The Cabinet Office (2021) recommends a code of conduct in temporary shelters, focusing on cleanliness, respect for personal space and mutual assistance.

Suggestions for code of conduct in temporary shelters

1. Keep the rules on the amount and frequency of food.
2. Keep restroom Clean and follow the rules on Trash.
3. Smoke at designated area only.
4. Refrain from talking loudly to protect privacy for other evacuees.
5. Help each other as you will be living with them for a while.
6. Keep the line in order¹².
7. Respect personal space.
8. Be respectful when speaking with each other.

Reintegration after a disaster

The literature is limited on the psychosocial effects experienced by migrant workers and their families upon the workers' return to Sri Lanka. No research was available on the positive impacts of labour migration beyond the earnings statistics. Reintegration challenges arise from disparities in comfort, changes in social status, and potential mental trauma resulting from the disaster that prompted their return.¹³ Conditions such as recurrent depressive disorder, PTSD, pathological grief reactions, substance abuse and maladaptive coping mechanisms may develop over time. Despite challenges in fully addressing long-term consequences, assessing risks and conducting a comprehensive mental status examination upon return is crucial. Establishing a baseline and maintaining accurate records for future follow-up assistance are useful for subsequent evaluations by different mental health practitioners.

Although long-term follow-up might be impractical under a disaster evacuation plan, assessing returnees' mental and physical health status and facilitating their reintegration is essential. After this initial assessment, their care can be handed over to the health system in Sri Lanka for long-term follow-up. However, the simultaneous return of a large number of migrants presents challenges in housing, temporary shelter or quarantine facilities, as observed in the aftermath of the 2004 tsunami crisis. A supervisory team or

¹⁰ India's Chandigarh disaster management plan is a comprehensive plan, which optimally utilizes men, material and available resources to prevent loss to lives and minimize loss to property. It ensures the fastest approach for rescue and rehabilitation. The disaster management plan guides the entire machinery engaged in a relief operation and induces courage among communities to face the eventuality boldly.

¹¹ These guidelines are targeted suggestions, organized by theme, that identify in broad terms the actions needed to better protect migrants in countries experiencing crises. States, private sector actors, international organizations and civil society can use the guidelines to inform and shape crisis preparedness, emergency response and post-crisis action.

¹² See the white paper on disaster management in Japan (2021) entitled "To Protect Our Lives From Large-Scale Disasters", prepared by the Cabinet Office of the Government of Japan, provides comprehensive guidelines to manage disasters.

¹³ Reintegration challenges arise from disparities in comfort, changes in social status and potential mental trauma resulting from the disaster that prompted their return.

individual is needed to oversee and coordinate psychosocial interventions to ensure an organized and effective response.

Migrant workers' associations in villages or districts have a crucial role in information dissemination and post-disaster monitoring. These associations, comprised of individuals with firsthand experience in the migration cycle, provide insights into the practical day-to-day issues faced by migrant workers. Due to their respected status within the community, these associations offer a valuable perspective on handling sensitive situations and understanding the emotional state of fellow workers enduring hardships.

Gaps

- ▶ Mental health issues are prevalent among migrant workers even before a disaster due to socio-environmental variables like discrimination violence and harassment, or family separation (Mucci et al. 2020). The literature highlights the importance of recognizing psychosocial well-being as integral to overall welfare and productivity. Neglecting psychosocial interventions may lead to increased vulnerabilities and hinder the successful reintegration of migrant workers.
- ▶ Although the literature and existing guidelines on psychosocial interventions in emergencies provide a foundation, they often lack specificity for migrant workers in foreign countries. The IASC guidelines on mental health and psychosocial support offer comprehensive recommendations but may not fully address migrants' unique circumstances.

By instituting immediate psychological evaluations, overseeing relief efforts, utilizing existing services, forming partnerships and implementing trauma-sensitive approaches and training, the reintegration process for post-disaster returning migrants can be significantly enhanced and thus provide crucial mental health support and aid.

Chapter 4

General health of migrant workers in an emergency and evacuation process

Rationale

A plethora of issues were unearthed in the drafting process for the emergency evacuation response plan that span inadequate health policies catering solely to certain diseases, a lack of bilateral agreements between Sri Lanka and destination countries and insufficient training and preparedness among migrants regarding the health care system in host nations.

The absence of an organized pre-departure medical screening may lead to the recruitment of individuals that are medically unfit for the specific tasks or job for which they have been engaged, and may exacerbate health concerns during emergencies. However it is recognized that ILO supervisory bodies have considered that refusal of entry or repatriation on the grounds that the worker concerned is suffering from an infection or illness of any kind which has no effect on the task for which the worker has been recruited, constitutes an unacceptable form of discrimination. Communication breakdowns, cultural disparities, gender bias, and discrimination further hinder migrants' access to health care in destination countries. Compounded by such additional challenges as poor use of health care services, inaccessible health insurance and risks related to undocumented migrant workers engaged in informal work, the health-related plight of Sri Lankan migrants in crisis situations can become dire.

Amid natural or human-made disasters, authorities must ensure the protection of affected people's safety, health and medical needs through equal treatment without discrimination (Shi 2019). In Sri Lanka, migrant workers and their families have lodged numerous complaints (more than 1,400 such complaints in 2020), notably on health issues and communication difficulties (SLBFE 2020). The majority of Sri Lankan migrant workers are domestic workers (89 per cent of them women), categorized as regular or documented and irregular or undocumented migrants (SLBFE 2020).

The problem

Sri Lankan migrant workers face numerous health challenges on regular days, during crises and during evacuation procedures. The national health policies related to labour migration in Sri Lanka are insufficient, primarily addressing sexually transmitted diseases (STDs) and HIV infection but neglecting communicable and non-communicable diseases prevalent among workers (Wickramage et al. 2013; MOH 2011).

What the literature and experts say

Although migrant workers face various health challenges, data on their health status and needs are limited and fragmented, which impedes effective policy responses (Yang et al. 2019).

The absence of bilateral agreements between Sri Lanka and destination countries regarding general health issues exacerbates health-related problems, including modern slavery, discrimination, contract violations, abuse, exploitation and unsafe working conditions (De Vito et al. 2015). The lack of specific measures for international migrants during crises, apart from ad hoc evacuation and repatriation assistance, further contributes to health issues (IMO 2018).

The non-availability of bilateral agreements has resulted in various health-related consequences, such as poor access to health insurance, medical care and laboratory testing, which then leads to numerous health

problems, particularly during a crisis (Jones 2021; Simkhada et al. 2018). Insufficient knowledge about the health system of a destination country combined with the absence of pre-departure and onsite training exacerbates health challenges, especially in crisis and evacuation situations (Klein and von dem Knesebeck 2018; MICIC 2016; ILO 2014). During disasters, migrants often suffer from uncontrolled communicable and non-communicable diseases, as well as STDs and HIV infections, with unwanted pregnancies being a common outcome (MICIC 2016). In a disaster situation, where the affected people are disturbed and living in camps, unwanted pregnancies and spread of sexually transmitted diseases are common feature outcomes.

Much more important than the lack of bilateral agreements, is the fact that migrants should simply have access (legally and practically) in the destination country, that the national legal frameworks are inclusive. If there are no bilateral agreements, access to health will not change. Bilateral agreements will coordinate between two systems of the country of origin and country of destination. But to access health care, the most important factor is that national laws allow it. In conclusion, it is first and foremost important that the host countries allow migrants to access health care services including health protection / insurance and non-contributory assistance/ subsidies.

The absence of a centrally operated communication system, especially during crises or evacuations, hampers the dissemination of health messages and contributes to misinformation and fear among distressed individuals (MICIC 2016; Suphanchaimat et al. 2015). The non-maintenance of medical records for migrant workers and poor use of health services in destination countries are common issues, influenced by economic factors, travel distance, cultural and language difficulties, xenophobia and negative attitudes of health care providers towards migrant workers (Yang et al. 2019; Klein and von dem Knesebeck 2018; Suphanchaimat et al. 2015; Agudelo-Suárez et al. 2012).

General health interventions in emergencies

Pre-departure

The Bureau of Foreign Employment training does not include issues related to non-communicable diseases in its pre-departure training on health and medical-related issues other than STDs and HIV, which are provided by trained non-medical persons (MOH 2011).

The *Safe Labour Migration Information Guide*, which the Bureau of Foreign Employment has developed, advises persons considering working abroad to discuss that decision with a local public health midwife and a local doctor. Additionally, a satisfactory medical report from a qualified medical doctor is necessary¹⁴ to obtain a visa for migrant workers (SLBFE 2015).

Before their departure, migrant workers need to obtain an insurance certificate. But it cannot be used to obtain health benefits in destination countries. The employer is responsible for the provision of health and medical care to their workers according to the job agreement.

In 2015, the Bureau of Foreign Employment imposed mandatory requirements for potential migrant workers and licensed agents: (a) pre-departure training specific to female workers and male workers; (b) family background report for female workers that gives an initial recommendation on whether a woman should proceed in her migrant journey; (c) mandatory signing of a job agreement or contract; (d) embassy authentication of job offers; (e) approval granted for licensed agents to find suitable jobseekers; and (f) final approval and mandatory registration of recruited workers.

There is recognition of the need for training on utilizing social communication platforms, such as WhatsApp groups, to disseminate vital health information in workers' native language, focusing on nearest health facilities and procedures. Additionally, there's a call for compulsory health tests for migrant workers before departure that are in line with host countries' guidelines (MOH 2011).

¹⁴ This is to ensure welfare and security of infant and young children of the family who need protection of mother.

On arrival in host country

The Bureau of Foreign Employment oversees labour-related departments in 17 destination countries, particularly for domestic workers. Informal communication networks, including social media, are utilized to share health and other needs among Sri Lankan migrant workers.

The Bureau of Foreign Employment introduced a trilingual communication system for all Sri Lankan migrants. But migrant workers must sign up to receive the service. This system could be used to disseminate important health messages among migrant workers. Irregular migrant workers would be able to sign up also and thus they would benefit. Dissemination of correct medical and health messages ensures the safety of migrant workers. As the Migrants in Countries in Crisis (MICIC 2016) indicated, health messages need to be communicated to newly arrived workers using multiple communication channels.

Many developed nations have identified the importance of having a well-planned training programme for newly arrived migrant workers. This could be easily conducted by government authorities together with recruitment agencies and companies in destination countries.

The Government of Singapore recognizes that employers need training to understand their roles and responsibilities when hiring migrant workers. The Ministry of Manpower and accredited training centres conduct an Employers' Orientation Programme and compulsory courses for employers of domestic workers (MICIC 2016).

The Government of Viet Nam requires migrants' participation in a 72-hour pre-departure training programme consisting of nine modules, including health, sanitation and HIV prevention (under Module 2). The ILO Global Skills for Migration TRIANGLE programme developed the comprehensive training, which is provided to all departing migrant workers. Emphasizing the responsibility of recruitment and travel agencies, the Migrants in Countries in Crisis (2016) identified crucial components for their training programmes, covering disaster proneness of destination countries, workplace risk assessments, evacuation procedures and vulnerability assessments of migrants' health and pregnancy status. The Migrants in Countries in Crisis highlights the importance of maintaining life data of migrants electronically and stresses the significance of training travel agents, particularly in evacuation scenarios.

Distribution of a disaster-prevention handbook to all workers after such training would be an important asset for them. In Japan, the Okinawa International Exchange & Human Resources Development Foundation distributes a handbook for foreigners, students and workers in many languages (OIHF n.d.) that explains likely disasters and appropriate actions relevant to those situations. Specific attention is given for medical and health aspects and rules to be followed in evacuation shelters.

During an emergency situation

The International Organization for Migration primarily offers health and medical services to migrants during crises, emphasizing the importance of a checklist for emergency response that is applicable to internal and international humanitarian evacuations (MICIC 2017b). A One Health approach¹⁵ that addresses human–animal–environmental interactions is recommended in public health preparedness plans for crises, as demonstrated in responses to Ebola outbreaks. This approach has proven effective in controlling the emergence and spread of infectious diseases, especially in regions with poorly maintained borders and vulnerable populations (Bellizzi et al. 2023).

Physician involvement in disaster responses is crucial, requiring both individual and collective efforts, as outlined by the Migrant Clinicians Network (2023). The Network stresses the importance of identifying high-risk patients and deploying outreach staff to educate, locate and transport persons in need of health care during a crisis. Collaboration with other service providers is emphasized, particularly for continuity of service.

¹⁵ One Health involves the public health, veterinary public health and environmental sectors. The One Health approach is particularly relevant for food and water safety, nutrition and the control of zoonosis. Pollution management and combating antimicrobial resistance are other areas of the approach.

The involvement of displaced migrant workers as volunteers in post-disaster clean-up programmes is highlighted in the literature, with precautions recommended to ensure a safe and healthy working environment during clean-up activities (MCN 2023). An examination of disaster responses in Haiti in 2010 revealed challenges, such as inexperienced volunteers, inadequate needs assessments, lack of policy and collaboration and insufficient consideration of post-disaster redevelopment (Arnaouti et al. 2022). Leadership issues during a crisis, as seen in the COVID-19 pandemic, indicate the need for organizational monitoring of leadership styles and increased training activities for leadership groups, particularly nursing officers (Fowler and Robbins 2022).

Effective health communication during a crisis relies on modern telecommunication assets, such as the Global Mobile Laboratory, which combines laboratory and telecommunication tools for rapid deployment in remote areas or areas lacking telecommunication infrastructure (Vybornov et al. 2021). The World Health Organization developed the Refugee and Migrant Health Toolkit, which offers a comprehensive source of information and tools for health and migration-related activities, including the Global Action Plan.¹⁶ This toolkit ensures the dissemination of crucial medical and health messages during crises, covering safety shelters, transportation, medical services and guidelines (MICIC 2016).

Re-entry and reintegration

In Sri Lanka, various ministries and agencies manage different functions related to the post-disaster phase, such as resettlement, essential services in internally displaced persons camps, reconstruction and rehabilitation. Coordination among these entities is facilitated by the Ministry of Disaster Management and two centres functioning under the ministry: the National Disaster Relief Services Centre and the Disaster Management Centre. Returning migrant workers' health and medical needs are overseen by the medical officer in their area (CFE-DM 2021).

The Ministry of Health has an established regional health care system that caters to returning migrant workers affected by an emergency situation. An ongoing in-service training programme at the hospital level prepares medical officers, nurses and other medical auxiliaries to form emergency medical teams (EMT) capable of providing efficient services during an emergency situation (CFE-DM 2021). In addressing the health needs of internally displaced persons, the United Nations' Guiding Principles on Internal Displacement, particularly Principle 19, emphasize the provision of appropriate health care without discrimination. This includes prompt and comprehensive medical care, psychological and social services and special attention to women's health needs, reproductive health care and prevention of contagious diseases (Thomas and Thomas, 2004). According to ILO Recommendation 205, in responding to crisis situations, member countries should, as quickly as possible: (c) seek to ensure effective access to essential health care and other basic social services, in particular for population groups and individuals who have been made particularly vulnerable by the crisis.¹⁷

Although mental health issues like PTSD and depression have been extensively researched in disaster-affected populations, physical health outcomes have received less focus. Published studies covered a range of conditions, including environmental, infectious and traumatic ailments, such as heatstroke, insect bites, gastrointestinal and respiratory diseases, burns, fractures and other injuries (Garbern et al. 2016).

¹⁶ See <https://doi.org/10.1136/bmjgh-2019-002095>.

¹⁷ Recommendation R205 - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) (ilo.org)

Gaps

- ▶ The lack of organized training programmes for recruitment and travel agencies in Sri Lanka results in the recruitment of medically unfit individuals due to the absence of compulsory pre-departure medical examinations or disease screening programmes for migrants (MOH 2011).
- ▶ No bilateral agreements between Sri Lanka and destination countries on health care provision to migrant workers to ensure the health care provision to all migrant workers and specifically when they are in a crisis situation in which the evacuation of migrants is involved (MOH 2011).
- ▶ Inadequate insurance cover for migrant workers. As a result, employers are reluctant to pay for health expenses of workers, including hospitalization. It is common practise for employers to deduct expenses for healthcare incurred by migrant workers from their wages (MOH 2011).
- ▶ Migrant workers are reluctant to report medical conditions due to fear of repatriation.
- ▶ Selection of unsuitable workers for jobs that needed skilled, trained people.
- ▶ High prevalence of accidents and injuries among migrant workers primarily due to lack of knowledge, inadequate preparation for the work at hand and poor focus on occupational safety issues as well as negligence on their part (MOH 2011).
- ▶ The National Policy on Labour Migration does not focus on non-communicable and communicable diseases except for HIV and AIDS (MOH 2011). It seems that the medical and health aspect has been totally neglected in the training curriculum, despite the prevalence of non-communicable diseases among labour migrants.
- ▶ There are standard training courses and training curricula, however issues related to health and medical care services during an emergency and normal situation is rarely discussed. A tailored training to suit the environment of the destination country is a necessity.
- ▶ No training on how to react or behave in a crisis situation. Such a training programme should include first aid training, evacuation plan and transportation during evacuation process.
- ▶ No training is given on important issues related to the care of non-communicable diseases. In 2008, a Sri Lanka study found that one in five adults in Sri Lanka has diabetes or is pre-diabetes and one third of those with diabetes were undiagnosed (Katulanda et al. 2008).
- ▶ There is no training for migrant workers on how to use emergency contraceptive pills to prevent unwanted pregnancies or how to find and buy such pills in the destination country (Kumarasinghe et al. 2022). Educating migrant workers about their sexual health and the use of different methods to prevent unwanted pregnancies and STDs, including HIV, is important. But the four-hour training given to migrant workers on the prevention of STDs and HIV infection is not adequate. In both situations, a detailed training on the use, availability and how to buy these drugs in the destination country is required.
- ▶ No training given to them as per guideline for recruitment by travel agencies.
- ▶ Medically unfit workers are recruited for jobs that need medically fit people.
- ▶ There is no properly organized medical check-up for migrant workers before departure. The current medical check-up system is for the visa purpose only. Migrant workers should undergo a full body compulsory medical examination, conducted by a recognized medical authority, preferably by medical professionals recognized by the Sri Lanka Medical Council. The purpose of the checkup should be to inform the migrant worker of any relevant health condition and allow them to make an informed choice. Any limitations should be well justified and non-discriminatory and should take into account confidentiality,¹⁸

¹⁸ e.g. see with regards to HIV ILO R200 Recommendation R200 - HIV and AIDS Recommendation, 2010 (No. 200) (ilo.org)

- ▶ There is no maintenance of personal medical records of migrant workers. This information needs to be entered to a confidentiality-assured data file, with limited access.
- ▶ Lack of awareness on available counselling methods for relieving psychological trauma.
- ▶ No comprehensive pre-departure training programmes available for migrant workers.
- ▶ Absence of an agency to oversee relief efforts and to maintain standards of care of psychosocial interventions.
- ▶ Lack of awareness on available counselling methods for relieving psychological trauma.

Chapter 5

Gender-responsiveness in an emergency and evacuation process

Rationale

Gender-responsive in international emergency crises and evacuation processes should critically examine the nuanced intersectionality of gender within the realm of crisis management and evacuation procedures. Integration of gender and intersectionality should delve into the multifaceted impact of emergencies on individuals, emphasizing the different experiences and vulnerabilities of men, women and gender minorities during crises. Recognizing that gender is a significant determinant in disaster preparedness, response and recovery, this section underscores the imperative of adopting gender-sensitive approaches in all stages of emergency management.

Gender-responsive planning and interventions are fundamental to ensure equitable access to resources, services and protection for all individuals affected by emergencies. The prevalence of gender-based violence during crises is widely documented (Fraser 2020; Singh and Mittal 2020; UN Women 2017; IASC 2015; WHO 2013). The risks faced by women and girls underscore the importance of establishing safe spaces and support mechanisms for the prevention of gender-based violence. Additionally, traditional gender norms and power structures can exacerbate vulnerabilities during emergencies. Thus, there is a need to challenge and transform these norms to create a more inclusive and resilient disaster response framework. The importance of incorporating diverse perspectives and voices, particularly from women and marginalized gender groups, in decision-making processes during crisis management is highlighted as a critical step towards ensuring more effective and inclusive emergency responses.

Effective planning explores the significance of gender-responsive data collection and analysis in informing targeted emergency interventions. It emphasizes the necessity of disaggregated data based on gender to better understand and address the specific needs of diverse populations during crises. And it underscores the role of gender mainstreaming in policy formulation and implementation, advocating for policies that integrate gender considerations across all emergency response and evacuation initiatives.

Emergencies are gender neutral, but their impacts are not. The levels of exposure and vulnerability to natural hazards vary across men and women, boys and girls, as a consequence of gender relations and discrimination within society. In turn, this influences health, education, and assets; economic outcomes (employment, assets, wages and consumption); and voice and agency (child marriage, gender-based violence and women as agents of change). In disasters, women suffer disproportionately from a variety of outcomes, including reduced life expectancy, unemployment, labour force re-entry, and the loss of relative assets (Sophie et al. 2021). An emergency situation aggravates gender-based violence, which is a manifestation of systematic inequality between men and women.

The problem

Natural disasters and violent conflicts disproportionately affect women due to discriminatory structures and practices (Neumayer and Plümper 2007). The severity of disasters correlates with unequal access to resources, opportunities and capabilities, making certain groups, especially women and girls, more vulnerable (Weare 2020). Biological factors contribute to women's vulnerability, with men and boys perceived as physically stronger, resulting in women, boys and girls being 14 times more likely to die during a disaster (IUCN 2007). Four times as many women as men died during the Indian Ocean tsunami in 2004 due to cultural and gender norms affecting evacuation efforts (MacDonald 2005).

Disasters exacerbate gender-based violence and impact women's life expectancy, employment, assets and overall well-being. Historically, gender considerations were overlooked, but studies in the 1980s highlighted the disproportionate effects of poverty on women in the aftermath of catastrophes. Although the challenges are well-documented, there is a lack of an adequate mechanism in Sri Lanka to address country-specific issues related to gender responses in the context of emergency situations.

Social standing disproportionately affects women and men during emergencies. Families with lower socio-economic status are more likely to be affected by natural disasters. Studies have demonstrated that natural disasters, such as tsunamis, hurricanes, earthquakes and floods, disproportionately affect women and girls, who are more vulnerable to abuse and exploitation than men and boys in the face of uprooted housing and traditional support structures, disrupted access to services and structural and social barriers to accessing food, relief, supplies and latrines (World Bank 2015).

What the literature and experts say

The social standing of individuals has a significant impact during emergencies, with families of lower socio-economic status being more vulnerable to the effects of natural disasters and other emergencies such as violent conflicts. The disruptions caused by such disasters, including displaced housing, disrupted access to services and structural barriers, contribute to the vulnerability of women and girls. For instance, during Hurricane Katrina in the United States, the most affected demographic group was Afro-American women and their children, who were the poorest in the region (Anastario et al. 2009; CRS 2005).

Social prejudices and traditional gender roles further exacerbate the challenges faced by women in the aftermath of a disaster. In Sri Lanka, for instance, the gendered nature of skills taught, such as swimming and tree climbing primarily to boys, increased the chances of men surviving the 2004 tsunami (MacDonald 2005; Enarson 1988). This gender bias leaves girls and women with fewer survival opportunities during natural disasters. Emergencies also heighten the risk of domestic violence and sexual assault against women. Fear of such incidents may lead women to avoid seeking refuge in a shelter. The reporting of such incidents is often low due to a lack of reporting infrastructure.

Nutritional conditions have a crucial role in women's ability to cope with an emergency situation, with specific nutritional requirements during pregnancy and breastfeeding making them more susceptible to malnutrition.

Gender norms confine women to caregiving roles, limiting their ability to evacuate during emergencies (Nielsen 2018). Some contexts require women to be accompanied by male relatives when leaving home, and their caregiver roles expose them to increased vulnerability during food scarcity (CARE International 2016). Men often control assistance and resources after a disaster, which exacerbates women's vulnerability (Juran and Trivedi 2015). Women's susceptibility to harm, powerlessness and marginalization contributes to their vulnerability in both high- and low-income countries (Kabir et al. 2018; Adger 2006).

In the aftermath of disasters, women face negative consequences, influenced by societal determinants, economic status and education levels (Fatema 2020; Brunson 2017). Pre-existing social factors, exacerbated by gender and social inequalities, amplify the adverse effects of natural disasters, especially in low-income countries (World Bank 2020; Neumayer and Plümper 2007b, Dufka, 1988). In situations where law and order break down, women and girls are at greater risk of violence and discrimination, with heightened risks in humanitarian settings due to discriminatory social norms (UN Women 2017). The interconnected biophysical and societal determinants of health and well-being contribute to women's vulnerability during natural disasters (Fatouros and Capetola 2021; Juran and Trivedi 2015).

Gender-based violence in emergencies

During emergency evacuations, displacements and return to the home country, there is a significant risk of gender-based violence (IASC 2015). In crisis situations, more than 70 per cent of women experience one or more types of gender-based violence, compared with 35 per cent globally (UN Women, 2017a;

WHO 2013). Gender-based violence increases during crises, making women twice as likely to face violence. Examples include a 53 per cent increase in asking for help to deal with domestic violence (call outs) during the Canterbury earthquake weekend in New Zealand (IFRC 2015) and sexual violence exacerbation in Haiti and Guatemala following earthquakes and storms (UNFPA 2012).

Gender-based violence has severe consequences for women's lives. It causes injury and death and affects their sexual, reproductive and mental health. Emergency situations lead to opportunistic sexual violence, systematic sexual violence by armed groups, trafficking, harmful traditional practices, sexual violence in displacement camps and sexual exploitation and abuse (UN 2015; UNFPA 2011). Intimate partner violence increases due to stress, trauma, poverty, food insecurity and substance use, with women typically but not always the abused persons (UNFPA 2011).

In conflict settings, gender-based violence prevalence is high. In Syria, women reported punishment by their husband during the conflict (OCHA 2016). South Sudan experienced a fivefold increase in gender-based violence after the conflict outbreak in 2013, linked to socio-economic stress and food insecurity (CARE South Sudan 2016; OCHA 2016). Myanmar refugees in Bangladesh, especially women and girls, face gender-based violence, with 92 per cent of persons seeking assistance in 2017 being women and 58 per cent being younger than 18 (Relief Web 2017).

Factors exacerbating sexual and gender-based violence during a disaster

Disasters exacerbate sexual and gender-based violence and disproportionately affect women and girls by amplifying the gender inequalities and their marginalization and discrimination. Many factors exacerbate sexual and gender-based violence during disasters and crisis¹⁹ (UNFPA 2022). Addressing sexual and gender-based violence during humanitarian crises is challenging, requiring a multisector and multiagency response. A gender analysis should be integrated across all United Nations humanitarian sectors, including temporary shelter (camp) coordination and management, education, food security and livelihoods, health (including sexual and reproductive health), nutrition, protection and water, sanitation and hygiene (UNFPA 2022). Empowering women and adolescent girls in emergency preparedness, response, recovery and rehabilitation is crucial for their active participation and agency in decision-making processes (UN 2015).

Failure to address the root causes of sexual and gender-based violence before a crisis complicates efforts during and after an event, increases the likelihood of violence escalation and weakening women's and girls' resilience and health and hindering the recovery process (UN 2015). Protecting women, adolescent girls and young girls during a crisis is essential due to the increased rates of gender-based violence, limited access to basic services and constrained economic opportunities (UN 2015). Actions on multiple levels before, during and after emergencies are necessary to support women's access to assistance and protection and thus reduce their vulnerability to the impacts of an emergency (UN 2015).

Ensuring gender-responsiveness during an emergency evacuation process

Gender-responsiveness during an emergency evacuation process involves targeted measures to address the distinct needs and vulnerabilities of diverse gender groups. This includes:

- ▶ **Comprehensive assessments and gender-disaggregated data collection:** Integration of gender into assessment is pivotal in understanding and catering to specific needs. Tailored emergency plans must encompass safe spaces, hygiene facilities and protocols to address gender-based violence while ensuring access to reproductive health services during crises.
- ▶ **Gender-sensitive communication strategies:** Such strategies are vital for disseminating critical information effectively and must consider the diverse mediums and languages to reach all genders.

¹⁹ Social norms, increased availability of weapons, law enforcement, perceived threats to masculinity, increased substance abuse, human rights abuses, extreme poverty, loss of livelihoods, disrupted family and community protection structures, traumatic stress, loss of legal and protective mechanisms, disability, pre-existing intimate partner violence, transactional sex and lack of access to basic resources.

- ▶ **Promoting the active participation of women and marginalized gender groups in decision-making:** Providing specialized training to emergency responders and communities are crucial steps towards inclusivity.
- ▶ **Pre-departure health considerations:** Pre-departure activities must incorporate gender-specific health measures, addressing reproductive health, hygiene and general health care access for migrant workers before they embark to their destination country.
- ▶ **Reintegration programmes after an emergency situation:** Programmes need to address the challenges returning migrants will likely encounter, including employment support and mental health services, while paying particular attention to the needs of women and marginalized gender groups. Continuous monitoring, evaluation and accountability mechanisms should be in place to assess the effectiveness and implementation of gender-responsive measures, ensuring the sustained integration of these strategies across all phases of emergency management. Integrating these measures will foster more equitable and effective responses in international emergency contexts that accommodate the diverse needs of individuals based on their gender identity.

Gaps

- ▶ The host country provides information in their official language about the crisis and preparedness. Sri Lankan migrants can understand them because they have basic conversational skills. However, they do not have access to WhatsApp and other social media, which are banned especially in some of the Middle Eastern countries. Migrants face challenges when the Sri Lankan consular offices do not share information or do not have a proper information-sharing system.
- ▶ When relocated to temporary shelter (safe houses or camps), women face the challenges of maintaining their sanitary and hygiene practices.
- ▶ Needs related to gender-based violence and women's sexual and reproductive health and rights.
- ▶ Lack of sensitivity towards women's needs by the temporary shelter (camp) management.
- ▶ Migrant women do not have access to their travel documents during a crisis because their employer is holding them.
- ▶ Lack of coordination among development officers working at divisional and local level who work for women and migrants during the reintegration process and the absence of follow-up information is recorded during the reintegration process.

Chapter 6

Legal solutions to manage disasters and evacuations

Rationale

There is a large number of international Conventions and protocols focused on safeguarding the rights of migrant workers, with Sri Lanka having ratified 43 ILO Conventions and one protocol. The main international Convention among them is the Protection of the Rights of All Migrant Workers and Members of their Families, adopted by the United Nations General Assembly in 1990. However, there is a lack of specific Conventions addressing emergency response, recovery and reintegration plans for migrant workers other than the reporting of Special Rapporteur urging attention to these aspects.²⁰ However there is an ILO Recommendation (205) with a section on reintegration.²¹

Sri Lanka, as a responsible member nation, is obligated to adhere to the provisions outlined in these Conventions. Migrant workers become vulnerable during natural disasters, pandemics and ethnic tensions. The United States Department of Labor's Occupational Safety and Health Guidelines emphasize relevance of these provisions in crisis situations, such as earthquakes, oil spills and the COVID-19 pandemic.²² The Guidelines also recognize the need for specific guidelines tailored to different emergency situations. And they emphasize the importance of creating comprehensive guidelines to ensure the protection of migrant workers, considering the uncertainties associated with ad hoc emergency response plans due to economic and political conditions.

The problem

There are considerable gaps in Sri Lankan laws when dealing with the safe migration of workers. The Immigration and Emigration Act, the Disaster Management Act and the recently enacted Bureau of Rehabilitation Act, No. 2 of 2023 provide a fragmented regulatory mechanism to address issues relating to safe evacuation of migrant workers.

When the relevance of international definitions is examined in the Sri Lankan context, terms used under the country's law are more specific – perhaps narrower – and become applicable for matters specifically arising under those statutes.

There is a need for a workable definition of the term “migrant” to determine the scope of an emergency response plan resulting from an agreement between the National Planning Department of the Ministry of Finance and the ILO, supported by the Swiss Embassy. The focus is on migrants, particularly employed immigrants, and the question arises whether other types of migrants, such as tourists, individuals and victims of human trafficking, are covered by the plan.

The migrant workers of Sri Lanka, although citizens of Sri Lanka, may end up as refugees in other sovereign States. Assuming they do not claim refugee status in that country within article 1 of the Refugee Convention, 1951, there is a challenge for government agencies to act decisively to return such persons to Sri Lanka with the cooperation of the United Nations agencies and foreign governments, should they want to return.

²⁰ Conclusions and recommendations, Report of the Special Rapporteur on the human rights of migrants, A/77/189, submitted on 19 July 2022.

²¹ Recommendation R205 - Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205) (ilo.org)

²² Occupational Safety and Health Administration Act 1970; and United States Labor Department, Earthquakes Guide.

Definition of legal terms in this chapter

Before proceeding to the review of Sri Lankan law, it is necessary to define the scope of the terms used in this chapter. This will help to understand how and in what context the legal reforms were approached.

Definition of the terms in the international context

The term “migrant worker” is well understood and conceptually formulated in the international legal instruments. For example, a migrant worker is defined in the ILO instruments as a person who migrates from one country to another (or who has migrated from one country to another) with a view to being employed other than on their own account and includes any person regularly admitted as a migrant for employment.²³ The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,²⁴ a treaty Sri Lanka has acceded,²⁵ defines a migrant worker as a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which they are not a citizen.²⁶

Various definitions for “migrant” and “migrant workers” are presented from different sources: The United Nations Department of Economic and Social Affairs defines a migrant as “someone who changes their country of usual residence, irrespective of the reason or legal status”. The United Nations Population Division defines irregular migrants as individuals entering a country without required documents or permits or overstaying authorized stay (Zimmerman et al. 2011). The ILO defines a “migrant worker” as someone migrating to be employed, excluding those working on their own account. And the International Organization for Migration differentiates economic migrants from labour migrants, categorizing various subgroups of migrant workers.

Article 6 of the Convention defines “State of origin” as the country of which a person is a national. The term “State of employment” means a country in which a migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity. “State of transit” means any country through which a person passes on any journey to the country of employment or from the country of employment to the country of origin or the country of habitual residence.

In international contexts – both at the policy level and the scholarly level – the terms “regular” and “irregular” migrants is preferred. There is an argument that “unauthorized immigrant” makes it clear that the issue is not merely the lack of documentation (even if not having the right papers can indeed be a serious problem for many people in different situations) but the lack of government authorization to enter or reside in the country. Although “unauthorized” does not carry with it the negative connotations of criminality associated with “illegal”, the term is not necessarily neutral or free from value judgements (Kwan 2021). This report uses the term “undocumented” in the context of migrants, wherever necessary.

Who is a refugee? Article 1 of the Refugee Convention, 1951, an important legal document, defines a refugee as: “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion”. At times, migrant workers may end up as refugees. But such persons are beyond the scope of this report. However, when migrant workers enter Sri Lanka, non-Sri Lankans may seek asylum and convert the situation to one of a refugee crisis.

Humanitarian crisis: By definition, a “humanitarian crisis is an event or a series of events that threatens a community's safety, well-being or health to the point that normal supports are overwhelmed”. This can be a natural disaster (such as a hurricane or tornado) or a political or human-made event (war, pollution, industrial accident) (USC 2023).

²³ See the ILO background note, 2015: “The Contribution of Labor Migration to Improved Development Outcomes: Mainstreaming of Migration in Development Policy and Integrating Migration in the Post-2015 UN Development Agenda.

²⁴ Entered into force on 1 July 2003, in accordance with article 87(1). Ref: United Nations, Treaty Series, vol. 2220: 3; Doc. A/RES/45/158.

²⁵ Instrument of accession deposited by Sri Lanka on 11 March 1996.

²⁶ The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families is a global diplomatic deal to guarantee dignity and equality in an era of globalization. The UN General Assembly adopted Resolution 45/158 without a vote on 18 December 1990.

Natural hazards can be divided into six categories, according to the Center for Research on the Epidemiology of Disasters.²⁷ Human-induced hazards are divided into three classifications by the United Nations Office for Disaster Risk Reduction: technological: industrial accidents, structural collapses, radiation leaks, explosions; transport: crashes or collisions on land, in the air or in the sea; social: wars, riots, stampedes, currency devaluation, mass violence.²⁸ Thus, “a complex humanitarian emergency occurs when multiple factors compound the risk”.²⁹

Definitions in the Sri Lankan context

When the relevance of the above international definitions is examined in the Sri Lankan context, the terms used under Sri Lanka’s law are more specific – perhaps narrower – and become applicable for matters specifically arising under those statutes. And this may be one fundamental reason why the laws operate in their own appointed silos without any inter-regulatory coordination.

Definition of a migrant worker: The Bureau of Foreign Employment Act, No. 21 of 1985,³⁰ as amended, deals with the regulation of a foreign employment agencies. But the law does not define the term migrant worker. For example, section 72 defines the “business of a foreign employment agency” to mean a “business (whether or not carried on by charging fees or otherwise and whether or not carried on in conjunction with any other business) of providing services (whether by provision of information or otherwise) for the purpose of finding persons for employment (including apprenticeship and training) with employers outside Sri Lanka or of supplying employers outside Sri Lanka with Sri Lankan labour and includes the issue of an advertisement or notice calling for applications from persons for employment outside Sri Lanka or taking of any other action in connection with or incidental to such employment”.

This definition gets close to identifying migrant workers through a definition in the statute books – that is, as “persons for employment (including apprenticeship and training) with employers outside Sri Lanka or of supplying employers outside Sri Lanka with Sri Lankan labour...” Persons seeking foreign employment outside the scheme of the Bureau of Foreign Employment can be categorized as undocumented migrants in view of the strict regime of documentation. But whether such is a realistic option remains to be seen when a large number of professionals migrate for work outside the scheme of the Bureau of Foreign Employment. Therefore, the scheme envisaged by the Bureau of Foreign Employment is not a good indicator to document employment migration.

Humanitarian crisis: What is meant by the term “crisis” or an instance that triggers a situation where there is a “near crisis” and what is meant by crisis or a disaster depends on the legal regime that is invoked within the local context. The definition of a “disaster” or “crisis” can be seen in the Disaster Management Act (Act No. 13 of 2005). A disaster, as per section 25, means “the actual or imminent occurrence of a natural or man-made event, which endangers or threatens to endanger the safety or health of any person or group of persons in Sri Lanka or which destroys or damages or threatens to destroy or damage any property....”³¹

The mandate of the National Council for Disaster Management formed under the Disaster Management Act is applicable only for disasters taking place within Sri Lanka. Still, safe evacuation of Sri Lankan migrant workers can be brought within this Act with a special amendment by way of the Disaster Management (Evacuation to Safety) (Special Provisions) Act. This develops into the final recommendation. A draft new law together with an explanatory note that can be used by the Minister of Defence to prepare the Cabinet memorandum is available in Annex III and Annex IV.

²⁷ Geophysical: earthquakes, volcanic activity, meteorological: storms, extreme temperatures, hydrological: floods, landslides, climatological: droughts, wildfires, biological: epidemics, insect infestations, extraterrestrial: impact (comets, asteroids), space weather (shock waves, geomagnetic storms).

²⁸ Ibid.

²⁹ Ibid.

³⁰ This Act repealed the previous law, The Foreign Employment Agency Act, No. 32 of 1980.

³¹ This refers to: (a) a landslide; (b) a cyclone; (c) a flood; (d) a drought; (e) an industrial hazard; (f) a tsunami (seismic wave); (g) an earthquake; (h) an air hazard; (i) a maritime hazard; (j) a fire; (k) an epidemic; (l) an explosion; (m) air raids; (n) civil or internal strife; (o) chemical accident; (p) radiological emergency; (q) oil spills including inland and marine oil spills; (r) nuclear disaster; (s) urban and forest fire; (t) coastal erosion; and (u) tornados, lightning strikes and severe thunderstorms. In this law reform paper, the entire section is under consideration, although emphasis is on the words prior to “include”. The recommendation to expand the Disaster Management Act – rather than a labour-related law – stems from the restrictive defining of a crisis.

Sri Lankans living abroad are also categorized into groups, including workers with legal documentation, workers without legal documentation, students, tourists and persons subjected to human trafficking. All groups are deemed vulnerable in a crisis, irrespective of their legal status, requiring the State to establish secure mechanisms to safeguard their rights. Some propose using the term “mobility” instead of “migrant” to align with the objective of “leave no one behind” in crisis situations.

When implementing an evacuation plan, it is considered practical to target categories “a” and “c” (workers with legal documentation and students), while challenges are acknowledged for other groups due to obstacles in collecting and preparing documentation. Therefore, States are expected to adopt specific criteria to address obstacles and facilitate the evacuation of affected migrants. The proposed emergency evacuation response plan mainly focuses on category “a” (documented workers), given the availability of information through the Bureau of Foreign Employment and the feasibility of communication with them. This aligns with the ILO’s scope, justifying a focus on categories “a” and “b” (documented and undocumented workers) in emergency crisis and evacuation processes.

Law relating to safe evacuation of migrant workers of Sri Lanka

Migrant workers as citizens of Sri Lanka: It is important to review the existing legal framework of Sri Lanka under several legal headings. The Constitution, as enunciated in article 14(1)(i), makes clear that “every citizen has a right to return to Sri Lanka”. It is of critical importance to observe that, irrespective of whether a person is a documented worker or an undocumented worker, traveller, student or the child of any of the classes of persons, as long as that person is a citizen of Sri Lanka, that person has a right to return to Sri Lanka – a right guaranteed as a fundamental human right. This right is also consistent with article 8(2) of the United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, which states:

“Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.”

It is in this context that it is not possible for any regulatory mechanism to be introduced – should any system be introduced at all – to discriminate between documented migrants, undocumented migrants, students or any other class of persons. A regulator should be set up to evacuate all persons who, as citizens of Sri Lanka, have the right to seek assistance from their Government to return to Sri Lanka. Hence, it is not advisable to set up a regulatory mechanism only for the safe evacuation of migrant workers of Sri Lanka but rather to set up a safe evacuation procedure for all citizens of Sri Lanka, irrespective of their status. This will also scale down the necessity for multiplicity of regulators and regulatory processes to deal with each category of Sri Lankan travellers, migrants and students – be they undocumented or documented.

Issuance of emergency travel documents

During a crisis, migrant workers may have misplaced their travel documents, including their passport or any other travel authorization issued by Sri Lanka. A regulatory body in charge of such safe evacuation is granted the authority to issue emergency travel documents to the citizens of Sri Lanka.

The present law to issue such emergency entry documents is the Immigrants and Emigrants Act, No. 20 of 1948, as amended. However, the legal position can get complicated when the following situations arise:

Case 1: A Sri Lankan woman – whether an regular or irregular migrant – gives birth in the foreign country and the child’s father is a foreign citizen. The child is not a documented citizen of Sri Lanka. What is the legal arrangement for the Government to permit entry for such a child?

Case 2: A Sri Lankan woman marries a foreign citizen as per the laws of the foreign country, but she is not given foreign citizenship, nor does she relinquish her citizenship of Sri Lanka. During a crisis, the husband and her children request entry to Sri Lanka. What is the legal position?

In both situations, the Sri Lankan mother would not return to Sri Lanka without her children or family. This leaves the Sri Lankan citizen in a legal conundrum. In such circumstances, the Immigrants and Emigrants

Act dictates that accompanying non-nationals seek entry to Sri Lanka on a visa, just like any other foreigner. However, it is not humane to refuse entry to the family of a Sri Lankan citizen, including the undocumented children, given the international law obligations placed on Sri Lanka.

In general, article 5 of the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families states that “migrant workers and members of their families: Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party; Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article; in this regard, article 16 of the Universal Declaration of Human Rights highlights the right to family, and many other treaties and soft law instruments underscores the right to family and protection of such family by the State”.³²

The family is the natural and vital unit of society and is entitled to protection by society and the State. It is thus recommended that emergency travel documents are issued to the family of the Sri Lankan citizen, and upon arrival, such persons will be subject to procedural checks on health, security, legal and other rehabilitation services like that of a Sri Lankan citizen who has entered on the usual Sri Lankan passport or emergency entry document. Thereafter, such foreign citizens or undocumented emigrants will have the right to remain in Sri Lanka until those persons' legal status to be citizens, temporary residents or any other emigrant rights are considered under the laws of Sri Lanka. The essence of this argument is that the irreducible minimum requirement must be observed: that is, the prompt issuance of the emergency travel document to such persons undocumented in Sri Lanka after an urgent screening test or an investigation within an organized regulatory framework.

Pre-travel regulatory procedure

Although pre-travel screening and documentation process are necessary, such procedures, if introduced, must be non-intrusive and non-mandatory. Sri Lanka's international obligation pursuant to article 8 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, states that:

“Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present part of the Convention; migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.”

Emergency travel documents and international law compliance and possible abuses

At present, the Immigration and Emigration Act is capable of mandating the issuance of emergency travel documents to citizens of Sri Lanka. However, such procedures can entail abuse of procedures, which will eventually raise security, health and social safety concerns to the Government with a mass exodus of refugees seeking asylum. The situation of refugees and repatriation, or even resettlement in Sri Lanka in the process of safe migrant worker evacuation, could become a recurring issue by setting a wrong precedent, for example for abuse by causing security, health and social safety concerns. The legal mechanism to address the process of safe migrant worker evacuation must take into consideration the probable situation whereby such a situation is transformed into an uncontrollable one, where non-Sri Lankans refugees seek asylum status.

³² Article 16 of the Universal Declaration of Human Rights. In general, Sri Lanka is reminded of Article 5 of The United Nations Convention on the protection of the rights of all migrant workers and Members of their families of the said Convention which states that “The word “reminded” is to politely ask Sri Lanka to comply with the international law. Enough legal provisions exist and law reforms are not needed, but policy shift is what is recommended as a “soft blow”.

This aspect cannot be discounted because Sri Lanka has highly populous neighbours where Sri Lankan migrants work, who in turn share a close affinity with the Sri Lankan culture. This concern was raised during the interviews with government stakeholders, where a mass exodus of applications for emergency travel documents and the instantaneous screening processes initiated on the foreign missions of Sri Lanka may lead to immense challenges of identifying citizens and non-nationals who will enter Sri Lanka and claim “economic refugees status”. Sri Lankan law seems to be inadequate to handle this issue effectively. Any legal mechanism introduced to handle the issuance of an emergency travel document must necessarily identify this challenge. Sri Lanka’s international obligation is pursuant to article 7 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which states that:

“State Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.”

The focus on “urgent”, “imminent” and “extreme” necessity to issue emergency travel documents must also be assessed for its abuses on a prima facie basis rather than on complete refugee status determination so that the possibility of accelerated arrangements make sense within international law and the Sri Lankan context.

An exodus of non-nationals who seek refugee status and resettlement may pose unique challenges to Sri Lanka’s legal system. A report from the International Bar Association (IBA) states: “...resettlement provides an indirect route to asylum to those who have already been recognised as refugees according to the 1951 Convention Relating to the Status of Refugees (the Refugee Convention), so they can move from a country of first (unsuitable) refuge to a country of effective and durable protection – the transfer directly out of the country of origin to the country of destination not being, in principle, possible under UNHCR’s resettlement programme. However, direct channels to such effective and durable protection are usually ad hoc, if not one off, exercises, adopted by countries of destination in exceptional circumstances.” The United Nations High Commissioner for Refugees (UNHCR) is the main United Nations body responsible for such issues with the cooperation of sovereign States, along with relevant partners. In general, UNHCR addresses refugee autonomy, expedited access and shared responsibility of sovereign States, where Sri Lanka needs to rely on for migrant worker evacuation schemes. The UNHCR’s original mandate did not explicitly cover internally displaced persons. But today, this agency specializes in dealing with internally displaced persons.

Gaps

- ▶ Relative lack of regulatory cooperation among regulatory bodies and the specialized nature of the regulatory mechanisms existing at present.
- ▶ Considerable gaps in Sri Lanka’s laws, making it difficult to deal with the safe migration of workers, including emergency evacuations, with only a fragmented regulatory mechanism provided by the Immigration and Emigration Act, the Disaster Management Act and the Bureau of Rehabilitation Act, No. 2 of 2023.

New challenges become omnipresent when one considers the specialized nature of the regulatory mechanisms that exist and the relative lack of regulatory cooperation among such bodies; the necessity of health and safety screening procedures and security evaluation procedures upon arrival and that the laws in this regard are insufficient; and issues relating to the right to privacy of the data management processes, especially after a crisis. These are major legal concerns considering who should take the custodianship of the data while protecting the right to privacy.

Laws regarding the pre-travel screening and documentation process, if introduced, should be non-intrusive and non-mandatory. Among the interviewed informants, there was no consensus as to whether pre-travel screening and documentation are needed. Such a process must be introduced, if needed, without causing violence to Sri Lanka's international obligation pursuant to article 8 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which states that migrant workers and members of their families shall be free to leave any State, including their State of origin.

Law reforms are needed to address the issuance of emergency travel documents to the family of the Sri Lankan citizen who may be non-Sri Lankan or stateless persons. And upon arrival, such persons will be subject to procedures on health, security, legal and other rehabilitation services like that of a Sri Lankan citizen who has entered on the usual Sri Lankan passport or emergency entry document.

Sri Lankan law, particularly the Constitution, does not permit any regulatory mechanism that is to be introduced to discriminate between documented migrants, undocumented migrants, students or any other class of persons. Any regulator created to evacuate such persons has a right to seek the assistance of the Government to return to Sri Lanka as a citizen. And corollary to that, it is not desirable to create a regulatory mechanism only for the safe evacuation of migrant workers from Sri Lanka but rather to set up a safe evacuation process for all citizens of Sri Lanka, regardless of their status.

Proposed solutions

Proposed Office for Overseas Sri Lankan Affairs

The initiative taken by the President, in his capacity as the Minister of Finance and in the Interim Budget 2022, proposed establishment of an Office for Overseas Sri Lankan Affairs to function as a central coordinating point for Sri Lankans living abroad. Currently, an informal secretariat within the President's Office has been created and begun to function. But the Government is proceeding to incorporate this office as a statutory body.

The policy developments thus far reflect a positive attitude towards this issue, considering Sri Lankans living abroad include Sri Lankan migrant workers. The Government is deliberating a draft law pertaining to the establishment of a platform to coordinate with overseas Sri Lankans. During the formulation of this report, the following suggestions were made to the draft Office for Overseas Sri Lankan Affairs Bill (see Annex V for the complete draft):

1. Definition and scope of overseas Sri Lankans to include migrant workers should be expanded to include Sri Lankan citizens residing overseas temporarily who continue to contribute to the country and thus should be able to rely on platforms maintained by the proposed Office for Overseas Sri Lankan Affairs for information and directions in the event of an emergency.
2. Appointment of committees under clause 21 of the Bill for better inter-regulatory coordination.

On these two issues, the provisions proposed by the legal consultant for this report is highlighted in green and blue colour in Annex V.

Definition and scope of overseas Sri Lankans

A broad definition has been given to the term "overseas Sri Lankans" in the Bill. However, "Sri Lankan residents residing overseas" should include those Sri Lankan citizens temporarily staying abroad as migrant workers, students or as visitors. Such persons may include science research students, professional migrant workers and many other types who contribute to the country's investment and trade promotion in a major way.

In these circumstances, clause 10 of the legal draft is recommended to be amended as follows: "overseas Sri Lankans" means Sri Lankan residents citizens residing overseas, Sri Lankan citizens by birth who have subsequently obtained citizenship of another country and include the descendants of Sri Lankan citizens.

“Sri Lankan citizens residing overseas” should include those Sri Lankan citizens temporarily staying abroad as migrant labour, students or as visitors, as the case may be. “Sri Lankan citizen” means a person who comes within the laws of Sri Lanka, which includes Citizenship Act No. 18 of 1948 as amended by Act No. 45 of 1987 and Chapter V of the Constitution. A definition for “Sri Lankan citizens residing overseas” must ensure that the migrant labour force is included and that their contribution to Sri Lanka is recognized during their temporary stay.

Also, the definition of overseas Sri Lankans, the word “resident” is deleted and substituted with the word “citizens” to make sense with the legal verbiage. The word “included” is added to broaden the definition. The important point to note is that a clear distinction should be made between “overseas Sri Lankans” and “Sri Lankans citizens residing overseas”.

Clause 3(g) is also added so that the Sri Lankans citizens residing overseas temporarily staying abroad can use the office as an information liaising platform. This will make the draft law more effective in attracting the contributions of overseas Sri Lankans.

Annex IV contains the recommended draft Bill on the Disaster Management Act. The draft Bill extends the existing administrative mechanism that is established under Sri Lanka Disaster Management Act No. 13 of 2005 to international disasters that affect Sri Lanka, thereby expanding the scope to cover such international disasters that affect Sri Lanka and its citizens. Annex III contains an explanatory note that can be converted into a Cabinet Memorandum by the Minister in Charge of Sri Lanka Disaster Management Act No. 13 of 2005 and recent contributions to the deliberations on the formulation of the Office for Overseas Sri Lankan Affairs Bill 2023 to incorporate provisions on safe evacuation of Sri Lankans.

Establishing contacts at all times

Sri Lankan citizens residing overseas temporarily who continue to contribute to the country should rely on platforms maintained by the proposed Office for Overseas Sri Lankan Affairs for information and directions in the event of an emergency. The recent COVID-19 pandemic is an example whereby professional Sri Lankan citizens residing overseas temporarily wanted to return to Sri Lanka. In such circumstances, any assistance given by such organized platforms will increase the credibility of Sri Lanka even among its citizens residing overseas temporarily. Such confidence-building measures will, in the long term, benefit Sri Lanka.

Hence, it is recommended that clause 4(h), which assists the Office in such endeavours be added: “4(h) Establish an information liaising platform to coordinate with the government agencies to assist Sri Lankan citizens residing overseas to return to Sri Lanka during an international disaster or an international humanitarian crisis and coordinate with the relevant government agencies to assist in re-integration process.” And clause 3(h) is added so that the said function is covered by the objects. And, to give comprehensiveness, a meaningful preamble is added.

Appointment of committees under clause 21

It was a concern of some of the stakeholders during consultation for the development of the emergency evacuation response plan that certain ministries and departments should be included within a clause in the draft law. However, such an expansion is not necessary and will eventually make the whole law non-operational, given its difficulties in maintaining a quorum. Thus, clause 21 could be utilized for the purpose of forming committees with different stakeholders for seamless functioning.

To provide clarity and purpose for stakeholders and to reflect that their concerns are accommodated, it is suggested that a schedule be included in the draft law under clause 21. The said schedule has been drafted and inserted, titled First Schedule. The committees that are established thereunder could be changed, cancelled or added as the governing Board of the Office for Overseas Sri Lankan Affairs may consider necessary, thus giving the Board greater flexibility.

The committees would be: Committee on Investment Promotion, Committee on Labour Relations and Committee on Emergency Response for International Disasters Abroad. Such committees, pursuant to section 21, will accommodate the concerns of many stakeholders.

The necessity to include Sri Lankan migrant labour, students or visitors staying abroad in the draft law

It is important that the Sri Lankan citizens residing overseas should include those citizens temporarily staying abroad as migrant workers, students or as visitors. The reason is that even a Sri Lankan research student attached to an internationally famous research institute for a short duration can also encourage investments and trade promotion. Such categories of Sri Lankan citizens should not be excluded; the Cabinet policy and the President's Interim Budget proposals 2022 will be better accommodated by inclusion of such Sri Lankan citizens staying abroad.

Chapter 7

ICT solutions to benefit migrant workers in an emergency evacuation process

Rationale

Moving out of a region at risk or affected by a hazard, before or after its occurrence, will greatly reduce any losses to affected migrant workers. Although certain types of emergencies, such as civil and political unrest or economic crisis, may provide sufficient early warning and buffer time to prepare, natural disasters can occur suddenly without any sign. In either case, migrant workers are and vulnerable to the situation and likely to be affected. Often, they depend more on their employers, friends and other formal and informal structures available in the local vicinity than any remote assistance.

Providing relief support to migrant workers in a destination country is challenging due to numerous political, geographical and administrative barriers between Sri Lanka and the destination countries. ICT solutions are most suitable because they allow responders to virtually work through most of these barriers in reaching migrant workers who need assistance. Of course, ICT should always be considered one of many tools supporting these activities, if only because ICT itself often becomes a disaster victim. For instance, in a natural disaster, ICT systems will likely become inoperative or inaccessible to migrant workers because most support infrastructure is damaged. Even in civil and political unrest or armed conflict, ICT infrastructure is likely to be affected. All these factors can render any ICT-dependent component inaccessible to migrant workers during an emergency.

A migrant worker's ability to respond to an emergency in a destination country depends on multiple factors. Among them, preparedness and the ability to assess the risk and take mitigating actions. On the other hand, preparedness must be considered from a longer-term perspective and not linked only to emergencies. Connecting with peers and relief responders through available channels (ICT or otherwise) will always be important in overall preparedness. This would also require continuous engagement with migrant workers to create a culture of "situation awareness" in the destination region and to build up the ability to identify and prepare for possible risk factors.

During an emergency, even though the ICT solution may not be accessible to affected migrant workers, the system would have workers' last-known location based on its continuous engagement approach. Such information could be used to coordinate and support the relief efforts, provided that accessibility is maintained through alternate means.

Apart from the accessibility, the usefulness of an ICT solution during an emergency depends greatly on the accuracy and relevance of the information it contains. A system with accurate information will be useful and could lead the relief operations. Maintaining accurate information requires a sustained and prolonged approach. Typically, data collection starts at the pre-departure stage of migrant workers' migration journey, followed by continuous engagement to maintain the data accuracy and relevancy. ICT systems should thus address emergency operations and remain a "live" system that collects and maintains data through regular engagement with the migrant workforce.

The problem

The government agencies involved in migration management, including labour migration, use ICT daily. For instance, the Bureau of Foreign Employment has its own information system and a database management system that maintains all data relating to registered labour migrants. The Department

of Immigration and Emigration has almost all its internal workflows managed through ICT systems in a relatively paperless environment. All overseas diplomatic missions are connected with the Ministry of Foreign Affairs through email and the internet for communication purposes. All these departments are also part of the Government's information infrastructure that maintains the government network and ICT resources.

The government ICT systems operate on a stand-alone basis within the respective entities. Automated information-sharing across different agencies is almost non-existent, resulting in the same data element being maintained in different systems with the possibility of different versions. The lack of integration across different systems also affects the use of the data in emergencies because they need to be offloaded and shared with the relevant stakeholders.

A limitation in the existing ICT systems related to migration management is the need for a database of Sri Lankans living overseas. The only information available is the declaration made to the Department of Immigration and Emigration during the last outward travel movements from Sri Lanka. Any travel movement to a different country after that remains unknown to all ICT systems used by the government agencies. The lack of a database for maintaining information on overseas Sri Lankans was highlighted by the International Organization for Migration as an area in need of improvement (MGI 2018).

What the literature and experts say

ICT landscape

Sri Lanka has a relatively high ICT literacy and ICT service penetration compared with other countries in the region and is on par with some developed economies. The ICT Development Index ranked Sri Lanka at the 117th position globally with a composite index of 3.91 in 2017.³³ Sri Lanka ranked at the 20th position among 34 countries in the Asia-Pacific region.³⁴ The country has approximately 11 fixed telephone connections and 118 mobile phone connections for every 100 inhabitants.³⁵ Almost half of the households have a personal computer, and 50 per cent have internet access. Around 32 per cent of the population uses the internet through fixed or mobile broadband services.

Despite the impact of the COVID-19 pandemic and economic crises, Sri Lanka continues to experience a rapid increase in internet use, outpacing all its regional peers. One reason for this rapid demand was the dependency on social media platforms and the internet to carry out regular activities despite the mobility restrictions caused by the situation (shortage of fuel and transport services, etc.). During this period, Sri Lankans were compelled to use available platforms like Facebook, WhatsApp, Instagram, etc., for almost every routine task, ranging from ordering food to obtaining government services. As a result, the popularity of these platforms grew rapidly across all sectors of society, genders and age groups.

According to 2023 data published by the Data Portal,³⁶ Sri Lanka's internet penetration rate was 66.7 per cent, with 14.58 million internet users. Nearly 50 per cent of them were actively engaged in social media platforms, with 6.55 million Facebook users, 7.04 million YouTube users, 3.55 million Facebook Messenger users and about 1.4 million Instagram users. There were also 11 million (almost 50 per cent of the population) active WhatsApp users and about 5.6 million Viber users. Mobile device penetration and mobile broadband services in Sri Lanka were much greater than fixed-line services. In 2023, Sri Lanka recorded about 165 mobile connections per every 100 inhabitants, whereas the fixed telephone and fixed broadband services were limited to only about 10 connections per 100 inhabitants. These figures indicate that most social media use is made through mobile devices, which are less likely to be affected by the mobility of the users.³⁷

³³ See www.itu.int/net4/ITU-D/idi/2017/index.html#idi2017rank-tab. The 2017 data were used to avoid any bias due to the COVID-19 pandemic and the economic and political crisis during its aftermath.

³⁴ The ICT Development Index computed three pillars of ICT development: access to ICT (40 per cent weightage), ICT use (40 per cent weightage) and ICT skills (20 per cent weightage)

³⁵ Including multiple subscriptions by the same user.

³⁶ See the Digital 2023: Sri Lanka online page, which provides updated information by country.

³⁷ Ibid.

Another point worth highlighting is the even higher rate of ICT adaptation and use by the age group of the potential migrant workforce. In a Sri Lanka survey report in 2021, respondents aged 20–35 had a digital literacy rate of 83.4 per cent (DCS 2021). These figures confirm that the potential migrant workforce from Sri Lanka is digitally literate and is capable of handling most of the common digital and social media platforms.

Use of ICT in migration governance and management

Among the different systems used by these agencies, the following two are directly relevant in providing response and assistance during emergency situations in destination countries.

Contact Sri Lanka web portal: With many countries closing their borders, the absence of a national database of overseas Sri Lankans became a critical issue during the COVID-19 pandemic. Sri Lankans living in foreign countries sought assistance through various channels, but no accurate information was available on their whereabouts or contact details. The Contact Sri Lanka web portal was deployed to solve this problem. This web portal included a web frontend allowing Sri Lankans in overseas countries to register with their contact information and location details. Once registered, they could communicate with the Ministry of Foreign Affairs through multiple channels, including email and chat forums. Ministry of Foreign Affairs officials could arrange assistance through overseas missions. This made possible the collection of data for planning and decision-making purposes related to their repatriation.

Readmission Case Management System: The Readmission Case Management System is a cross-border workflow management system available to foreign countries that have signed return and re-admission agreements with Sri Lanka. When a person suspected of being a Sri Lankan national is found in such a country without proper documentation, the system allows the foreign country's authorities to submit the individual's details to Sri Lankan Immigration authorities for nationality verification. If the person is confirmed as a Sri Lankan national, the system allows the quick issuance of an electronic temporary travel document that can be used to facilitate the person's return journey. The workflow is also linked to the Ministry of Foreign Affairs and its network of overseas missions. Hence, it can also be used to request and generate temporary electronic travel documents to facilitate emergency evacuations when affected individuals may not possess their travel documents.

Gaps

- ▶ There is no database of Sri Lankans living overseas.
- ▶ The government ICT systems operate on a stand-alone basis. In most cases ICT solutions deployed in different government agencies are not integrated and hence do not share their data and workflow activities.
- ▶ Relevant and required information pertaining to services is not compiled for easy reference of women migrants.
- ▶ Lack of communication between migrant workers and with family members during the process of an evacuation.
- ▶ Absence of communications by from the Government to sensitize migrant workers on the need for an evacuation.
- ▶ Communication difficulties in conveying migrant workers' health problems.
- ▶ Sri Lankan migrants especially struggle during a crisis when the host country provides information only in its official language, which they cannot understand. In certain regions, banned social media, including WhatsApp, hinder access to crucial updates. Compounded by uncooperative Sri Lankan consular offices lacking an effective information-sharing system, migrants face significant challenges in staying informed when working abroad.

Proposed solutions

The need for a maintained ICT solution

ICT systems are dynamic entities that need to evolve with time and be maintained properly. An ICT system designed for emergency operations but deployed and left unmaintained will likely be in a non-operational state when a disaster occurs. When such a disaster occurs, the surrounding technical environment might have changed, making the system non-compatible with other connected systems. Handling sensitive data required in emergency responses will be non-secure without applying security and technical patches. However, if such a system has a regular purpose and is used for everyday activities, it likely will receive the required attention and budgetary support for maintenance and regular upgrades.

Using a system regularly will also ensure that the data and administrative user accounts are maintained with time relevance and updates. The connectivity with external systems and services will be maintained and verified during operational time. More importantly, all users and stakeholders connected to the system will know its operation capacity and features to support emergency requirements. All these features will help manage the emergency with minimum operational overheads on the system.

Therefore, any system to support migrant workers during an emergency should be designed with an everyday purpose, mandating it to be properly maintained and updated.

Proposed ICT system

The following is the overall functional scope of an ICT solution that could support migrant workers in destination country emergencies:

- a. The system supports all four phases of the emergency response cycle. The mitigation and recovery phases should be operated from a longer-term perspective, while the preparedness and response phases could be implemented closer to the emergency event.
- b. The system includes two operating contexts: the regular (non-emergency) operating context and the emergency context. The regular context will be the mode of operations during normal times, whereas the features of the emergency context will be activated when preparing and responding to an emergency.
- c. During the regular operating context, the system functions like a collaborative engagement platform for the overseas Sri Lankan communities, especially the migrant workforce. The platform facilitates the following types of interactions, mostly associated with the mitigation phase of the response cycle:
 - ▶ Allows migrant workers to self-register and create their profile by providing the necessary information. After that, provide secured access through a login process.
 - ▶ Provides a single window to government e-services related to migrant workers (such as renewal of travel documents, registration of overseas births, marriages, common consular services, etc.).
 - ▶ Provides a platform to obtain common information about overseas stays and government services.
 - ▶ Provides access to private sector and commercial services, such as banking, insurance and trade. The system should allow these agencies to advertise their products and services through a common window and receive service requests from the overseas community.
 - ▶ Provides access to entertainment available on the internet by maintaining a directory of tele dramas, music and other entertainment products.
 - ▶ Functions as a platform for social networking and sharing ideas, discussions, etc. The system should allow integration with common social media platforms like Facebook, Twitter, WhatsApp and Instagram.
 - ▶ Functions as a data source for statistics and reporting on overseas Sri Lankans and their demographic properties.

- d. The regular operations should also support the recovery phase following a previous emergency (if any). Under these features, migrants managed by the system will be monitored and supported continuously through their reintegration with the usual livelihood activities. For this purpose, the system should support the following functions.
 - ▶ Operate as a single window to dispatch advisories and relevant information to selected groups (those affected in destination countries) to prepare them for any probable emergency. The platform should facilitate the dissemination of messages through multiple formal and informal channels.
 - ▶ Act as a communication channel between affected migrants and relief agencies that allows for the exchange of correspondence and the monitoring of data.
 - ▶ Support track-and-trace information of affected individuals signed up in the system through their last-known location and with the assistance of formal and informal interpersonal networks.
 - ▶ Facilitate referral mechanisms across different agencies (those providing financial and psychological support, counselling, etc.) to provide necessary facilities to affected migrants.
 - ▶ Maintain records and related details of the recovery phase until affected migrants are able to continue on their own.
 - ▶ Provide a dashboard for authorities (Ministry of Foreign Affairs, Bureau of Foreign Employment, etc.) to monitor the status of affected individuals in the destination country. The same information may also be used for planning and execution of relief efforts by relevant agencies.
 - ▶ Function as a network access tool to support formal and informal communication and messaging with affected individuals in the destination country.
- e. The system should be designed with the purpose of regular use to support continuous engagement of all stakeholders, especially migrant workers. The system should include facilities and services to encourage them to log in regularly and update their profile, including their whereabouts and work status.
- f. The system should include features supporting multiple engagement channels for migrant workers. Such channels should include direct and indirect access because the latter would become more essential in an emergency, when direct communication becomes impossible.
- g. The system should provide a simple user-friendly interface that someone with minimum IT literacy can use. It should resemble common application usernames like Gmail, Facebook, WhatsApp, etc. and use the same functional terminology for user interactions.
- h. The system should facilitate the creation of formal and informal networks of migrant workers (such as discussion groups, news-sharing groups, etc.). For this purpose, the system should provide seamless integration with other social media platforms, like Facebook, Twitter, WhatsApp, etc., where such groups may exist. These informal networks will become useful in the preparation and response phases of an emergency to disseminate information and gather common requirements of affected individuals.
- i. The system should be developed with multilingual capability, and its content should be available in all three languages spoken in Sri Lanka.
- j. The system should implement a personal data and privacy protection scheme to ensure that information maintained within the system is properly regulated and prevented from being used for any unauthorized purpose.

System administration and governance framework

The proposed system should be managed as a community-based platform operating with minimum government intervention, especially its non-emergency operations context. This approach would encourage migrant workers, especially those without proper documentation or authority for employment in a foreign country, to sign up with the system worry-free regarding detection of their status. However, a

proper monitoring and governance model must be implemented to minimize misusing the platform for illegal or political purposes. The following measures are recommended for the governance model of the platform:

- a. The system must be administered according to an acceptable use policy, which every user must agree to before signing up. Additionally, it must comply with the national legislation for personal data and privacy protection.
- b. An administrative authority must moderate all content published in the system. The moderation must comply with the acceptable use policy guidelines for the system. Moderation must allow free speech and ensure all users comply with the relevant guidelines.
- c. The system should not be used for any political activity or propaganda by the Government or other stakeholders.
- d. All user data and other related parameters in the system must remain under the Government's ownership. The data must never be used for purposes other than the intended activities of the platform. The system must implement a transparent data classification and exposure control policy.
- e. The platform shall also provide space for advertisements and offers from related commercial entities, such as banks, insurance companies and retailers for products and services related to migrant workers, generating revenue to support its maintenance.

Functional requirements: Regular (non-emergency) operations

During regular (non-emergency) times, the system should encourage migrant workers to sign up and create a profile on the platform. The registration should capture their basic biographic profile, residency (location) profile and contact details. To encourage more registrations, especially those without proper documentation (irregular migrants), the registration must be open and free of strict regulatory checks. Yet, the system must implement necessary controls and checks to reduce the risk of fraudulent registrations and multiple registrations by the same individual. Once the registration is completed, migrants should be able to access the following services the system offers year-round:

- ▶ Access to government e-services through a single window offered by the platform.
- ▶ Access to helpdesk service and frequently asked questions available on the platform, including emergency advisories.
- ▶ Receive push notifications on messages and advisories dispatched by relevant stakeholders and agencies through the platform.
- ▶ Access to Sri Lankan news, entertainment and related services through the single window offered by the platform.
- ▶ Access to other products and services that commercial partners offer through this platform.
- ▶ Subscribe and access social media groups (WhatsApp groups, Facebook groups, etc.) and formal discussion forums associated with the platform.

Where applicable, the system should be restricted to registered users with only a basic description provided as public access. This will encourage users to register with the system. And it will assist in maintaining migrants' details, which will become important in emergencies. Certain details (like contact information) can also be validated periodically when users access these services. The requirement for registration will also prevent any misuse of the platform for unauthorized purposes by regulating its access to non-resident Sri Lankans. Migrants should be able to access the system through the internet and using a mobile app. They should also be able to register in the system using their social media account (like Gmail, Facebook, etc.). The system should provide integration with these social media platforms, such that once registered, users would automatically become subscribers to the official channels in the respective social media networks.

Enabling the registered users to access commercial services and products in Sri Lanka via the proposed platform will be an important aspect because it will encourage users to frequently engage. The relevant commercial entities should provide these services directly, using the platform as a channel to reach migrants. The services that could be offered via the platform could include:

- ▶ Banking services, like non-resident foreign currency accounts and remittance services.
- ▶ E-commerce website offering products and delivery within Sri Lanka, which would allow migrants to order products and get them delivered to their relatives and friends in Sri Lanka.
- ▶ Media and content providers who could offer domestic products, like music and movies.
- ▶ Bill-paying services, which would allow migrant workers to pay utility bills of their relatives in Sri Lanka.
- ▶ Any other service relevant to migrants that are offered within Sri Lanka.

The system should provide an advertising platform for commercial service providers to market their products and services to migrant communities. The advertising should also be charged to support the system's operations and maintenance. During its regular operations, the proposed platform should remain under the administration of a government entity, such as the Ministry of Foreign Affairs, the Sri Lanka Bureau of Foreign Employment or the Office for Overseas Sri Lankan Affairs. The operating agency should be responsible for the following tasks:

- ▶ Ensuring the system's operational readiness and technical updates.
- ▶ Ensuring that all information and notifications (such as news, notices and alerts to migrant communities) are time-relevant and updated.
- ▶ Ensuring that the helpdesk and contact centre operations are within the required service levels.
- ▶ Managing the advertising platform provided to commercial entities.
- ▶ Managing the engagement of other government and non-government agencies and providing relevant access credentials.
- ▶ Monitoring system operations and interactions, including the generation of statistical reports.

Functional requirements: Emergency operations

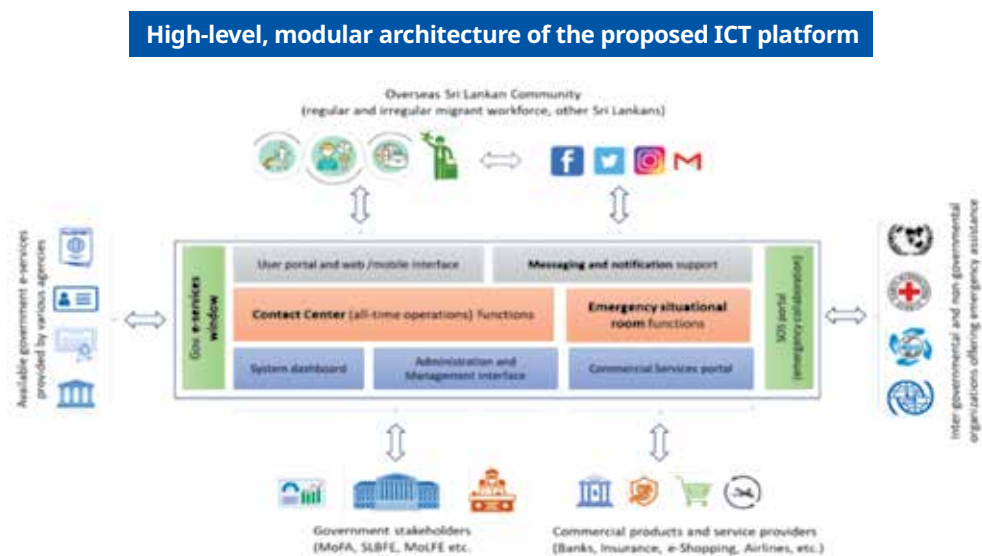
When an emergency is identified and declared, the ICT system should facilitate the following features and functions to all stakeholders involved in the situational response:

- a. Function as a migrant data source and provide relevant information to authorized stakeholders. Data provision should be subjected to the relevant data protection regulations applicable to emergency operations. The system should be able to partition the data record concerning the affected geographics and demographics of the migrant population and expose only the affected data records.
- b. Function as an emergency contact centre for affected migrants in destination countries. The platform should offer an interface that allows affected migrant workers to contact and request advice and assistance from government officials through multiple channels, including the platform web interface, mobile app or social media channels. The system should automatically correlate such information with a migrant's profile record and direct the request to the appropriate response or relief agency. The system should also monitor the progress of such responses through a dashboard interface. It should automatically detect delayed responses and promptly inform the situation to supervising authorities for necessary remedial action.
- c. Function as a collaboration platform for relief agencies and government entities. In an emergency, the proposed system should function as a single-window platform for coordinating relief and response efforts offered by different stakeholders (government entities and non-governmental or intergovernmental agencies) and migrants who need assistance. For this purpose, the system should provide a common format for stakeholders to assist in emergency operations. The officers managing

the situation should be able to collate and match these offers with the requirements of the emergency operations and devise optimal plans for their execution together with relevant administrative entities. Once the operations have commenced, the system should facilitate monitoring their progress and flag any delays or non-optimal use of resources, and thus allow for necessary remedies to be taken. To facilitate these functions, the proposed system must include a virtual “situation room” interface that allows users from different agencies to work in a single virtual environment. The situation room must have necessary dashboards and reporting and information support to ensure a live and efficient response in an emergency.

System architecture and overall design requirements

To cover the spectrum of different features, services and operational modes required in the proposed system, it must be developed using a modular approach, as illustrated in the following diagram. The modularity will also make the solution expandable with new future features and scalable to cover the transactional demands.



Most of the system's core functionalities will be shared between the **contact centre module** and the **emergency situation room** module. The contact centre module will mostly be responsible for the regular time functionality of the system. It will maintain migrants' profiles and manage facilitation and services offered regularly to migrants by the different agencies, e-services and commercial providers. The module will also apply the data classification and exposure control policy for protecting migrants' privacy and personal data.

Chapter 8

Media reporting in emergency crises affecting migrant workers

Rationale

The plight of migrant workers during emergency crises has gained significant attention in recent years. These crises, whether natural disasters, pandemics or conflicts, often disproportionately impact migrant populations due to their vulnerable socio-economic status and lack of adequate support systems. In these times, the media have a critical role in shedding light on the challenges faced by migrant workers, amplifying their voices and influencing policy responses to address their specific needs.

The problem

Media reporting has a pivotal role in challenging stereotypes and dispelling misconceptions surrounding migrant workers during emergency crises. Sensationalized or biased narratives often perpetuate negative stereotypes, leading to discrimination, stigmatization and marginalization of migrant populations. Responsible and empathetic journalism can counter these narratives by providing balanced and nuanced portrayals of migrant workers. By highlighting their resilience, contributions and shared humanity, the media foster empathy and understanding among the general public, encouraging solidarity and support for migrants' rights and well-being.

What the literature and experts say

Media reporting serves as a powerful tool to highlight the vulnerabilities and unique challenges faced by migrant workers during an emergency. These individuals often find themselves in precarious situations, lacking access to health care, social protection and adequate living conditions. The media brings attention to their struggles, showcasing the difficulties in accessing essential services, such as health care, shelter and relief aid, especially when facing language barriers, legal constraints or discrimination.

Through compelling storytelling and investigative reporting, the media shed light on the harsh realities that migrant workers endure during emergencies. Reports may focus on their displacement, loss of livelihoods, separation from families, exploitation and the often-overlooked contributions they make to the economies of host countries.

Media coverage of emergency crises involving migrant workers can influence policy responses and shape government actions. Comprehensive reporting that highlights gaps in existing policies, shortcomings in support mechanisms and instances of neglect or abuse prompts policymakers to reassess and strengthen measures to protect migrant workers during emergencies. The media's role in holding authorities accountable for their responses to crises affecting migrant communities is crucial. Investigative journalism and in-depth reporting uncover systemic issues, bureaucratic hurdles and failures in delivering assistance, prompting necessary reforms and policy changes to ensure better preparedness and protection for migrant workers in future crises.

Gaps

- ▶ Lack of responsible media reporting in a crisis situation.
- ▶ Lack of proper coordination among media outlets with respective state authorities to check facts or verify information and thus avoid affecting the morale of the families of migrant workers in times of crisis.

- ▶ Lack of sensitized media outlets and journalists on the importance of being accurate, fact-checking and verifying information before publishing.
- ▶ Lack of sensitizing journalists on the negative consequences of inaccurate reporting on families of migrant workers and authorities who manage the situation.
- ▶ Lack of positive and timely news to uplift the morale of families of migrant workers and also to avoid unnecessary confusions in times of crisis.
- ▶ Lack of addressing responsibility through media ethics.
- ▶ Absence of guidelines for journalists on reporting crisis situations.

Addressing these issues would minimize unnecessary confusion and would facilitate the smooth functioning in evacuating migrant workers. The number of measures taken would improve professional media reporting in a crisis situation.

Chapter 9

Migration data governance

Rationale

The effective management of migrant workers' data is critical during times of emergency crises. Proper administration of this data significantly supports respective governments in reducing the adverse impacts of the crisis and mitigating victimization.

Migration data governance is essential for informed decision-making and effective policy formulation. Reporting on migration data aligned with the Sustainable Development Goals (SDGs) is instrumental in identifying challenges, monitoring progress and fostering inclusive and sustainable development for migrant populations and host communities.

The problem

Non-availability of details of migrant workers in general poses a serious issue for informed decision making by authorities in respect of migrant workers. Specifically, the available information management systems are not at all adequate to track and address needs of emergency crises. Lack of an integrated and up-to-date comprehensive information management system for the maintenance of data concerning Sri Lankan citizens living overseas needs urgent solutions.

What the literature and experts say

Migration data governance has a crucial role in the context of the SDGs reporting due to its influence on policymaking, resource allocation and understanding the impact of migration on various aspects of development. This includes:

Data collection and reporting (Goal 17): Effective migration data governance involves the collection, management and dissemination of accurate and reliable data related to migration. This supports Goal 17, which emphasizes the importance of data, monitoring and accountability for sustainable development. Improved data collection and reporting on migration trends, patterns and impacts can enhance evidence-based policymaking and resource allocation.

Reduced inequalities (Goal 10): Migration data governance can contribute to reducing inequalities by providing insights into the vulnerabilities and needs of different migrant groups, including women, children and internally displaced persons. Reporting on these disparities can highlight the importance of addressing specific challenges faced by these groups and promoting inclusive policies and interventions.

Decent work and economic growth (Goal 8): Migration data governance helps in understanding the labour market dynamics influenced by migration. Reporting on employment rates, skills of migrants, their contribution to specific sectors and the impact on wages can inform policies that promote decent work conditions and economic growth for both migrants and host communities.

Quality education (Goal 4): Migration data can shed light on the educational challenges faced by migrant children, including access to education, language barriers and integration into education systems. Reporting on these aspects can help in designing inclusive education policies that ensure access to quality education for migrant children.

Health and well-being (Goal 3): Migration data governance supports the reporting on the health status and access to health care services among migrant populations. Understanding their health needs and

barriers to health care can aid in developing targeted health policies and interventions to improve the health and well-being of migrants.

Partnerships for the Goals (Goal 17): Effective migration data governance requires collaboration and partnerships among various stakeholders, including governments, international organizations, civil society and academia. Reporting on successful collaborations in data-sharing, capacity-building and knowledge exchange strengthens global partnerships to address migration-related challenges and works towards achieving the SDGs.

Gaps

- ▶ Lack of an integrated and up-to-date comprehensive information management system for the maintenance of data concerning Sri Lankan citizens living overseas. (The available information management systems are not adequate to track and address needs of emergency crises.)
- ▶ Non-availability of details of migrant workers.

Chapter 10

Recommendations and the emergency evacuation response plan

The following is consolidation of the recommendations that were drawn from the reviewed literature and from the interviews and other consultations during the participatory research process to draft the emergency evacuation response plan. The plan presented further on reflects these recommendations.

Psychosocial response

1. Conduct a psychological evaluation or screening of migrant workers affected by an emergency situation immediately upon their evacuated return and prior to reintegration into society.
2. Establish a regulatory body or a temporary regulatory body consisting of multiple individuals or an individual (consultant psychiatrist of the area) to oversee relief efforts at local level and to maintain standards of care of psychosocial interventions.
3. Activate or establish an inter-agency standing committee to coordinate and jointly develop a mental health and psychosocial support plan that specifies the actors responsible in the health and protection sectors.
4. Institute guidelines or regulations on the accepted and appropriate forms of interventions for various volunteer organizations or parties aiding in relief efforts.
5. Ask the newly established interagency standing committee to provide training for handling victim migrant workers to local and international humanitarian workers in all sectors, health and social services staff and to government officials, including the police and military.
6. Require migrant services centres to offer counselling and advisory services to evacuated migrant workers upon their return to Sri Lanka to address social and behavioural problems within their families, including with their children, nutrition deficiencies, medical problems, educational difficulties, adult abuse and entrusting homes to responsible hands and leveraging facilities like Sahana Piyasa, a kind of a relief centre.
7. Incorporate the mental health needs of migrant workers exposed to disaster situations by revitalizing existing services, expanding the reach, establishing more migrant centres and equipping them with counselling staff with training to handle specific situations.
8. Establish collaborative partnerships and communication channels with migrant workers' associations to facilitate the referral of individuals in need of psychological support, such as mediating discussions or interviews, especially if individuals feel uncomfortable speaking with mental health professionals, for long-term follow-up and ensure compliance with psychosocial interventions.
9. Strengthen and re-establish the migrant services centres as one-stop centres at the district and divisional levels to provide information on health and mental health interventions, financial advice and skills training.
10. Prevent the re-traumatization of victims by avoiding repetitive questioning about their experiences and assign a dedicated mental health professional to provide consistent support.
11. Limit initial screening for medical care of adult refugees, immigrants and migrants to questions to identify those with serious mental illness and those likely at risk of suicide. As rapport is established and if interventions are available, perform a formal mental health assessment using a screening tool. Screening for sexual trauma in women may inform ongoing care.

12. Observe the necessary quarantine period if evacuated migrants return amid a pandemic and address the stressors if the isolation period is prolonging. Mitigate mental health challenges if the pandemic disease is severe, requiring extended isolation that can lead to heightened anxiety, mood swings and insomnia due to uncertainty and fear. Use remote counselling as a viable alternative, with monitoring by psychiatric health professionals.
13. Provide training and establish protocols for airport officials to discern individuals requiring specialized attention or support, such as victims of trafficking, vulnerable migrants, migrants with disabilities, elderly migrants and child migrants, including unaccompanied or separated children, particularly during a migrant influx following a disaster, where such individuals could potentially go unnoticed.

General health response

1. Conduct a full-day training (eight-hour) session by a qualified medical doctor on health issues, including non-communicable diseases.
2. Provide a compulsory medical insurance system on bilateral basis for all migrant workers in any country.
3. Provide tailored medical check-ups to assess the suitability of would-be migrant workers for the job that they have applied for.
4. Revise the current health policy on migrant workers, which addresses only the prevention of HIV, by including all chronic diseases, such as hypertension, diabetes, dyslipidaemia, etc.
5. Revise the current health policy on migrant workers to ensure occupational safety measures while they work in destination countries.
6. Provide strict guidelines or compulsory training for all recruiting agents in Sri Lanka on their responsibility of selecting suitable migrant workers for specific jobs and their responsibilities for protecting migrant workers abroad.
7. Maintain (by a government authority) regularly updated personal data files on all migrant workers, such as details of their departure, arrival and medical status.
8. Conduct an orientation or familiarization programme in Sinhala and Tamil languages for migrant workers upon their arrival in their destination country on the health care system and how to utilize it.
9. Instruct all migrant workers on how to communicate with authentic social media, radio and social groups to seek help for their health problems.
10. Disseminate authentic health messages by an embassy officer to migrant workers with the help of the Ministry of Health of Sri Lanka and the destination country.
11. Liaise with the International Organization for Migration, which provides comprehensive health and medical care to affected migrant workers.
12. Provide leadership and appropriate emergency preparedness by Sri Lankan Missions, with special attention on both, psychological and physical first aid, nutrition, health care, etc.
13. Look after the health and medical problems of migrant workers evacuated from an emergency situation upon their arrival in Sri Lanka, irrespective of the nature of the condition related to the disaster.
14. Develop a team of trained health workers (by recognizing the Ministry of Health-initiated emergency medical teams at the hospital level) in each district to look after returned migrant workers' health and medical problems.
15. Use social communication systems to disseminate important health messages to educate returned migrant workers on possible health risks and prevention of possible diseases.

Gender response

1. Set up an information-sharing system or early warning system and create awareness about the system during the pre-departure training and/or when migrant workers register with the Bureau of Foreign Employment. Migrant workers who have basic conversational skills in Arabic are able to understand the host country's information on crises and preparedness.
2. Focus more on the specific needs of women migrants in temporary shelters, from sanitary napkins to appropriate clothing. Create safe spaces where women can relax, interact with other women and where economic activities and the provision of health and hygiene information is possible.
3. Raise awareness on sexual and reproductive health and rights during the pre-departure training for migrant women, and hand over awareness creation kits (information materials including emergency contraception) to migrant women at the departure airport.
4. Improve sensitivity towards women's needs among the management of a temporary shelter (or displaced persons camp) and train staff on psychological first aid as well as on good practices in psychological counselling from community-based and international organizations.
5. Ensure quality standards for the prevention of sexual and gender-based violence and response during an emergency situation, specifically through multisectoral interventions. Link abuse survivors with support services upon their return to Sri Lanka by working with the development officer of the respective Divisional Secretariat.
6. Conduct periodic programmes, capacity-building and awareness training on gender-responsiveness and sexual and gender-based violence jointly with the Disaster Management Centre during pre-crisis preparation and planning stages.
7. Register migrants with the embassy or consular office in the destination country with scanned travel documents to process the issuing of temporary travel documents in a crisis situation.
8. Address issues faced by women migrants with more coordinated effort at the Divisional Secretariat level through a multi-stakeholder coordination approach.

Legal solutions

1. Create a temporary regulator during emergency situations and the post-emergency phase with the possibility of inter-regulatory coordination with the existing regulatory bodies, given the fragmented regulatory processes to deal with each category of Sri Lankan migrant workers, travellers, students – be they undocumented or documented.
2. Expand the definition of “disaster” as provided for in section 25 of the Act to include “any international disaster” to address the challenges:
 - a. Draft a Disaster Management (Evacuation to Safety) (Special Provisions) Act complement the operation of the Disaster Management Act No. 13 of 2005.
 - b. Disaster Management Council, constituted in terms of the said Act, to appoint an international evacuation and response team, comprising any regulator or any head of department, including that of the armed forces and their respective staff officers, in addition to the Disaster Management Centres and Technical Advisory Committees appointed under the main enactment, i.e. Disaster Management Act No. 13 of 2005.
 - c. The proposed new law, Disaster Management (Evacuation to Safety) (Special Provisions) Act, should expand on the definition of “disaster” as provided for in section 25 to include “any international disaster”.
 - d. The new law contains provisions for the president to summon “any regulator” to be part of the Disaster Management Council. This can include regulators in charge of Immigration and

Emigration Act, the Bureau of Rehabilitation Act, No. 2 of 2023 (recently enacted), health laws, police, foreign employment, ICT agencies, etc. This includes the regulator in charge of the recently proposed legislation on Office for Overseas Sri Lankan Affairs.

3. Propose to formulate a Disaster Management (Evacuation to Safety) (Special Provisions) Act to include representatives from all stakeholders on a temporary basis, to ensure a coordinated response.
4. Incorporate provisions on safe evacuation of Sri Lankans, including migrant workers, recommended by the legal consultant to the deliberations on the formulation of the Office for Overseas Sri Lankan Affairs Bill 2023.

ICT solutions

1. Develop a tailored ICT system by extending an existing product's functionality, like (a) Sahana Foundation software solutions, which are royalty-free and are open-source products or (b) the Contact Sri Lanka Web Portal, already known to a significant portion of the migrant community and government officials due to its use during the COVID-19 pandemic and currently hosted within the Ministry of Foreign Affairs domain, with its full copyright. It should be subject to significant modifications to support year-round functionalities with guaranteed continuous maintenance and updates. Or design a completely new product from scratch, for which conducting a comprehensive requirement analysis and a lifecycle cost analysis is recommended before a final decision is made. Then implement the ICT system with the following features of a high-level functional scope to support migrant workers during emergencies in destination countries:
 - 1.1 Support all four stages of the emergency response cycle and operate from a long-term perspective.
 - 1.2 Include the regular (non-emergency) operating context and the emergency context when preparing and responding to emergencies.
 - 1.3 Function during the regular operating context like a collaborative engagement platform for the overseas Sri Lankan communities, especially migrant workers, and encourage migrants to sign up with the system and create their profile and provide secured access through a login process.
 - ▶ Provide a single window to government e-services related to migrant communities.
 - ▶ Provide common information and a data source on overseas Sri Lankans.
 - ▶ Provide access to the private sector and commercial services and allow these entities to advertise their products and services.
 - ▶ Provide access to entertainment services and operate as a platform for social networking by allowing integration with common social media platforms like Facebook, Twitter, WhatsApp and Instagram.
 - ▶ Support the recovery phase following an emergency by monitoring and supporting migrants continuously through their reintegration with the usual livelihood activities.
 - ▶ Function as a single window to dispatch advisories to prepare migrant workers for any probable emergency and facilitate the dissemination of the messages through multiple formal and informal channels.
 - ▶ Function as a communication channel between affected migrants and relief agencies.
 - ▶ Support track-and-trace information of affected individuals signed up in the system through their last-known location and with the assistance of formal and informal interpersonal networks.
 - ▶ Facilitate referral mechanisms across different agencies to provide necessary services to affected migrants.

- ▶ Maintain records of the recovery phase until migrants can continue on their own.
- ▶ Provide a dashboard for authorities (Ministry of Foreign Affairs, Bureau of Foreign Employment, etc.) to monitor the status of affected individuals in the destination country.
- ▶ Support, as a network access tool, formal and informal communication and messaging with the affected individuals in the destination country.
- ▶ Support continuous engagement to regularly update migrant workers' profiles, including their whereabouts and work status; offer multiple engagement channels for the workforce community for direct and indirect access because the latter will become more essential in an emergency.
- ▶ Introduce a simple user-friendly interface that can be used with minimum IT literacy and that resembles common application usernames, like Gmail, Facebook, WhatsApp, etc.
- ▶ Create formal and informal networks within the migrant worker communities and seamless integration with other social media platforms like Facebook, Twitter, WhatsApp, etc. because informal networks become useful in emergency to disseminate information and gather common requirements of affected individuals.
- ▶ Make the system multilingual and make its content available in all three languages.
- ▶ Implement a personal data and privacy protection scheme to ensure that information maintained within the system is properly regulated and prevented from being used for any unauthorized purpose.
- ▶ Develop and operate the ICT system by incorporating concerns of the Office for Overseas Sri Lankan Affairs.

Media response

1. Report on emergency crises related to migrant workers that go beyond documenting events by serving as a powerful force in raising awareness, amplifying voices, challenging stereotypes and influencing policy responses.
2. Minimize unnecessary confusion among affected migrants and their family members by promoting professional and responsible media reporting that contributes to the smooth evacuation of migrant workers.
3. Emphasize the importance of being accurate and responsible in reporting on emergency situations.
4. Coordinate among media outlets with government authorities to check facts or verify information and to guard against unnecessarily affecting the morale of families of migrant workers during an emergency.
5. Sensitize media outlets and journalists of the importance of being accurate and fact-checking and verifying information before publishing.
6. Sensitize media outlets and journalists of the negative consequences of inaccurate reporting on families of migrant workers and authorities who manage the situation.
7. Emphasize the contribution the media to uplift the morale of families of migrant workers in a time of crisis.
8. Address responsibility through media ethics.
9. Implement guidelines for journalists on reporting crisis situations.
10. Encourage the media to shed light through responsible and empathetic reporting on the challenges faced by migrant workers and contribute to fostering empathy, solidarity and advocating for sustainable solutions to safeguard their rights and well-being during times of crisis.

Data governance

1. Report on migration data aligned with the SDGs, which is instrumental in identifying challenges, monitoring progress and fostering inclusive and sustainable development for migrant populations and host communities because migration data governance is essential for informed decision-making and effective policy formulation.
2. Administer data that supports government agencies in reducing the adverse impacts of an emergency situation on migrant workers while they are abroad.

Emergency evacuation response plan

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
<i>1. Ensuring mental health issues and psychological support for migrant workers in a crisis</i>						
1.1	Lack of communication between migrant workers and with family members during the process of evacuation.	Government authorities to explore possibilities of connecting migrant workers with their family members.	Establish networks with migrant workers and their immediate family members to keep them informed with accurate and verified information regarding ongoing crisis, disaster or emergency situation.	Migrant workers are confident and their families are well informed with verified information and they are updated with ongoing scenarios.	No. of measures taken to connect migrant workers with their family members.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs, Sri Lanka Missions, managers of ICT system
1.2	Lack of awareness on available counselling methods for relieving psychological trauma.	Sensitize migrant workers with all possible government and non-government counselling facilities before departure. Expand counselling services.	Introduce remote-counselling mechanisms and raise awareness of them among migrant workers. Share information of available counselling services among migrant workers, using communication mechanisms.	Awareness improved on counselling methods for relieving psychological trauma.	No. of mechanisms introduced for remote counselling. No. of migrant workers provided with remote counselling. No. of counselling programmes conducted among migrant workers using communication mechanisms.	Sri Lanka Bureau of Foreign Employment, health authorities, Ministry of Foreign Affairs

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
1.3	Lack of capacity of government counselling mechanisms to provide effective counselling service for victimized migrant workers in an evacuation situation.	Capacitating counsellors attached to government institutions to manage issues faced by migrant workers in an evacuation (possible economic collapse due to loss of job, handling families at such times, etc.). Establishment of a monitoring system to monitor migrant workers affected adversely during evacuation process until their settlement psychologically. Include migrant workers and family members in above programmes	Develop short tailored pre departure sensitization sessions on mental health and psychosocial issues of migrant workers in crisis situations. Train government counsellors through a training of trainers on mental health and psychosocial issues of migrant workers in crisis. (Trainers to be selected from development officer or above categories from among government stakeholders.)	Capacity of counsellors is strengthened on mental health and psychological issues. Migrant workers' knowledge is strengthened on psychosocial issues. Migrant workers strengthened to handle psychosocially unsettled situations on their own.	No. of trainings conducted for counsellors.	Sri Lanka Bureau of Foreign Employment, Department of Social Services
1.4	Absence of psychological evaluation or screening of affected individuals immediately upon their return to Sri Lanka after an emergency situation and prior to an evacuated re-integration into their community.	Make psychological evaluation or screening of affected individuals affected by an emergency situation immediately upon their return to Sri Lanka.	Undertake a psychological evaluation or screening of affected returning migrant workers upon their arrival at the airport in Sri Lanka.	Persons affected mentally after an emergency situation are identified early.	No. of migrant workers subjected to the evaluation and screening. No. of migrant workers referred to mental health authorities.	Sri Lanka Bureau of Foreign Employment, Ministry of Health

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
1.5	Absence of an agency to oversee relief efforts and to maintain standards of care of psychosocial interventions.	Appoint a temporary or regulatory body of multiple individuals (including a consultant psychiatrist of the area) in Mental Health and Psychosocial Support to oversee relief efforts.	Overseas relief efforts under the supervision of a consultant psychiatrist with a multi-disciplinary team as part of a multiple-individual agency.	Relief efforts carried out under competent supervision.	No. of migrant workers who have benefited from relief efforts.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Provincial Ministry of Health
1.6	Lack of an agency to jointly develop a mental health and psychosocial support plan specifying actors responsible in both the health and protection sectors and lack of coordination of relevant agencies in carrying out the plan.	Activate or establish an inter-agency standing committee to coordinate and jointly develop a mental health and psychosocial support plan that specifies the actors responsible in health and protection sectors.	Activate or establish an inter-agency standing committee. Provide (inter-agency standing committee) training in mental health and psychosocial support to local and international humanitarian workers, health and social services staff and government officials, including the police and military.	Mentally affected migrant workers receive benefits of the better-coordinated mental health and psychosocial support plan. Mentally affected migrant worker returnees are cared for by persons or officers trained for the purpose.	No. of mentally affected migrant workers who have benefited from psychological support. No. of persons and officers trained. No. of mentally affected migrant workers who have benefited from trained persons or officers.	Sri Lanka Bureau of Foreign Employment, Ministry of Health

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
1.7	Absence of guidelines or regulations on accepted and appropriate form of interventions for various volunteer organizations or parties aiding in the relief efforts.	Issuance of guidelines or regulations on accepted and appropriate forms of interventions for various volunteer organizations or parties aiding in the relief efforts.	Draft and issue with authority guidelines or regulations on appropriate interventions by volunteer organizations in relief efforts.	Health authorities, patients and civil society are aware of the role of volunteers.	No. of volunteers and voluntary organizations involved in relief efforts who are following the guidelines. No. of patients who have benefited from volunteer organizations following the guidelines.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Provincial Ministry of Health
1.8	Absence of a single window for returning migrant workers for counselling and advisory services.	Offer counselling and advisory services to returned migrant workers at migrant services centre to address family difficulties, such as social and behavioural problems of children, nutrition deficiencies, medical problems, educational difficulties, problems arising due to adults' abuse and children's homes they are entrusted to.	Establish additional migrant services centres to address social and behavioural problems of children of returned migrant workers.	Social and behavioural problems of children of the returned migrant workers are taken care of. Children's nutrition deficiencies looked into. Problems of medical and educational difficulties are looked into.	No. of children whose social and behavioural problems, nutrition deficiencies, medical problems, educational difficulties and problems due to adults' abuse and entrusted homes are resolved.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Ministry of Women, Child Affairs and Social Empowerment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
1.9	Lack of counselling facilities, particularly for the mental health needs of returned migrant workers.	Revitalize existing services, expand their reach, establish more migrant services centres and equip counselling staff with training to handle specific situations.	Incorporate into existing services the mental health needs of migrant workers exposed to disaster situations. Equip more migrant services centres with counselling staff trained to handle migrant workers' issues.	Affected migrant workers are accommodated within the expanded and existing migrant services centres.	No. of migrant workers who have benefited. No. of new migrant services centres that have opened.	Sri Lanka Bureau of Foreign Employment, Ministry of Health
1.10	Absence of collaborative partnerships and communication channels with migrant workers' associations to facilitate the referral of individuals in need of psychological support.	Establish collaborative partnerships and communication channels with migrant workers' associations to facilitate the referral of individuals in need of psychological support.	Formalize migrant workers' associations to mediate discussions or interviews between mental health professionals and migrant workers who need psychological support for long-term follow-up.	Migrant workers facing psychological problems are being formally taken care of.	No. of migrant workers' associations formed and functioning. No. of migrant workers affected by psychological problems in the community.	Sri Lanka Bureau of Foreign Employment, Ministry of Health
1.11	Lack of centres at the district and divisional levels to provide information and services on health and mental health interventions, financial advice and skills training.	Strengthen and re-establish the migrant services centres as "one-stop centres" at the district and divisional levels to provide information and services on health and mental health interventions, financial assistance and skills training.	Establish migrant services centres as one-stop centres at the district and divisional levels.	Migrant workers are better informed formally at the local level on critical aspects of health and mental health interventions, financial advice and skills training.	No. of migrant services centres established and functioning.	Sri Lanka Bureau of Foreign Employment, Ministry of Health

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
1.12	Re-traumatization of migrant workers affected by an emergency situation.	Prevent re-traumatization of migrant workers affected by an emergency situation.	Avoid repetitive questioning of migrant workers affected by an emergency situation about their experiences. Assign a dedicated mental health professional to provide migrant workers with consistent support. Protect safeguards against external parties probing into migrant workers' traumatic experiences.	Migrant workers who have been traumatized are assured of a better environment.	No. of procedures in place to prevent re-traumatization of migrant workers affected by an emergency situation.	Sri Lanka Bureau of Foreign Employment
1.13	Lack of appropriate screening for medical care of refugees, immigrants and migrants.	Limit initial screening for medical care of adult refugees, immigrants and migrants to questions that will identify those with serious mental illness and those likely a suicide risk. As rapport is established and if interventions are available, perform a formal mental health assessment using a screening tool to screen for sexual trauma in women, which may inform ongoing care.	Organize initial screening for medical care of adult refugees, immigrants and migrants with questions to identify those with serious mental illness. Use screening tools as rapport is established to perform a formal mental health assessment to screen for sexual trauma in women, which can inform ongoing care.	Migrant workers who have been traumatized are assured of a better and professional screening.	No. of migrant workers subject to initial screening. No. of migrant workers referred for formal health assessment using tools.	Sri Lanka Bureau of Foreign Employment, Ministry of Health

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
1.14	Non-adherence of required periods of quarantine when migrant workers return to Sri Lanka amid a pandemic.	Observe the necessary quarantine period if migrant workers return amid a pandemic and address stressors if the isolation period is prolonged; mitigate mental health challenges.	Implement required periods of quarantine if migrants return amid an epidemic or pandemic. Isolate victims if the epidemic or pandemic disease is severe for an extended period. Use remote counselling as a viable alternative, with monitoring by psychiatric health professionals.	Migrant workers who return amid a pandemic or epidemic are assured of their safety.	No. of migrant workers retained for an extended period in isolation. No. of persons subject to remote counselling.	Sri Lanka Bureau of Foreign Employment, Ministry of Health
1.15	Lack of training and absence of protocols for airport officials to handle persons requiring special attention or support who return after an emergency situation.	Provide training and establishing protocols for airport officials to discern individuals requiring specialized attention or support.	Provide training for airport officials to enable them to pay specialized attention or support to migrant workers returning after an emergency situation. Establish protocols for airport authorities to enable them to pay specialized attention or support to migrant workers returning after an emergency situation.	Vulnerable migrants, migrants with disabilities, elderly migrants and child migrants, including unaccompanied or separated children, particularly during a migrant influx, are taken care of by airport authorities upon their arrival in Sri Lanka.	No. of training programmes organized for airport officials on caring for victims of trafficking, vulnerable migrants, migrants with disabilities, elderly migrants and child migrants, including unaccompanied or separated children, particularly during a migrant influx.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Ministry of Women, Child Affairs and Social Empowerment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
<i>2. Addressing general health issues</i>						
2.1	Inadequacy of medical check-up for migrant workers during pre-departure stage.	Arrange tailored medical check-ups to assess the suitability of migrant workers to take informed decisions by them on choosing a job.	Make specific arrangements by health authorities to issue formal certificates after health checks.	Physical fitness of prospective migrant workers is assured. Job opportunities for Sri Lankan migrant workers is increased.	No. of migrant workers who have participated in medical check-ups. No. of workers migrating to overseas countries for job opportunities.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Association of Licensed Foreign Employment Agencies, foreign employment agencies
2.2	Lack of focus on primary health care needs and health issues of returned migrant workers.	Provide for essential primary health care needs, such as sanitary facilities, and focus on other health issues of returned migrant workers.	Create a fund with contributions of migrant workers to use proceeds to provide primary health care for needs upon return after an emergency evacuation. Provide comprehensive health check-ups, including psychological assessments, on arrival of migrant workers and continuous follow-up by referring them to appropriate medical authorities, particularly when returning after an emergency evacuation.	Funds are available to meet primary health care needs of returned migrant workers after an emergency evacuation. Returned migrant workers are aware of their ailments upon their return to the country after an emergency. Ongoing health issues of migrant workers is minimized.	No. of mechanisms established to examine and monitor primary health conditions of migrant workers on their arrival back to Sri Lanka. No. of returned migrant workers provided with primary health care. No. of returned migrant workers referred to medical authorities after a medical check-up.	Sri Lanka Bureau of Foreign Employment, health authorities, airport authorities

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
2.3	Absence of a scheme to sensitize migrant workers on a prevailing pandemic upon their return to Sri Lanka.	Sensitization of migrant workers of ongoing pandemic and domestic procedures pertaining to such pandemic via social media.	Communicate dos and don'ts in pandemic situations in a simple way via possible networks (WhatsApp, etc.). Sensitize migrant workers on procedures that apply for quarantine, etc. (as required) upon their arrival in Sri Lanka.	Migrant workers capacitated to face ongoing pandemics upon their arrival in Sri Lanka.	No. of measures taken to make migrant workers aware of ongoing pandemic upon their arrival in Sri Lanka. No. of migrant workers who have benefited from measures taken by authorities to make migrant workers aware of prevailing pandemic.	Sri Lanka Bureau of Foreign Employment, Ministry of Health
2.4	Absence of an organized programme or standard operating procedures to follow in Sri Lanka to handle vulnerabilities, different exposure levels and risks of affected migrant workers once they return to Sri Lanka.	Develop a scientific programme with standard operating procedures (currently, training is given to form emergency medical teams) to handle situations of vulnerabilities, different exposure levels and risks of affected migrant workers once they return to Sri Lanka.	Design and implement a scientific programme to handle vulnerabilities. Draft and implement standard operating procedures to handle different exposure areas.	A scientific scheme is available to help vulnerable persons of different exposure levels and risks. Standard operating procedures are available to help these categories.	No. of persons considered as vulnerable and with different exposure and risks. No. of persons who have benefited from the standard operating procedures.	Sri Lanka Bureau of Foreign Employment, Health, Ministry of Women, Child Affairs and Social Empowerment
2.5	No bilateral agreements between Sri Lanka and destination countries on health care provision to migrant workers.	Arrange executing bilateral agreements for ensuring the provision of health care for all migrant workers when they are in a crisis situation.	Draft, negotiate and finalize bilateral agreements between Sri Lanka and destination countries on health care during a crisis.	Health care for migrant workers within the destination country is assured during emergencies.	No. of bilateral agreements negotiated. No. of bilateral agreements signed.	Ministry of Foreign Affairs, Ministry of Labour and Employment, Sri Lanka Bureau of Foreign Employment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
2.6	Lack of comprehensive pre- departure training.	Conduct a full-day training (8 hours) session by a qualified medical doctor on health issues, including non-communicable diseases.	Conduct a full-day training session on health issues.	Migrant workers are trained pre-departure on general health issues.	No. of training programmes conducted. No. of migrant workers participated.	Sri Lanka Bureau of Foreign Employment, Ministry of Health
2.7	Lack of medical insurance for migrant workers in Gulf countries.	Provide a compulsory medical insurance system for all migrant workers to any country while working in the destination country. In addition to the primary responsibility of the employer to cover insurance expenses.	Introduce compulsory medical insurance system for migrant workers.	Migrant workers are assured of their security. Persons are encouraged for foreign employment.	No. of insurance schemes introduced. No. of prospective migrant workers insured.	Sri Lanka Bureau of Foreign Employment, Ministry of Labour and Foreign Employment, Ministry of Finance
2.8	Absence of proper ascertaining of medical fitness of prospective migrant workers.	Provide tailored medical check-ups to assess the suitability of migrant workers to the job that they have applied.	Introduce a scheme for tailored medical check-up of prospective migrant workers.	Confidence of quality of labour going to destination countries is improved.	No. of prospective migrant workers subjected to medical check-up.	Sri Lanka Bureau of Foreign Employment, Ministry of Health
2.9	Gap in policy, which addresses only a few chronic diseases.	Revise the current health policy on migrant workers, which addresses only the prevention of HIV, by including all chronic diseases, such as hypertension, diabetes, dyslipidemia, etc.	Formulate new health policy to include all chronic diseases.	General health of migrant workers is fully taken care off.	No. of policies introduced. No. of prospective migrant workers subjected to the new policy.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Ministry of Labour and Foreign Employment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
2.10	Gap in policy addressing the occupational safety of migrant workers.	Revise the current health policy on migrant workers to ensure occupational safety measures while working in destination countries.	Formulate new health policy to cover occupational safety measures for migrant workers.	Occupational safety of migrant workers while working in destination countries is assured.	No. of health policies introduced. No. of prospective migrant workers subjected to the new policy.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Ministry of Labour and Foreign Employment
2.11	Deficiencies on the part of recruiting agents in selecting suitable persons for foreign jobs.	Provision of strict guidelines or compulsory training for all recruiting agents in Sri Lanka on their responsibility of selecting suitable candidates for overseas jobs.	Implement strict guidelines to recruiting agents. Provide training for recruiting agents.	Quality of labour going to destination countries is assured. Failure of migrant workers in their jobs is minimized.	No. of guidelines issued to recruiting agents. No. of migrant workers returning prematurely.	Sri Lanka Bureau of Foreign Employment, Association of Licensed Foreign Employment Agencies, Recruiting agents ⁷
2.12	Non-availability of details of migrant workers.	Maintain regularly updated personal data files of all migrant workers, including details of their departure, arrival and medical status, by a Sri Lankan government authority.	Implement a regularly updated database with details of migrant workers.	Accessibility to migrant workers located in different countries is made easy.	The development progress of a database.	Sri Lanka Bureau of Foreign Employment, Ministry of Finance, Office for Overseas Sri Lankan Affairs
2.13	Lack of knowledge among migrant workers of the health care system in their destination country.	Conduct an orientation or familiarization programme in Sinhala and Tamil languages about the health care system in the destination country and how to utilize it.	Conduct orientation programme in Sinhala and Tamil languages.	Migrant workers are capable of taking care of their health better in their country of destination.	No. of orientation programmes conducted. No. of migrant workers who participated in orientation programmes.	Sri Lanka Bureau of Foreign Employment, Sri Lanka Missions, Association of Licensed Foreign Employment Agencies, recruiting agencies

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
2.14	Communication difficulties in conveying migrant workers' health problems.	Instruct all migrant workers on how to communicate with authentic social media, radio and social groups to share their health problems.	Conduct familiarization programmes for migrant workers to enable them to convey their health problems.	Migrant workers are capable of using social media or conveying their health problems.	No. of familiarization programmes conducted.	Sri Lanka Bureau of Foreign Employment, Office for Overseas Sri Lankan Affairs, Ministry of Foreign Affairs
2.15	Ignorance among migrant workers of health problems in their destination country.	Disseminate authentic health messages by an embassy officer to migrant workers with the help of the Ministry of Health of the destination country and Sri Lanka.	Convey health messages to migrant workers from embassy officers with the help of Ministry of Health in both countries.	Migrant workers improve their ability to use the health care system in the destination country.	No. of health communications from the embassy to migrant workers.	Sri Lanka Bureau of Foreign Employment, Sri Lanka Missions, Ministry of Health
2.16	Lack of health and medical care during an emergency situation.	Liaise with the International Organization for Migration, which provides comprehensive health and medical care to emergency-affected migrant workers.	Make use of health and medical care provided by the International Organization for Migration.	Affected migrant workers have access to medical care during an emergency situation.	No. of times assistance of International Organization for Migration is sought by Sri Lanka Mission.	Sri Lanka Missions, Sri Lanka Bureau of Foreign Employment, International Organization for Migration, Ministry of Health
2.17	Lack of leadership of Sri Lanka Missions in providing first aid, nutrition, etc. to migrants during an emergency situation.	Provide leadership and appropriate emergency preparedness by the Sri Lankan Missions, with special attention on first aid, nutrition, health care, etc.	Introduce a new programme for Sri Lanka Missions to pay special attention in providing first aid, nutrition, etc. to migrant workers in an emergency situation.	First aid, nutrition and health care of migrant workers receive priority in an emergency situation.	No. of programmes introduced.	Ministry of Foreign Affairs, Sri Lanka Bureau of Foreign Employment, Sri Lanka Missions, Ministry of Health

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
2.18	Lack of attention on medical problems of returned migrant workers after an emergency situation.	Look after health and medical problems of migrant workers upon their evacuated arrival in Sri Lanka, irrespective of the nature of the condition related to the disaster.	Identify migrant workers with health problems upon their arrival in Sri Lanka. Refer those migrant workers to local migrant services centres.	Migrant workers are assured that their health is being looked after by the health care system upon arrival in destination countries.	Implementation of a system to identify migrant workers with health problems and to refer them to migrant services centres.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Provincial Ministry of Health
2.19	Absence of a comprehensive system to monitor health problems of migrant workers after their evacuated return to Sri Lanka.	Develop a team of trained health workers (by recognizing Ministry of Health-initiated emergency medical teams at hospital level) in each district to look after returned migrant workers' health and medical problems.	Form an emergency medical team for each division consisting of trained health workers to monitor health of migrant workers after an evacuation.	Health of migrant workers is sustainably monitored until they are fully recovered.	No. of emergency medical teams established in the country. No. of migrant workers whose health is monitored by an emergency medical team.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Provincial Ministry of Health
2.20	Deficiencies in the use of social communication to convey health messages in an emergency situation.	Use social communication systems in Sri Lanka by Ministry of Health to disseminate important health messages to educate returned migrant workers on health risk factors and disease prevention.	Establish a programme to use social communication systems by Ministry of Health to convey health messages.	Information on health issues reaches returned migrant workers through social media quickly.	No. of programmes of social media implemented to convey health messages to migrant workers.	Sri Lanka Bureau of Foreign Employment, Ministry of Health, Provincial Ministry of Health, Ministry of Mass Media

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
<i>3. Ensuring a gender-inclusive and responsive approach during an emergency crisis</i>						
3.1	Sri Lankan men and women migrants, in the work in the Middle Eastern countries, with basic Arabic skills, struggle during a crisis especially when the host country provides information in its official language, which they cannot understand. However, banned social media, including WhatsApp, hinder their access to crucial updates.	Set up an information-sharing system or early warning system and create awareness about the system during the pre-departure training and/or when migrant workers register at the Bureau of Foreign Employment.	Create online communication tools (WhatsApp) for migrant workers in local languages under the coordination of the Sri Lanka Bureau of Foreign Employment.	Information gaps minimized and right to information secured. Language barriers avoided and rights of migrant workers are protected. Vulnerability of women during the process of evacuation minimized.	The ICT communication system developed. No. of messages passed through in times of crisis under the supervision of the Sri Lanka Bureau of Foreign Employment.	Sri Lanka Bureau of Foreign Employment
3.2	When relocated to temporary shelter (safe houses or camps), women face challenges of maintaining their sanitary and hygiene practices.	Provision of sanitary items and hygiene facilities in temporary shelter (safe houses or camps)	Incorporate challenges of maintaining their sanitary and hygiene practices at the time of an emergency situation into pre-departure trainings. Provide short video clips or factsheets during pre-departure training or via WhatsApp groups at the time of the departure.	Vulnerability of women during the process of evacuation is minimized.	No. of initiatives that include sanitary and hygiene practices.	Sri Lanka Bureau of Foreign Employment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
3.3	Migrant women do not have access to their travel documents during a crisis because their employer is holding them.	Embassy or consular office can register migrants with scanned travel documents so that scanned copies can be used to process the travel documents or accelerate the process of issuing temporary travel documents.	Sri Lanka Bureau of Foreign Employment to collaborate with the Ministry of Foreign Affairs to introduce a mechanism and to negotiate with relevant stakeholders, such as Sri Lanka Missions.	Vulnerability of women migrant workers stranded due to delays in obtaining travel documents is minimized. 7Evacuation process is expedited.	Development of systems to connect with e-version of legal documents.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs, Sri Lanka Missions
3.4	Lack of coordination among development officers who work for women and migrants during the reintegration process and the absence of follow-up information is recorded during the reintegration process.	More coordinated effort to address issues faced by women migrants at the Divisional Secretariat level through a multistakeholder coordination approach.	Sri Lanka Bureau of Foreign Employment to establish a tracking system to monitor the healthy reintegration of women. Introduce a proper counselling system along with a monitoring system to track the health issues arising in the reintegration process.	Reintegration of returned women is made effective. with employment and income within a short time. No. of women returnees who complete their reintegration process without an interruption.	Sri Lanka Bureau of Foreign Employment, Divisional Secretariat, Ministry of Child, Women Affairs and Social Empowerment	

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
3.5	Lack of available information. Relevant and required information pertaining to services is not compiled for easy reference of women migrants.	Women migrant workers to be informed of all relevant information related to referral systems (domestically and internationally). Examples of information: • government counselling opportunities • counselling services carried out by NGOs • free legal aid services • legal remedies for domestic violence • redress mechanisms pertaining to human rights violations, child abuse, sexual and gender-based violence • all required hotline numbers and contact details to respective government institutions and embassies.	Compile information materials (e-copies and hard copies) with all relevant domestic and international information, such as hotlines of police stations, women and children's bureau, counselling services, decentralized counselling services provided through the Government and civil society organizations. Prepare this material for handing out to migrant workers during training sessions.	Migrant women are informed. Migrant women are reached or they can access required services on their own.	No. of materials developed. No. of materials disseminated. No. of mechanisms developed for dissemination of such information.	Sri Lanka Bureau of Foreign Employment, Legal Aid Commission, Sri Lanka Police, Women's Bureau, Children's Secretariat, National Child Protection Authority, civil society organizations

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
3.6	Lack of sensitivity towards women's psychological needs by temporary shelter (safe houses or camps) management.	Ensure response staff are trained on psychological first aid, deriving good practices from community-based organizations and other international organizations working towards improving psychological counselling.	Train response staff on psychological first aid and good practices from community-based organizations.	Women's needs are better understood by response staff in temporary shelters (safe houses or camps).	No. of training programmes designed for improving response staff sensitivity towards women's needs. No. of training programmes attended by response staff.	Sri Lanka Bureau of Foreign Employment, Health Ministry, community-based organizations
3.7	Lack of analysing migrant characteristics in disaster vulnerability assessments as to how such factors as immigration status, language proficiency or gender, reduces access to information, resources or protection.	Inclusion of migrant characteristics in disaster vulnerability assessments by analysing how factors, such as immigration status, language proficiency or gender, reduces access to information, resources or protection.	Undertake periodic disaster vulnerability assessments in countries where a large number of Sri Lankan migrant workers are located. Share information of such assessments with relevant government authorities, media and migrant population in those countries. Establish an effective mechanism to implement the above assessments and to act upon findings.	Relevant government authorities are aware about the disaster vulnerabilities and they act upon on time on such situations. Migrant workers are aware likely disaster vulnerabilities in their host countries.	No. of disaster vulnerability assessments duly integrated with gender sensitivities conducted. The availability of an effective mechanism to conduct disaster vulnerability assessments.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs, Ministry of Labour and Foreign Employment Consular Offices ICT solutions

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
3.8	Absence of inclusion of sexual and gender-based violence experienced during different stages of a crisis, or referral services in pre-departure training.	Include sexual and gender-based violence experienced during different stages of a crisis, or referral services in pre-departure training.	Develop and conduct pre-departure training modules with sexual and gender-based violence in crisis situations, including the existing referral mechanisms Establish a central office to receive, refer and maintain data relating to complaints.	Increased awareness among migrant workers on the sexual and gender-based violence in crisis situations and the use of the existing referral mechanisms. Expanded benefits of referral systems to increased number of migrant workers.	No. of training conducted. No. of persons benefited. No. of persons who receive services from referral systems. No. of cases resolved per year. Availability of a central data base with gender-disaggregated data.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs, Ministry of Labour and Foreign Employment, Consular Offices ICT solutions
3.9	Lack of considering information in pre-departure training on different crisis or emergency situations that migrants might have to face and how to act in such situations.	Include information in pre-departure training on different crisis or emergency situations that migrants might have to face and how to act in such situations.	Develop and conduct pre-departure training on different crisis or emergency situations that migrants might have to face and how to act in such situations.	Increased awareness among migrant workers on different crisis or emergency situations that migrants might have to face and how to act in such situations.	No. of training conducted and no of persons benefitted,	SLBFE Ministry of Foreign Affairs Ministry of Labour and Foreign Employment Consular Offices ICT solutions
3.10	Lack of quality standards for sexual and gender-based violence prevention and response during crisis or emergencies specifically through multi-sectoral interventions that can be facilitated, focusing on systems and standards during post evacuation and reintegration.	Ensure quality standards for sexual and gender-based violence prevention and response during crises or emergencies, specifically through multi-sectoral interventions that can be facilitated, focusing on systems and standards.	Link survivors (victims) with the existing support service provision in the country through the respective Development Officer of the Divisional Secretariat.	Operational procedures are in place to maintain multisectoral intervention on prevention of sexual and gender-based violence. Returnee migrants after an emergency situation are duly linked with divisional administration to meet their needs related to sexual and gender-based violence.	No. of operational procedures introduced and implemented for multisectoral prevention of sexual and gender-based violence No. of returnee migrants benefited from the multisectoral intervention of sexual and gender-based violence.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs Ministry of Labour and Foreign Employment Consular Offices ICT solutions Ministry of Women Affairs

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
3.11	Absence of conducting Periodic programmes, capacity building and awareness training on gender and sexual and gender-based violence jointly with Disaster Management Council in an effective and productive manner during pre-crisis preparation and planning stages.	Conducting Periodic programmes, capacity building and awareness training on gender and sexual and gender-based violence jointly with Disaster Management Council in an effective and productive manner during pre-crisis preparation and planning stages	Develop and conduct capacity-building and awareness training on sexual and gender-based violence programmes for Disaster Management Council to join with the Sri Lanka Bureau of Foreign Employment and other agencies pre-crisis planning.	Increased capacity, training and awareness among agencies responsible for pre-emergency planning at national level. No. of strategies, procedures developed or revised as a result of increased capacity among agencies, like Disaster Management Council, Sri Lanka Bureau of Foreign Employment, licenced agencies.	No of capacity, training, awareness programmes developed and conducted. No. of officials benefited in terms of capacity development. No. of strategies, operational procedures developed or revised.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs Ministry of Labour and Foreign Employment, Consular Offices, Ministry of Women Affairs ICT solutions
3.12	Lack of focused attention on women's specific needs, from sanitary napkins to appropriate clothing, creating safe spaces for women (including pregent/nursing women) where they could relax, interact with other women, and where economic activities and health/hygiene information could be provided.	Focus on women's specific needs, from sanitary napkins to appropriate clothing, creating safe spaces for women where they could relax, interact with other women, and where economic activities and health and hygiene information could be provided.	Training and awareness for camp management on women's specific needs Allocations of required funds from the Sri Lanka Bureau of Foreign Employment.	Increased gender awareness among camp management about the specific needs of women migrants. Assurance of availability of necessary funds in advance with a responsible govt authority.	No. of training and awareness programmes conducted for camp management. 7Availability of a system where funds are allocated annually for such emergency supplies.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs Ministry of Labour and Foreign Employment Consular Offices ICT solutions Ministry of Women Affairs

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
3.13	Lack of awareness on sexual and reproductive health and rights at the pre-departure training for migrant women. Awareness creation kit to be handed over the departure (airport).	Creation of awareness on sexual and reproductive health and rights at the pre-departure training for migrant women. Awareness creation kit to be handed over the departure (airport).	Develop and conduct pre-departure training on sexual and reproductive health and rights issues faced by women during crisis or emergency situations Develop and hand over awareness creation kit to at the departure (airport).	Increased awareness of migrant women to face sexual and reproductive health and rights issues during emergencies. Increased access to information and contraceptives.	No. of training and awareness programmes conducted per year. No. of persons participated. No of awareness kits handed over per year.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs Ministry of Labour and Foreign Employment Consular Offices ICT solutions Ministry of Women Affairs ⁷
4. Social security for migrant workers						
4.1	Inadequate insurance cover for migrant workers.	Provide adequate compulsory insurance coverage to migrant workers.	Negotiate with respective stakeholders and arrange comprehensive insurance coverage for migrant workers.	Migrant workers' social security is enhanced and assured. Faith of migrant workers towards foreign employment is increased.	Success of establishment of insurance policy. No. of workers migrating for overseas employment covered by insurance.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Employment, employers
4.2	Reluctance of migrant workers to report medical conditions to authorities due to fear of repatriation.	Introduce an attractive and adequate social security system.	Introduce social security system for migrant workers with coverage of health and other likely losses in emergency situations.	Faith and confidence of migrant workers is improved. Local demand for overseas jobs is increased.	No. of adopted attractive proposals to ensure a better social security system. No. of migrant workers enrolled in social security schemes.	Sri Lanka Bureau of Foreign Employment, Ministry of Labour and Foreign Employment, Ministry of Finance

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
<i>5. Empowering migrant workers to manage and respond to emergency situations effectively</i>						
5.1	Inadequacy of pre-departure training programmes available for migrant workers (eg: emergency preparedness).	Develop training outline and pools of trained trainers as appropriate.	Develop a training outline and trainers to carry out basic training programmes. Include in the pre-departure training: (a) information on possible natural and human-made disasters that may occur in destination countries; (b) dos and don'ts in times of an emergency situation, during evacuation and during reintegration; (c) awareness-raising on communicable and non-communicable diseases; (d) awareness-raising on security measures in different type of disasters (earthquake, tsunami, etc.); (e) awareness-raising on occupational safety and dos and don'ts.	Migrant workers are equipped with vital knowledge required in times of an emergency situation.	No. of pre-departure training programmes conducted among migrant workers. Collected feedback from migrant workers who participated the pre-departure training programmes.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs, Ministry of Health, Disaster Management Centre

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
5.2	No comprehensive orientation upon arrival in host countries.	Organize orientation programmes for migrant workers upon their arrival in their destination country in collaboration with employers, travel agents, etc.	Arrive at an agreement with parties to decide the content and conduct of such orientation programmes, including disaster management. Make provisions for the above in the job agreements and contracts.	Faith and confidence of migrant workers is increased. Migrant workers are prepared to face disaster situations. Migrant workers are capacitated with relevant background information.	No. of training programmes conducted annually. No. of programmes designed.	Embassies, employers, Sri Lanka Bureau of Foreign Employment
6. Effective management of information pertaining to migrant workers						
6.1	Lack of an integrated and up-to-date comprehensive information management system for the maintenance of data concerning Sri Lankan citizens living overseas. (The available information management systems are not adequate to track and address needs during an emergency situation.)	Provide ICT solutions to keep updated records of migrant workers (including other Sri Lankan citizens studying, touring, etc. in foreign countries). Adopt the ICT solutions to cover disasters and emergencies, offering security, planning over emergency phases; functioning in context of regular operations and emergency mode, to support government services, information dissemination, private sector	Develop an automated information management system that supports the functionalities of ICT solutions: Allow migrant communities to self-register and create their profile by providing the necessary information. Provide secured access through a login process. Provide a single window to government e-services related to the migrant community (such as renewal of travel documents). Provide a platform for obtaining common	Precise and swift information tracking is ensured during times of crisis. Migrants are located and their concerns are addressed without any unnecessary delay. Rights of migrant workers are protected. Connectivity between migrant workers, their families, government agencies and the private sector is maintained continuously.	No. of information management systems or mechanisms developed or redesigned. No. of features beneficial to migrant workers. No. of profiles created. No. of profiles updated. No. of migrant workers utilizing additional available functions of the system. Functions that are used by the majority of migrant workers. No. of visits to the website by users.	Ministry of Foreign Affairs, Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Employment, ILO, Swiss Agency for Development and Cooperation, Office for Overseas Sri Lankan Affairs

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
		access, entertainment, social networking and data collection, post-emergency communication, tracking, referrals, record-keeping and oversight by authorities.	information about the overseas stay, government services, etc. Provide access to the private sector and commercial services, like banking, insurance, trade, etc. Provide access to entertainment services. Function as a platform for social networking and sharing ideas, discussions, etc. Function as a data source for overseas Sri Lankans.			
6.2	There is no organized communication system for newly arrived migrant workers in destination countries to report their health needs during a crisis situation.	Organize use of social media under the supervision of government stakeholders to share verified information and messages. Address the issue of language barrier and adhere to the official language policy using Sinhala, Tamil and English languages.	Develop required communication tools (WhatsApp and information portals) and link all relevant stakeholders and migrant workers.	Accurate information is generated and circulated among migrant workers in times of crisis.	No. of information mechanisms developed. No. of migrant workers connected. No. of migrant workers who have benefited from ICT solutions.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
6.3	Absence of communications by government to sensitize migrant workers on the need for an evacuation.	Sensitize migrant workers regarding an immediate evacuation and criteria as needed via communication platforms, by the government entities.	Enable government stakeholders to communicate with migrant workers via authorized WhatsApp groups and other verified communication methods.	Migrant workers are well informed with verified information and confusion is minimized.	No. of measures taken by the respective authorities.	Sri Lanka Bureau of Foreign Employment, Ministry of Labour and Foreign Employment
6.4	Absence of a robust and current information dissemination system for providing essential updates, emergency alerts and pertinent health information for the benefit of migrant workers.	Develop effective communication tools to pass required, verified information to migrant workers.	Create WhatsApp groups or networks to ensure efficient and effective communication of messages pertaining to emergency alerts, health concerns, etc.	Migrant workers are equipped with necessary information and they are prepared to handle emergencies effectively and to settle in a new environment.	No. of communication tools developed. No. of updates, emergency alerts, etc. passed on to migrant workers.	Sri Lanka Bureau of Foreign Employment, Ministry of Labour and Foreign Employment
7. Sensitize media outlets and journalists on reporting crises related to migrant workers						
7.1	Lack of responsible media reporting in crisis situations.	Emphasize importance of being accurate and responsible in media reporting in an emergency situation. Introduce proper coordination among media outlets with government authorities to check facts and verify information and not to destroy the morale of families of migrant workers in times of crisis.	Sensitize media outlets and journalists on importance of being accurate, fact-checking and verifying information before publishing. Sensitize journalists on the negative consequences of inaccurate reporting on the families of migrant workers and authorities managing a crisis situation.	Unnecessary confusion is minimized and smooth functioning in evacuating migrant workers takes place.	No. of measures taken to improve professional media reporting in a crisis situation. No. of programmes implemented to sensitize media. No. of guidelines issued to journalists.	Ministry of Mass Media, Sri Lanka Bureau of Foreign Employment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
			Emphasize the contribution of media to uplift the morale of families of migrant workers in times of crisis. Address media responsibility through media ethics. Introduce guidelines for journalists on reporting crisis situations.			
8. Migrant data governance						
8.1	Lack of accurate data for informed decision-making.	Report on migration data aligned with the SDGs.	Establish an ICT system for identifying, monitoring progress and fostering development for migrant populations.	Migration data essential for informed decision-making and effective policy formulation are available.	Available data series.	Sri Lanka Bureau of Foreign Employment
8.2	Lack of accurate data for making informed decisions during emergencies.	Reporting prior, during and post-emergency of migrant workers' data, aligned with the SDGs.	Establish an ICT system for identifying, monitoring progress and fostering development for migrant workers during emergency situations.	Data on migrant workers essential for informed decision-making during disasters are available.	Available data series.	Sri Lanka Bureau of Foreign Employment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
<i>9. Improving the legal framework concerning migrant workers' rights and protections</i>						
9.1	Existence of considerable gaps in the Sri Lanka laws , making it difficult to deal with the safe migration of workers including emergency evacuations with only a fragmented regulatory mechanism provided by the Immigration and Emigration Act, Disaster Management Act and Bureau of Rehabilitation Act, No. 2 of 2023 etc.	To identify an overarching regulator under the leadership of the President, where such a legal regime contains provisions to co-ordinate with all the regulators in order to overcome the fragmented regulatory processes to deal with each category of Sri Lankan workers or persons (be they undocumented or documented Sri Lankan migrants) during the pre-crisis, crisis, post-crisis and re-integration stages.	Liaise with respective government entities to introduce a law to complement the Disaster Management Act, No. 13 of 2005 by way of a Disaster Management (Evacuation to Safety) (Special Provisions) Act. *Provide technical assistance and facilitate the process until the respective law is drafted.	Migrant workers are protected from dedicated and comprehensive domestic legal provisions. The domestic legal framework is introduced to protect migrant workers. Migrant workers' confidence in pursuing employment opportunities abroad surges.	No. of legal provisions introduced. No. of provisions introduced to strengthen institutions.	Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs, Ministry of Labour

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
9.2	The relative lack of regulatory cooperation among such regulatory bodies and the specialized nature of the regulatory mechanisms existing at present.	To introduce a Draft Special Provisions Act as stated above to the Disaster Management Act to expand the definition of the term “disaster” (section 25) to include “any international disaster”. To add two more critical provisions of: a) to include any regulator, depending on the crisis, to assist the Disaster Management Council, and b) To enable the Council where necessary to issue directives to any regulator or any head of a Department appointed to assist the Disaster Management Council. And thereby to ensure inter-regulatory coordination with the existing ones, and to include any regulator ranging on all subjects from pre-crisis, crisis, post-crisis and re-integration stages.	Obtain approval of the Cabinet to introduce a law to complement the Disaster Management Act, No. 13 of 2005 by way of a Disaster Management (Evacuation to Safety) (Special Provisions) Act to broaden the scope of term “disaster” and expand the Disaster Management Council with relevant regulators and empowering the Council to issue directives to such regulators to discharge functions ranging on all subjects from pre-crisis, crisis, post-crisis and re-integration stages pertaining to migrant workers.	A dedicated legal framework to deal with migrant workers available. A regulator which can issue directives to all other related regulators on matters relevant to migrant workers is in place. All matters related to disasters occurring in a foreign country affecting migrant workers coordinated effectively..	Disaster Management Act is to expanded through a Special Provisions Act. Disaster Management Council receives new powers under the Special Provisions Act. No. of migrant workers who benefited from the new law and procedure.	Ministry of Disaster Management, Sri Lanka Bureau of Foreign Employment, Ministry of Foreign Affairs, Ministry of Labour and Foreign Employment.

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
9.3	Inadequacy of legal provisions to deal with health and safety screening procedures and security evaluation procedures upon arrival of migrant workers.	Utilize the provisions of the recently proposed legislative Bill on Office for Overseas Sri Lankan Affairs, which has incorporated some of the concerns of migrant workers and to set-up Office for Overseas Sri Lankan Affairs as a one-stop centre for information in addition to legal provisions suggested here. *To use provisions of Disaster Management Act (after proposed amendment) as the overall mechanism of an amended legislative Bill to summon even Office for Overseas Sri Lankan Affairs by the Disaster Management Council during a crisis.	Consultations with Office for Overseas Sri Lankan Affairs by the Sri Lanka Bureau of Foreign Employment and the Ministry of Labour and Foreign Employment, together with ILO, to revise the Office for Overseas Sri Lankan Affairs bill to collaborate with disaster management legal provisions. Consultations with Office for Overseas Sri Lankan Affairs by the Sri Lanka Bureau of Foreign Employment and the Ministry of Labour and Foreign Employment *Ministry together with ILO to revise the Office for Overseas Sri Lankan Affairs Bill to collaborate with disaster management legal provisions. Dedicated First Schedule under section 21, subsection 1-11 and dedicated	Legal provisions, procedures and institutional mechanism relating to disaster management is strengthened with effective coordination among regulators.	Office for Overseas Sri Lankan Affairs Bill made into law with suggested amendments. Disaster Management Centre consists of regulators related to migrant workers, including Office for Overseas Sri Lankan Affairs.	Ministry of Disaster Management, Ministry of Labour and Foreign Employment, Sri Lanka Bureau of Foreign Employment, Office for Overseas Sri Lankan Affairs

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
			sections 12–15 under caption Committee on Emergency Response for International disasters – provisions suggested under subsections 12, 13, (a), (b), 14 (a) to (f), 15 (a) to (b).			
9.4	Lack of measures to protect the right to privacy of the data management processes, especially after a crisis, in the absence of a legal provisions to create the custodianship of the data.	To introduce a Special Provisions Bill with following clauses: a) The proposed law will expand on the definition of “disaster” as provided for in section 25 of said Act to include “any international disaster”. b) Once an international disaster is declared by the President pursuant to section 12 of the Act, the Council is summoned. Draft Amendment Bill is in Annex IV.	Obtain approval of Cabinet to amend the Act in cooperating the two clauses. *To amend the Act.	Data management system protects privacy of migrant workers information.	Cabinet approval is sought for the Special Provisions Act. Special Provisions Act to be passed by the Parliament.	Ministry in charge of subject of disaster management, Ministry of Labour and Foreign Employment, Sri Lanka Bureau of Foreign Employment

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
9.5	The absence of adequate legal provisions to issue emergency travel documents to the family of the Sri Lankan citizen – who may be non-Sri Lankan or Stateless persons, and on arrival such persons who are subject to procedures on health, security, legal and other rehabilitation services like that of Sri Lankan citizen who have entered on the usual Sri Lankan passport or emergency entry document.	c) Introduce law reforms to issue emergency travel document to family members who are non-Sri Lankans or Stateless persons on their arrival by a new section 8 to summon any regulator by the president, including regulators in charge of Immigration and Emigration Act, Bureau of Rehabilitation Act, health laws, police, foreign employment, information and Communication Technology Agencies etc. This includes the regulator in charge of the recently proposed legislation on Office for Overseas Sri Lankan Affairs. d) This Council can thereafter act as the apex body function and direct the relevant regulator to take necessary action as the case may be. The recommended Disaster Management	Obtain approval of Cabinet to amend the Act incorporating the two clauses. Amend the Act. Ensure Office for Overseas Sri Lankan Affairs Bill become law with substantive provisions include by the legal consultant for this report.	Issuance of emergency travel document for family members of migrant workers who are non-Sri Lankans or state persons on arrival is facilitated.	Cabinet approval is sought for the Special Provisions Act. Special Provisions Act to be passed by the Parliament.	Ministry in charge of subject of disaster management, Ministry of Labour and Foreign Employment, SLBFE

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
		(Evacuation to Safety) (Special Provisions) Act empowers any regulator to assist in all stages of the crisis. This will ensure a coordinated response. For example, the re-integration process can be addressed by summoning the Department of Health, Bureau of Rehabilitation or any relevant department.				

	Gaps	Recommendations	Proposed activity	Expected outcome	Indicator	Responsible party
9.6	The difficulty to deal with Sri Lankan Authorities and destination countries only in respect of migrant workers as per Sri Lanka's laws, particularly the Constitution, does not permit any regulatory mechanism to discriminate between documented migrants, undocumented migrants, students or any other class of persons; as any person has a right to seek the assistance of the Government of Sri Lanka to return to Sri Lanka as a citizen of Sri Lanka. it is not desirable to create a regulatory mechanism "only for the safe evacuation of migrant workers migrant workers from Sri Lanka, but rather to set up a safe evacuation process for all "citizens" of Sri Lanka, regardless of their status.	Make amended provisions applicable to any Sri Lankan citizen as suggested above, that is to introduce a law to complement the Disaster Management Act, No. 13 of 2005 by way of a Disaster Management (Evacuation to Safety) (Special Provisions) Act.	Make amended provisions applicable to any Sri Lankan citizens.	All citizens are covered by the provision in disaster situation occurring in a foreign country.	No. of Sri Lankans assisted during a disaster by nature of their state in the disaster affected country, such as migrant worker, tourist, students, etc.	Ministry of Foreign Affairs, Ministry in charge of subject of disaster management, Ministry of Labour and Foreign Employment, Sri Lanka Bureau of Foreign Employment

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Annex I

Informant interviews and focus group discussions on psychosocial issues

A total of 15 informant interviews were conducted (four with civil society actors, three with donor and UN agencies officers, three with government organization officers and five with women and men evacuated during the Kuwait war, the Afghan war and the COVID-19 pandemic) by the gender consultant and seven interviews were conducted by the general health expert.

Ministry of Health: The information provided shows that once migrant workers leave Sri Lanka, the Ministry of Health has no responsibility. It is not involved in pre-departure medical check-ups either. When migrant workers return to Sri Lanka following an emergency situation in the destination country, there is no psychosocial screening or assessment at the point of entry (airport), even though there may be a medical (physical) screening. Then they may be sent to a concentration camp or directly home if it is safe for them or society physically. No psychosocial assessment or screening is done. If they have a psychosocial issue, it will be attended by staff of local hospital or public health staff, irrespective of their place of living (home or camp). There are no bilateral agreements between Sri Lanka and any of the other countries regarding the provision of health services, including mental health care, even in an emergency situation. "Our quite capable health care system" will take over the care of them once they return home. The Ministry has started a training programme for multidisciplinary health care teams, including doctors, nurses and auxiliary staff in emergency medical care, to form emergency medical teams in peripheral hospitals. But it is not clear how much psychosocial support is included in the curriculum.

Ministry of Foreign Affairs: Health insurance should be provided by the sponsor. Ministry of Foreign Affairs stressed that the Bureau of Foreign Employment is responsible by law to ensure the employment, welfare and repatriation of workers who have been registered in the Bureau. However, it is well known that a large number of Sri Lanka migrant workers have gone on a visitor or tourist visa and find jobs or work in places after completion of the contract period. Such migrant workers do not get health benefits from their sponsors. The Foreign Affairs Ministry gets involved with migrant workers who are self-employed. There are migrant workers who are directly in touch with agents in Sri Lanka and destination country. FM indicated that the Bureau of Foreign Employment has a separate budget to provide service to the migrant workers in Gulf countries. In many instances, the Sri Lanka migrant workers do not want to report to the embassy in the destination country for various reasons. Therefore, it is extremely difficult to locate them even in an emergency situation. Some migrant workers run away from the sponsor and go to the embassy looking for help. Most embassies maintain a safehouse to keep such people. Most Sri Lanka embassies in Gulf countries find it difficult to provide health facilities to these people and send them back to Sri Lanka because they don't have money and they don't possess a passport. When the number of affected migrant workers are few in number, they can be repatriated to Sri Lanka by issuing a special temporary passport. However, for a large number of migrant workers, it is difficult to provide such services, including health facilities. In an emergency situation, any Sri Lanka migrant worker can come to the Sri Lanka embassy and get the assistance irrespective of their status. With regard to the health certificates of Sri Lanka migrant workers, some reports are not accurate. To overcome this problem, the FM insists to have a stringent medical check-up before their departure. The medical check-ups are done by the institutions approved by the Gulf Authorized Medical Centre Association. On a few occasions migrant workers must undergo compulsory medical check-up in the destination country, and failing it, they may not receive their medical facilities. However, this is not a common phenomenon. It was highlighted that within Gulf countries, administrative systems are different. In some countries, migrant workers are not allowed to use telephones, which causes lot of communication difficulties even in emergency situations.

Sri Lanka Bureau of Foreign Employment: A visa won't be issued without a medical clearance for most countries. Pre-departure training programme is compulsory. There is no mental health training, but there is a certain degree of education on what to do in an emergency. More thorough education is needed. Some host countries also give this education. This is catered more towards domestic workers because they are the most vulnerable group. It's a 28-day programme and provides skills and empowerment. The certificate is given by the Tertiary and Vocational Education Commission at the end after an assessment. The health curriculum is prepared by the Commission, but no particulars of this were given during the interview. The health component is conducted by health professionals – medical officers? others? Did not get specifics. They said they would share the timetable and slots allocated in this training programme, but this needs to be followed up. New workers going to especially Middle Eastern countries need to get insurance, the cost of which will be borne by the employer(?). So under this, maybe the cost of mental health interventions can also be covered (need to clarify). No psychosocial training or screening currently. Medical records of migrants are not maintained by the Bureau or any agency. Recruitment agencies have no responsibilities on evacuation in an emergency situation. No MOUs specifically about migrant workers. No Bureau contact points, but usually go through embassies. Sometimes we can directly contact subject to the different clauses in the MOUs.

Provincial office of the Sri Lanka Bureau of Foreign Employment – Kandy: The services include registration of migrant workers, carrying out pre-departure training programmes and welfare activities. All eligible new domestic workers need to undergo compulsory 24-day residential course at the regional centre. The course has been developed according to the Tertiary and Vocational Education Commission standards. Only four hours are allocated to discuss health and medical issues. A medical officer does the training mainly on HIV and STD prevention. During other two hours, a trained non-medical person discusses the different health systems of the destination countries and reproductive health issues. However, attention given to the issues related to non-communicable diseases is less. The course fee of the training: recruitment agents pay for their recruits. Self-employees must pay for themselves. At the end of the training, they get a certificate that is equivalent to NVQ level 3. The skilled workers having certificates with NVQ level 4 equal or higher do not have to undergo this training. But they have a pre-departure two-day orientation programme. Apparently, they don't get any training related to health issues in the destination country. All migrant workers need to obtain insurance before departure. However, this insurance cannot be used for medical and health needs in the destination country. The responsibility of medical and health care is totally with the employer. In a few instances, the employer has violated this agreement; in such situations, the migrant worker can inform the Sri Lanka embassy in the country to get assistance. In disaster situations, the return airfare of migrant workers is paid by the Bureau of Foreign Employment. This service is available for regular migrant workers only.

Divisional Secretariat Office: The duties of Foreign Employment Promotion Officers in Kandy include screening of migrant workers for suitability for jobs. For example, women with children younger than 2 years are disqualified. The main attention is for female migrant workers. They do home visits as well to check the information given. They provide support for preparation. Every migrant worker has to be registered with them prior to departure and a registration certificate is issued. They are not allowed to leave the country without this certificate at the airport. These officers mentioned the Sahana Piyasa maintained by the Bureau of Foreign Employment near Katunayake Airport. The migrant workers who return to Sri Lanka with special medical or psychosocial needs are looked after by this institution. This is a residential facility. Another duty of these offices is to provide multiple supportive services to returned migrant workers. It includes health, psychosocial, financial advice, investment guidance, administrative support, etc. Because they do not have details of all the returned migrant workers of their catchment area, they can only help those who come to them seeking their services. The current information and data system about migrant workers has not been linked with the district level officers. Therefore, it is a problem in providing good service to migrant worker returnees at the regional level, even after an emergency evacuation.

World Health Organization: The WHO attends to health issues of migrant workers having medical insurance. Otherwise, they need to contact the Sri Lanka embassy of the destination country. However, in

an emergency situation, the involvement of the WHO is minimal, and mainly handled by the Red Cross, International Organization for Migration and other United Nations officers. The WHO has developed the Refugee and Migrant Health Toolkit, a comprehensive and user-friendly resource. This toolkit serves as a single source of information, guidance, and tools to support the implementation of health and migration-related activities. It aligns with the Global Action Plan: Promoting the Health of Refugees and Migrants 2019–23, Regional Action Plans and similar initiatives with shared goals. The toolkit is designed to consolidate tools and resources, making them easily accessible to guide actions aimed at strengthening refugee and migrant health care in line with the priority actions outlined in the Global Action Plan.

International Labour Organization: The main role of the ILO is to look into employability, skills training, self-employment empowerment, entrepreneur development, economic aspect, supporting re-integration and policy advocacy to individual support. Support for developing emergency evacuation response plan. He mentioned that if we can have a reciprocal approach in dealing with our foreign migrant workers, it will help our migrant workers to get the support of destination countries of our migrant workers.

Association of Licensed Foreign Employment Agencies: He mentioned that prior to 2009, every licensed foreign employment agency must join the Association. It is a powerful organization that can take punitive action against agencies that do wrong. But in 2009, this compulsory membership policy was changed to voluntary status. Now agencies can join if they want. This has led to deterioration of the quality of the service of the employment agencies. Otherwise, the Association could have intervened even in disaster situation to some extent.

International Organization for Migration: The term “psychosocial” is used to describe the interconnection between the individual (a person’s “psyche”) and their environment, interpersonal relationships, community and/or culture (social context). The term “mental health” is used to denote psychological well-being. Mental health interventions aim to improve psychological well-being by reducing levels of psychological distress, improving daily functioning and ensuring effective coping strategies. Such interventions are overseen by a mental health professional and target individuals, families and/or groups.

According to the United Nations International Strategy for Disaster Reduction, a “disaster” is defined as: “A serious disruption of the functioning of a community or a society involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources.” This definition emphasizes that a disaster is not just an isolated event but rather a situation where the consequences of a hazardous event overwhelm the capacity of the affected community or society to handle the impact and recover on its own. Disasters can be caused by natural events like earthquakes, floods, hurricanes and droughts or they can be human-made, such as industrial accidents, conflicts or pandemics. The United Nations’ definition underscores the significance of preparedness, risk reduction and international cooperation in addressing the challenges posed by disasters and minimizing their devastating effects on communities worldwide.

According to the ILO, a “migrant worker” is defined as: “Any person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a State of which he or she is not a national.” But for the purposes of this report, students have also been incorporated although they do not fit the definition. As of 2021, the most common countries of destination for Sri Lankan migrants were Saudi Arabia, United Arab Emirates, Qatar, Kuwait, Oman, Malaysia and the Republic of Korea. And still a majority are migrating as low-skilled labourers.

This report hopes to serve as a resource for amending and augmenting existing policies rather than adopting a “starting from scratch” approach and avoid duplication of work by meticulously examining the psychosocial issues faced by Sri Lankan migrant workers in the aftermath of a disaster and reviewing the existing literature. Armed with this comprehensive understanding, this initial report identifies gaps and limitations in policies and interventions, enabling refinement in the future and tailoring existing measures to be more effective and targeted. Instead of reinventing the wheel, this report emphasizes building upon the foundation of existing policies, strengthening their impact and aligning them more accurately with the actual needs of the affected migrant workers. By implementing the recommended amendments,

authorities can ensure that the psychosocial well-being of Sri Lankan migrant workers receives the attention and support it deserves, fostering a more compassionate and resilient society that prioritizes the needs of those who have endured disaster-related hardships while labouring abroad. While there exist domestic laws, national policies and action plans, such as the National Policy on Migration for Employment 2008 and its updated version, as well as the National Action Plan 2020–2023, there are noticeable gaps in provisions related to emergency evacuation, recovery and integration. The Sub-Policy and National Action Plan on Return and Reintegration of Migrant Workers partially addresses mental health and psychosocial aspects, yet its coverage remains limited. None of these initiatives specifically tackle the psychosocial challenges encountered during a disaster, nor do they offer any remediation or preventive measures for such circumstances.

Annex II

Informant interviews and focus group discussions on general health issues

Ministry of Health Sri Lanka

The Ministry of Health does not have responsibility for the health status of migrant workers once they depart from Sri Lanka. Its responsibility before departure and upon their return to provide services through the health care system, involving public health and hospital medical staff, regardless of their residence (home or camps). No specific policies or bilateral agreements exist between the Ministry of Health and foreign countries regarding the health of Sri Lankan migrant workers, even in disaster situations. The Ministry of Health does not issue health notices to foreign countries with Sri Lanka migrant workers during disasters but has provided emergency health care services upon request.

No training on preventive or curative health issues in destination countries is conducted by the Ministry of Health before migrant workers' departure. In-service training programmes initiated by the Ministry of Health train medical personnel on emergency medical care to form emergency medical teams in hospitals. The Ministry of Health responds to the Ministry of Disaster Management's requests for medical assistance for repatriated migrant workers without disrupting general public health services. If the Bureau of Foreign Employment makes a request, the Ministry of Health is willing to develop training components incorporated into decentralized training programmes.

Medical check-ups and screening: The Ministry of Health does not conduct medical check-ups or laboratory investigations on migrant workers. The Ministry acknowledges the importance of such check-ups and is capable of providing training upon the Bureau of Foreign Employment's request. All passengers entering Sri Lanka through any port undergo routine screening for certain communicable diseases. Health officers do not keep medical records of migrant workers, but health professionals who migrated after official leave have their data maintained for administrative purposes. This information is based on an interview conducted on 27 September 2023, at the Ministry of Health.

Sri Lanka Bureau of Foreign Employment

Health and medical requirements for migrant workers depend on the receiving country, not the employer. The Bureau of Foreign Employment does not directly take responsibility for the health of migrant workers. Applicants must submit a satisfactory medical report to obtain a visa, with testing conducted in Gulf countries by approved private institutions. Neither the Bureau of Foreign Employment nor any other institution keeps the medical records of migrant workers.

There is a compulsory pre-departure training course aligned with tertiary vocational education commission standards. Migrant workers need a minimum National Vocational Qualification (NVQ) level 3 for a working visa in most Gulf countries. Domestic helpers undergo a 28-day training course, including 25-day residential training, and receive a certificate equivalent to NVQ level 3. The health and medical curriculum follows tertiary vocational education standards, and some components are conducted by medical officers. Employers are responsible for providing health and medical care to migrant workers, but the Bureau of Foreign Employment has made medical insurance compulsory for all migrant workers.

The Bureau has a contingency plan for disaster situations, providing emergency requirements and covering costs, including travel, during evacuations. Recruitment agencies or travel agents in Sri Lanka are not involved in the evacuation process, but they must follow the Bureau's guidelines. The Bureau

does not handle health or social matters of migrant workers upon their return to Sri Lanka. In emergency evacuations, the Ministry of Disaster Management or foreign employment promotion offices at the grassroots level manage the process.

Regional Foreign Employment Promotion Office, Kandy

The primary function of the regional office is to promote foreign employment and facilitate eligible migrant workers in Kandy District. Development officers conduct home visits to assess the eligibility of migrant worker applicants, focusing on females younger than 45. Home visits include evaluating marital status, number of children and their ages. Applicants with a child younger than 2 years are not processed. During home visits, officers inform applicants about the Bureau of Foreign Employment registration, training courses and communication with Sri Lankan embassies in destination countries, especially in problematic or disaster situations. Mention is made of Sahana Pyasa near the Colombo airport, where migrant workers with special medical or social needs are cared for.

District officers are supposed to offer supportive services to migrant workers upon their return to Sri Lanka. Difficulty arises due to the lack of details on returned migrant workers; the information system is not linked with district-level offices. This hinders the provision of effective services at the grassroots level, even in emergency evacuations.

Provincial office of the Sri Lanka Foreign Employment Bureau, Kandy

Eligible domestic workers undergo a compulsory 24-day residential course at the regional centre, developed according to tertiary vocational education standards. Health and medical topics, including HIV and STD prevention, are covered during a four-hour session by a medical officer. Medical personnel cover destination countries' health systems and reproductive health in a two-hour session. Limited attention is given to non-communicable diseases. Skilled workers (NVQ level 4 or higher) have a two-day orientation, but there is no specific health training for destination countries.

Course fees are covered by recruitment agents for their recruits, while self-employed migrant workers pay for their training. Upon completion, trainees receive a certificate equivalent to NVQ level 3. All migrant workers must obtain insurance before departure, but it does not cover medical and health needs in the destination country. Employers bear full responsibility for medical and health care; violations can be reported to the Sri Lanka embassy for assistance. In disasters, return airfare for regular migrant workers is covered by the Bureau of Foreign Employment.

World Health Organization

In addressing health issues of migrant workers with medical insurance, the World Health Organization (WHO) has a role. Migrant workers with insurance can contact the WHO for assistance. However, in emergency situations, the WHO's involvement is minimal, and the responsibility often shifts to organizations like the Red Cross and the International Organization for Migration.

The WHO has developed the Refugee and Migrant Health Toolkit, a comprehensive and user-friendly resource. This toolkit serves as a single source of information, guidance and tools to support the implementation of health and migration-related activities. It aligns with the Global Action Plan: Promoting the Health of Refugees and Migrants 2019–23, Regional Action Plans and similar initiatives with shared goals. The toolkit is designed to consolidate tools and resources, making them easily accessible to guide actions aimed at strengthening refugee and migrant health care, in line with the priority actions outlined in the Global Action Plan.

United Nations – International Organization for Migration

In interviews with two senior officials from the International Organization for Migration (IOM), their insights on managing migrants in crisis situations were categorized into three phases: before, during and after a crisis. The primary focus is on humanitarian efforts to safeguard the health of affected migrants.

1. Before a crisis:

- ▶ IOM provides necessary health equipment, laboratory kits, drugs, food and water as part of pre-crisis preparedness.
- ▶ Their initiatives aim to ensure the overall well-being of migrants before the onset of a crisis.

2. During a crisis:

- ▶ IOM's medical teams, consisting of doctors, nurses and other paramedics, are actively involved in addressing health issues and injuries among affected migrants.
- ▶ Special attention is given to controlling and preventing human trafficking and smuggling activities, which are known to escalate during disaster situations.

3. After a crisis:

- ▶ The focus remains on humanitarian efforts to aid the recovery and well-being of migrants in the aftermath of a crisis.

IOM's approach emphasizes not only the technical aspects of health care provision but also the broader humanitarian aspects, ensuring the safety and health of migrants in challenging circumstances.

Annex III

Explanatory note

Legislative Bill on Disaster Management (Evacuation to Safety) (Special Provisions)

1. The Draft Bill addresses the necessity to have a legal framework to respond to emergency evacuations of Sri Lankan migrants staying abroad.
2. The expansive nature of the legislative scheme affords a sustainable legal platform

Disaster Management Act No. 13 of 2005

3. In this regard, it is observed that it is not advisable to create a separate mechanism for the above purpose. Such an endeavour will cause public funds to be diverted to an institution which will only come into operation during an international crisis which may arise after a long time lag.
4. It is therefore recommended that the existing mechanism presently in operation – that is Disaster Management Act – to be used.
5. It is pertinent to note that the Constitution of Sri Lanka enunciated in Article 14 (1)(i) that, 'every citizen has a right to return to Sri Lanka'. In this regard, it is of critical importance observe that, irrespective of whether the person is a documented worker or an undocumented worker, traveller, student or an offspring of any of the classes of persons, as long as that person is a citizen of Sri Lanka, that person has a right to return Sri Lanka - a right guaranteed as a fundamental human right in the constitution of Sri Lanka as per article 14(1)(i). This right is also consistent with Article 8 (2) of The United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families which states that;

Article 8 (2)

Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.

6. It is in this context that it is not possible for any regulatory mechanism to be introduced - should any system be introduced at all – to discriminate between documented migrants, undocumented migrants, students or any other class of persons. A regulator setup to evacuate such a person has a right to seek the assistance of the Government of Sri Lanka to return to Sri Lanka invoking his right as a citizen of Sri Lanka. Hence it is not advisable to set-up a regulatory mechanism 'only' for the safe evacuation of migrant workers of Sri Lanka, but rather to set-up a safe evacuation procedure for all 'citizens' of Sri Lanka, irrespective of their status. Further, this will also scale down the necessity for multiplicity of regulators and regulatory processes to deal with each category of Sri Lankan travellers, migrants, students – be they undocumented or documented.
7. The Definition of a 'disaster' or 'crisis' can be seen in Disaster Management Act (Act No. 13 of 2005. However, this refers to a local context where such disasters take place. A 'disaster' as per section 25 means, '...the actual or imminent occurrence of a natural or man-made event, which endangers or threatens to endanger the safety or health of any person or group of persons in Sri Lanka, or which destroys or damages or threatens to destroy or damage any property, and includes—
 - (a) a landslide;
 - (b) a cyclone;
 - (c) a flood;

- (d) a drought,
 - (e) an industrial hazard;
 - (f) a tsunami (seismic wave);
 - (g) an earthquake;
 - (h) an air hazard;
 - (i) a maritime hazard;
 - (j) a fire;
 - (k) an epidemic;
 - (l) an explosion;
 - (m) air raids;
 - (n) civil or internal strife;
 - (o) chemical accident;
 - (p) radiological emergency;
 - (q) oil spills including inland and marine oil spills;
 - (r) nuclear disaster;
 - (s) urban and forest fire;
 - (t) coastal erosion; and
 - (u) tornados, lightning strikes and severe thunderstorms;'
8. The mandate of the National Council for Disaster Management formed under the above Act is applicable only for the 'disasters' taking place within Sri Lanka. Still, safe evacuation of Sri Lankan migrant workers can be brought within this Act with an amendment.
 9. Even the recently proposed legislative Bill on Office for Overseas Sri Lankan Affairs is an important development in this regard.
 10. As per the proposed amendment in this report, that is, clause 4A of the Disaster Management (Evacuation to Safety) (Special Provisions) Act, the President can summon the head of Office for Overseas Sri Lankan Affairs to the Council during a crisis. This will ensure seamless functioning of the two institutions. Disaster Management Council will act as the overall implementation authority. Once the disaster is over, the other institutions can take over the post crisis management; this includes Office for Overseas Sri Lankan Affairs, Immigration and Emigration Act, Bureau of Rehabilitation Act, Health laws, Police, Foreign Employment, Information and Communication Technology Agencies etc.

Recommendations

11. Hence, the following changes are recommended;
 - a. In this regard, the proposed law will expand on the definition of "disaster" as provided for in section 25 of said Act to include "any international disaster".
 - b. Once an international disaster is declared by H.E the President pursuant section 12 of the Act, the Council is summoned.
 - c. A new section 3(4A) is proposed to summon "any regulator" to be part of the Council by the President. This can include regulators in charge of Immigration & Emigration Act, Bureau of

Rehabilitation Act, No 2 of 2023 (recently enacted), Health laws, Police, Foreign Employment, Information and Communication Technology Agencies etc. This includes the regulator in charge of the recently proposed legislation on Office for Overseas Sri Lankan Affairs.

- d. This Disaster Management Council can thereafter act as the apex body function and direct the relevant regulator to take necessary action as the case may be.

Annex IV

Draft bill on disaster management (Evacuation to safety) (Special provisions)

A Bill to extend the application of the Sri Lanka Disaster Management Act

AN ACT TO PROVIDE FOR EVACUATION TO SAFETY OF SRI LANKAN CITIZENS STAYING, RESIDING AND WORKING OUTSIDE SRI LANKA DURING AN INTERNATIONAL DISASTER; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Preamble

WHEREAS given the recent experience of Sri Lanka on the evacuation of Sri Lankan citizens staying, residing and working outside Sri Lanka during an international disaster including that of the Co-vid epidemic:

WHEREAS it is the policy of the Sri Lankan Government to extend the existing administrative mechanism that is established under Sri Lanka Disaster Management Act No. 13 of 2005 to international disasters that affect Sri Lanka, thereby expanding the scope of the said Act to cover such international disasters that affect Sri Lanka and its citizens:

WHEREAS reaffirming the right to return for Sri Lankan citizens living, staying and working outside Sri Lanka as guaranteed by the fundamental human right of Article 14.1.e of the Constitution of the Democratic Socialist Republic of Sri Lanka:

WHEREAS reaffirming the international obligations of Sri Lanka to its citizens working and contributing towards Sri Lankan economy as enunciated by the Migrant s Convention 1990; and reaffirming Sri Lanka s obligations arising from the four Geneva Conventions 1949 and other international principles of law on humanitarian disasters relating to safe evacuation and protection of Sri Lankan citizens and their right to return to Sri Lanka:-

Short Title

1 This Act may be cited the Disaster Management (Evacuation to Safety) (Special Provisions) Act No... of

2. Application

(1) For the determination of any matter arising out of application of the provisions of this Act or incidental thereto, the provisions of the main enactment, namely, the Disaster Management Act NO 13 of 2005 shall apply in addition to the provisions of this Act.

3. Interpretation

The provisions of the Disaster Management Act No 13 of 2005 shall not be read in derogation of the provisions of this Act, and any reference to this Act shall also mean a reference to the Disaster Management Act No 13 of 2005 (hereinafter referred to as the main enactment).

4. Casus Omissus

(1) For the determination of any matter arising out of application of the provisions of this Act or incidental thereto and not provided for in this Act, the provisions of the main enactment, where appropriate, and with suitable adaptations, shall apply.

(2) For the purpose of applying the provisions of the main enactment or other law for the determination of any matter not provided for in this Act, the provisions of the main enactment, where appropriate, and with suitable adaptations, shall apply.

5. Avoidance of Doubt Clause

(1) For the purposes of avoidance of doubt, the reference to the National Disaster Management Council in the main enactment may include the International Evacuation and Response Team constituted under this Act, if this enactment is specifically invoked if circumstances exists.

(2) No provision in the main enactment or this Act shall be read and construed to prevent the President from invoking both the enactments in the event of disaster, if the necessary conditions exists, and any decision to terminate operations under one enactment shall not be construed as an automatic termination of the other.

6. Declaration of a State of International Disaster

(1) If at any time, an international disaster or impending international disaster is likely to occur, the President may, on President's own motion or on the advice of the Council, by Proclamation declare that a state of international disaster exists, either in respect of any area or areas outside Sri Lanka.

(2) Such Proclamation, as mentioned in the above subsection (1), may be in addition to any declaration of a state of disaster declared or will be declared under section 11 of the main enactment within Sri Lanka, as the case may be.

(3) Subject to the provisions of subsection (4), a Proclamation made under subsection (1) shall come into force on the date on which such Proclamation is made and shall, remain in force for a period of two months from the date of the making of the Proclamation, and may thereafter, if necessary, be extended for further periods not exceeding two months at a time.

(4) A Proclamation made under subsection (1), shall be placed before Parliament at its first sitting immediately after the date of declaration of the Proclamation, to be approved by a resolution of Parliament.

(5) If Parliament does not approve any Proclamation placed before it, such Proclamation shall, immediately upon such disapproval, cease to be valid and have no force in law, but without prejudice to anything lawfully done thereunder.

7. Power of the President and the Council after the Declaration of International Disaster

The President and the Council may exercise all such powers vested in him by the main enactment, or any amendments thereto.

8. Appointment of Regulators and Heads of Department

(1) The President may, where necessary, direct any regulator or any head of Department to assist the Council.

(2) The Council may, where it considers appropriate, appoint an International Evacuation and Response Team, comprising any regulator or any head of Department, including that of the armed forces and their respective staff officers, in addition to the Disaster Management Centres and Technical Advisory Committees appointed under the main enactment.

9. Directives to any Regulator or any Head of a Department

The Council may, where necessary, issue directives to any regulator or any head of a Department appointed to assist the Council as per section 8.

10. Procedure to be followed upon the Declaration of a State of International Disaster

Upon the declaration of a state of international disaster by the President, the President shall direct, command and supervise International Evacuation and Response Team to take immediate action to –

- (a) deploy all available resources and manpower as may be necessary within the area or areas outside Sri Lanka in respect of which a Proclamation has been made under subsection (1) of section 6, to counter the effect of the disaster or the impending disaster or to mitigate the effect of such disaster or impending disaster; and

- (b) direct, co-ordinate and use additional resources, if and when they become available, in accordance with such arrangements as may be made in respect of its allocation.

11. President to obtain assistance of International Government and International Organizations

The President may, wherever it considers necessary or appropriate, obtain the assistance of any international Government or international organization, whose activities are not detrimental to national independence and sovereignty, to assist any International Evacuation and Response Team in the discharge of its duties under section 10.

12. Interpretation

“Council” means the National Council for Disaster Management established under section 2 of the main enactment;

“International disaster” means is any disaster that that takes place outside the territory of Sri Lanka;

“main enactment” means Sri Lanka Disaster Management Act, No. 13 of 2005 or any other future amendments to the Act.

Annex V

Legislative bill on office for overseas Sri Lankan affairs

	AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE FOR OVERSEAS SRI LANKAN AFFAIRS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.
	WHEREAS, it has become necessary to provide a platform for overseas Sri Lankans and their groups, and to promote common Sri Lankan identity amongst all Sri Lankans living abroad and liaise with them in order to foster and promote reconciliation and nation building; AND WHEREAS, to establish an investment promotion and trade facilitation mechanism for ease of doing business for the overseas Sri Lankans and to foster incentives for such trade and other related matters; AND WHEREAS, to become an information liaising office with other government institutions and regulators, where necessary, to co-ordinate and facilitate the information flow between the overseas Sri Lankans and the said regulators; Be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-
Short title	1. This Act may be cited as the Office for Overseas Sri Lankan Affairs Act, No..... of 2023.
	PART I
	Establishment of the Office for Overseas Sri Lankan Affairs
Establishment of the Office for Overseas Sri Lankan Affairs	2. (1) There shall be established an Office called and known as the Office for Overseas Sri Lankan Affairs (hereinafter referred to as the "OS Office"). (2) The OS Office. shall by the name assigned to it by subsection (1) be a body corporate and shall have a perpetual succession and a common seal and may sue and be sued in that name
Objects of the OS Office	3. The objects of the OS Office shall be to- (a) provide a platform for overseas Sri Lankans, their association or groups- (i) to establish economic, technical, social and cultural ties with the people living in Sri Lanka; (ii) to make representations to Sri Lankan policymakers to provide such incentives to overseas Sri Lankans to invest in Sri Lanka and to further the objects of the OS Office; (b) promote common Sri Lankan identity amongst all Sri Lankans living abroad and liaise with them in order to foster and promote reconciliation and nation building; (c) establish an investment promotion and trade facilitation mechanism for ease of doing business for the overseas Sri Lankans and to foster incentives for such trade and investment including the privileges as may be prescribed subject to the provisions of this Act and any other written law ; (d) promote public-private partnership and other investments in Sri Lanka that would result in improvements to public infrastructure, health, education, and economic competitiveness;

	(e) facilitate the mutual transfer and exchange of skills and knowledge, business, technical, and academic expertise, by encouraging and facilitating the engagement and involvement of the overseas Sri Lankans including experts in various fields and professionals, in such business activities; (f) make recommendations to the relevant authorities to provide necessary incentives to overseas Sri Lankans to invest in Sri Lanka to further the objects of the OS Office; (g) to become an information liaising body with other regulators where necessary to co-ordinate and facilitate the information flow between the overseas Sri Lankans, including Sri Lankan citizens residing overseas, and the said regulators subject to other laws; (h) ensure the protection of the interests and rights of the overseas Sri Lankans, as are covered by or under this Act;
Powers functions and duties of the OS Office	4. The OS Office shall ensure the promotion, encouragement and development of mutual support, assistance and interests between the Government of Sri Lanka and overseas Sri Lankans and in carrying out such function shall -- (a) establish a mechanism - (i) to strengthen the relationship between the Government of Sri Lanka and the overseas Sri Lankans; (ii) for registration of overseas Sri Lankans and create and manage a database with profiles of such overseas Sri Lankans; (b) promote a better understanding of development goals of Sri Lanka and priority areas of focus, within the overseas Sri Lankans; (c) encourage overseas Sri Lankans to contribute towards national economic development; (d) act as a communication bridge between the Government and the overseas Sri Lankans; (e) create a one-stop-shop for overseas Sri Lankans who may wish to engage in investment, trade, doing business with Sri Lanka, philanthropy or make contributions to Sri Lankan communities; (f) provide assistance to persons who are interested in re-migrating to Sri Lanka in line with the national policy and the laws of Sri Lanka on return and integration ; (g) establish a network of focal points among Government Agencies related to the interests and rights of overseas Sri Lankans and the Sri Lanka Diplomatic Missions to enhance and strengthen the relationship between the Government of Sri Lanka and the overseas Sri Lankans; (h) establish an information liaising platform to co-ordinate with the Government Agencies to assist Sri Lankan citizens residing overseas to return to Sri Lanka during an international disaster or an international humanitarian crisis and co-ordinate with the relevant Government Agencies to assist in the re-integration process; (i) make recommendations to the government in developing a national policy that promotes engagement, maintenance and development of relationship with the overseas Sri Lankans to achieve the object of the OS Office. (j) endeavour to hold an Annual Diaspora Conference in Sri Lanka which would be a conference of overseas Sri Lankans to drive the objects of the OS Office and also to create connection and network in furtherance of the same;

	(k) ensure that the objectives of the annual plans submitted to it by the Director General are implemented in accordance with the provisions of this Act; (l) charge fees or any other administrative charges or costs in the exercise of its powers or discharge or performance of its functions or duties; (m) open, maintain and operate current, savings or other deposit accounts in any bank and, if necessary, to close such accounts; (n) to enter into and perform all such contracts or agreements as may be necessary for the exercise of the powers and the carrying out of the objects of the OS Office; (o) to hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property of the OS Office ; (p) establish a mechanism to grant sectorial incentive regimes for overseas Sri Lankan investors including tax holidays and fiscal incentives such as duty-free concessions in the importation of capital equipment. (q) make strategies for the protection and advancement of rights and interest of overseas Sri Lankans; (r) facilitate and increase the exchange and collaboration of learning, professional training, research, skills development and educational programmes between the Government of Sri Lanka and the overseas Sri Lankans, with special emphasis on the promotion of trade, economic growth, or socioeconomic development; (s) generally, do such other acts and things for the achievement of the objects of the OS Office or incidental or connected with powers, functions and duties of the OS Office.
	PART II
	Administration and Management of the affairs of the OS Office
Administration and Management of OS Office	5. (1) The administration and management of the affairs of the OS Office shall be vested in a Board of Management (in this Act referred to as the "Board") (2) The Board shall, for the purpose of administering the affairs of the OS Office, exercise, perform and discharge the powers, functions and duties conferred on, assigned to or imposed on the OS Office by this Act.
Constitution of the Board	6. (1) The Board shall consist of- (a) the following ex-officio members- (i) Secretary to the Ministry of the Minister assigned the subject of Foreign Affairs or his representative not below the rank of an Additional Secretary nominated by such Secretary; (ii) Secretary to the Ministry of the Minister assigned the subject of Finance or his representative not below the rank of an Additional Secretary nominated by such Secretary; (iii) Secretary to the Ministry of the Minister assigned the subject of Home Affairs or his representative not below the rank of an Additional Secretary nominated by such Secretary; (iv) Secretary to the Ministry of the Minister assigned the subject of Planning or his representative not below the rank of an Additional Secretary nominated by such Secretary;

	(v) Secretary to the Ministry of the Minister assigned the subject of Immigration and Emigration or his representative not below the rank of an Additional Secretary nominated by such Secretary nominated by such Secretary; (vi) Secretary to the Ministry of the Minister assigned the subject of Investment Promotion or his representative not below the rank of an Additional Secretary nominated by such Secretary; (b) seven members who have distinguished themselves in various fields relevant to nation building and networking and cooperation amongst the various communities in Sri Lanka who shall be persons of eminence and integrity, appointed by the Minister, with the concurrence of the Constitutional Council (hereinafter referred to as the "appointed members") - (2) In nominating or appointing persons under subsection (1), the relevant Minister or Secretary shall take into account that the Board reflects the pluralistic character of Sri Lankan society and gender balance.
Disqualification for being a member of the Board	7. A person shall be disqualified from being appointed or continuing as a member of the Board, if such person - (a) is not or ceases to be a citizen of Sri Lanka; (b) is or becomes a member of Parliament or a Provincial Council or any Local Authority; (c) has any financial or other interest direct or indirect, as is likely to affect prejudicially the discharge by him of his functions or duties as a member of the Board; (d) is under any law in force in Sri Lanka or in any other country found or declared to be of unsound mind; (e) is a person who having been declared insolvent or bankrupt under any law in force in Sri Lanka and is an undischarged insolvent or bankrupt; (f) is serving or has served a sentence of imprisonment imposed by any court in Sri Lanka or any other country; or (i) holds or enjoys any right or benefit under any contract made by or on behalf of the OS Office.
Chairperson of the Board	8. (1) The Minister shall appoint one of the appointed members to be the Chairperson of the OS Office. (2) The Chairperson may resign from the office of Chairperson by letter address to the Minister and such resignation shall be effective from the date on which it is accepted by the Minister (3) The Minister may for reasons assigned remove the Chairperson from the office of Chairperson. (4) Subject to the provisions of subsections (2) and (3) the term of office of the Chairperson shall be the period of his OS Office. (5) Where the Chairperson is temporarily unable to perform the duties of his office due to ill health, other infirmity, absence from Sri Lanka or any other cause, the Minister may appoint any other member to act as the chairperson in addition to his normal duties.
Term of office of appointed members	9. Every appointed member of the Board shall, unless he vacates office earlier by death, resignation or removal, hold office for a period of three years, and unless removed from office shall be eligible for re-appointment, for not more than one further term, whether consecutive or otherwise

Financial interest of the members	10 (1) The Minister shall, prior to appointing a person as a member of the Board, satisfy himself that such person has no financial or other interest in the affairs of the OS Office as is likely to affect prejudicially the discharging of his functions as a member of the Board. (2) The Minister shall also satisfy himself, from time to time, that no member of the Board has since being appointed to the board acquired any such interest. (3) (a) A Member of the Board who is directly or indirectly interested in any contract, agreement, business or any other matter made or proposed to be made by the Board, shall forthwith disclose the nature and extent of his interest to the Board; and (b) Every such disclosure shall be recorded in the minutes of the Board and such member shall not thereafter take part in any deliberation or decision of the Board with respect to such contract, agreement, business or other matter. (4) The OS Office shall maintain a register or a record of conflict of interest on case-by-case basis.
Removal resignation etc. of appointed members	11. (1) Any appointed member of the Board may at any time, resign his office by letter addressed in that behalf to the President, and such resignation shall take effect from the date on which the resignation is accepted in writing by the President. (2) The Minister may, with the concurrence of the Constitutional Council, for reasons assigned therefor remove any appointed member from office. An appointed member who has been removed from office shall not be eligible for re-appointment as a member of the OS Office or to serve the OS Office in any other capacity. (3) In the event of vacation of office by death, resignation or removal of any appointed member, the Minister shall, having regard to the provisions of paragraph (b) of section 6, appoint another person to fill such vacancy and such person shall hold office for the un-expired period of the term of office of the member whom he succeeds and be eligible to be reappointed for not more than one further term whether consecutive or otherwise. (4) Where any appointed member of the OS Office is temporarily unable to perform the duties of his office on account of ill health or any other cause or if he is absent from Sri Lanka for a period of not less than three months, the President shall having regard to the provisions of paragraph (b) of section 6 appoint any other person to act in place of such member during his absence. (5) Where any appointed member of the Board fails to attend three consecutive meetings of the Board without obtaining prior excuse for absence from the Chairperson such member shall be deemed to have vacated his office at the conclusion of the third meeting and the President shall appoint another person to fill such vacancy in the manner provided in subsection (3).
Quorum and meetings of the Board	12. (1) The meetings of the Board shall be held at least once a month or as is required for the purpose of exercising and discharging the powers, functions and duties conferred on, assigned to or imposed on the Board by this Act: Provided however that, The Board shall have performance review meetings at least once every four months. (2) The quorum for a meeting of the Board shall be four members including the Chairperson. (3) A meeting of the Board may be held either- (a) by the number of members who constitute a quorum being assembled at the place, date and time appointed for the meeting; or

	(b) by means of audio-visual communication by which all members participating and constituting a quorum can simultaneously see and hear each participating member for the duration of the meeting. (4) The Chairperson shall preside at every meeting of the Board. In the absence of the Chairperson from any meeting of the Board a member elected by the members present shall preside at such meeting. (5) All questions for decision at any meeting of the Board shall be decided by the vote of the majority of members present at such meeting. In the case of an equality of votes the Chairperson shall, in addition to his vote have a casting vote. (6) The Board may act notwithstanding any vacancy among its members, and any act or proceeding of the Board shall not be, or deemed to be, invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof. (7) Subject to the preceding provisions of this section, Board may regulate the procedure to be followed for the summoning and holding of its meetings and the transaction of business at such meetings.
Remuneration of the members of the Board	13. The members of the Board shall be paid such remuneration in such manner and at such rates as may be determined by Minister in consultation with the Minister assigned the subject of Finance.
Seal of the OS Office	14. (1) The seal of the OS Office shall be as determined by the Board. (2) The seal of the OS Office – (a) may be altered in such manner as may be determined by the Board; (b) shall be in the custody of such person or persons as the Board may determine from time to. (3) The seal of the OS Office shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of the Chairperson and one other member of the Board who shall sign the instrument or document in token of their presence: Provided however where the Chairperson is unable to be present at the time when seal of the OS Office is affixed to any instrument or document, any other member of the Board authorized in writing by the Chairperson on that behalf shall be competent to sign such instrument or document in accordance with the preceding provision of this subsection. (4) The Board shall maintain a register of the instruments and documents to which the seal of the OS Office has been affixed.
Board to invite experts to meetings	15. (1) The Board may whenever it may consider necessary invite experts to any meeting of the Board who have expertise on any subject which will be dealt with by the Board at such meetings for the purpose of obtaining their views on such subject matter for the effective discharge of the functions of the OS Office, provided however the Board shall have the absolute discretion of accepting or rejecting the views of the experts. (2) The experts shall be paid such remuneration as may be determined by the Board shall have no voting rights.

	PART III
	DIRECTOR-GENERAL AND THE STAFF OF THE OS OFFICE
Director General of the OS Office	16. (1) There shall be appointed by the Minister in consultation with the Board, a Director-General of the OS Office, whose qualification and experience, the terms and conditions of appointment shall be as prescribed. (2) The Director-General shall, subject to the general directions and supervision of the Board: - (a) serve as the secretary to the Board; (b) prepare an annual plan not inconsistent with the objects of the OS Office and other provisions of this Act, in consultation with all stakeholders and submit it to the Board for its approval; (c) be charged with the administration of the affairs of the OS Office including the administration and control of the staff; (d) be responsible for the execution of all decisions of the OS Office; and (e) carry out all such functions as may be assigned to him by the Board. (4) The Director General shall be entitled to be present and speak at any meetings of the OS Office, but shall not be entitled to vote at such meeting. (5) The Director General may, with the written approval of the Board, whenever he considers it necessary to do so, delegate in writing to any officer of the OS Office, any of his powers or functions and the officer to whom any such power or function is delegated shall exercise or perform them subject to the directions of the Board (6) The Minister may, in consultation with the Board, remove the Director General from office – (a) if he becomes permanently incapable of performing his duties; (b) if he had done any act which, in the opinion of the OS Office, is of a fraudulent or illegal character or is prejudicial to the interests of the OS Office; or (c) has failed to comply with any directions issued by the OS Office. (7) The office of the Director General shall become vacant upon the death, removal from office under subsection (6) or resignation by letter in that behalf to the Minister by the holder of such office. (8) If any vacancy occurs in the office of the Director General, the Minister may, in consultation with the Board, appoint an appointed member of the Board to exercise, perform and discharge the powers, duties and functions of the Director General until an appointment is made under subsection (1). (9) The Director General shall be paid such remuneration as may be determined by the Minister with the concurrence of the Minister assigned the subject of Finance.
Appointment of the staff of OS Office.	17. (1). Subject to the provisions of this Act, the OS Office may appoint such employees as may be necessary for the efficient exercise and discharge of its powers and functions. (2) The OS Office may in respect of the officers and employees appointed under subsection (2) – (a) exercise disciplinary control over or dismiss such officers and employees; (b) determine the terms and conditions of employment of such officers and employees;

	(c) fix the rates at which such officers and employees shall be remunerated in keeping with relevant guidelines of the Government and in consultation with the Minister assigned the subject of Finance. (3) The OS Office shall not, however, appoint as an officer or other employee of the OS Office, any person who has been dismissed from any previous position held by such person in the public or private sector.
Appointment of Public Officers to the staff of the OS Office	18. (1) At the request of the OS Office, any officer in the public service may, with the consent of that officer and of the Public Service Commission be temporarily appointed to the staff of the OS Office for such period as may be determined by OS Office, or with like consent, be permanently appointed to such staff. (2) Where any officer in the public service is temporarily appointed to the staff of the OS Office the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, mutatis mutandis, apply to and in relation to such officer. (3) Where any officer in the public service is permanently appointed to the staff of the OS Office the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991 shall, mutatis mutandis, apply to and in relation to such officer.
	PART IV
	FINANCE
Fund of the OS Office	19. (1) The OS Office shall have its own Fund (2) There shall be credited to the Fund – (a) all such sums of money as may be voted by Parliament, from time, for the use of the Agency; (b) all such sums of money as may be received by the OS Office for the exercise, performance and discharge of its powers, duties and functions and for the promotion of the objects of the OS Office, by way of loans donations, gifts, bequests or grants from whatsoever source within or outside Sri Lanka. (3) There shall be paid out of the Fund all such sums of money required to defray the expenditure incurred by the OS Office in the exercise, performance and discharge of its powers, duties and functions under this Act.
Financial year and audit of accounts of the OS Office	20. (1) The financial year of the OS Office shall be the calendar year. (2) The OS Office shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other financial transactions of the OS Office. (3) The provisions of Article 154 of the Constitution relating to the audit of accounts of public corporations shall apply to the audit of accounts of the OS Office.
	PART V
	GENERAL
Establishment of Committees or Panels	21. (1) The Board may establish Committees and Panels to assist it in the exercise, performance and discharge of its powers, functions and duties under this Act. (2) Every such committee or panel shall consist of such number of members as may be determined by the Board, not below the rank of an Additional Secretary of the relevant Ministry or the heads of the relevant government institutions functioning under such Ministry or such senior officers as may be authorised by the heads of such government institutions, nominated by the Secretary to such Ministry.

	(3) The Board may where it may consider necessary, co-opt as a member to a committee or Panel, any person who possesses the required knowledge and expertise in the relevant field (4) The provisions of sections 7 and 10 shall, mutatis mutandis, apply to the members of the committees or panels established under subsection (1), in relation to the disqualifications for appointment and financial or other interests. (5) The members of the committees or panels may be paid such honorarium in such manner and at such rates as may be determined by the Minister in consultation with the Minister assigned the subject of Finance. (6) The members of such committee or panel shall be present at the meeting for which their presence is required and express their opinions but shall have no voting rights at such meetings.
Annual reports	22. (1) The OS Office shall within six months of the end of each financial year submit to the Minister an annual report on the activities carried out by the OS Office The following documents shall be attached to such report:- (a) the audited accounts of the OS Office for the year along with the Auditor-General's report; (b) a report of proposed activities for the year immediately following the year to which such report and accounts relate. (2) The Minister shall table the annual report along with the documents specified in subsection (1) in Parliament for its consideration.
Declaration of secrecy	23. Every member of the OS Office and all officers and other employees of OS Office and every expert consulted by the Board and members of committees or panels appointed under section 21, shall, before entering upon his duties, sign a declaration pledging to observe strict secrecy in respect all matters connected with the affairs of the OS Office, which has come to his knowledge in the performance or exercise of his powers and functions under this Act and by such declaration pledge himself not to disclose any such matter except- (a) when required to do so by a court of law; or (b) for the purpose of exercising or performing the powers and functions under this Act or any other written law
Directions by the Minister	24. The Minister may, from time to time, issue to the OS Office in writing such general or special directions as to the exercise, performance and discharge of its powers, duties and functions of the so as to ensure giving proper effect to the Government policy relating to the objects of the OS Office, and it shall be the duty of the OS Office to comply with such directions..
Officers and employees of the OS Office deemed to be public servants	25. All officers and Employees of the OS Office shall be deemed to be public servants within the meaning and for the purposes of the Penal Code.
OS Office deemed to be a scheduled institution	26 The OS Office shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall accordingly apply.
Expenses in suit or prosecution to be paid out of the Fund	27 (1) Any expense incurred by the OS Office in any suit or prosecution brought by or against the OS Office before any Court, shall be paid out of the Fund of the OS Office and any costs paid to, or recovered by the OS Office in any such suit or prosecution shall be credited to the Fund of the OS Office.

	(2) Any expense incurred by any member of the Board, the Director General or any officer or other employee of the OS Office in any suit or prosecution brought against such person before any Court or Tribunal in respect of any act which is done or is purported to be done by such person under the provisions of this Act or on the direction of the OS Office shall, if the court holds that such act was done in good faith, be paid out of the Fund of the OS Office, unless such expense is recovered by such person in such suit or prosecution.
Rules	28. (1) The Board may, subject to the provisions of this Act, make rules in respect of any matter for which rules are authorised to be made under this Act or all or any of the following matters: – (a) for the regulation of the procedure to be followed for the summoning and holding of meetings of the Board and the transaction of business at such meetings; and (b) any other matter connected with the management of the affairs of the OS Office;. (2) Every rule made by the Board shall be published in the Gazette and shall come into operation on the date of its publication or on such later date as may be specified therein.
Regulations	29. (1) The Minister may, in consultation with the OS Office, make regulations in respect all matters required by this Act to be prescribed or in respect of which regulation are authorized to be made. (2) Every regulation made under this section shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation. (3) Every regulation made under this section shall within three months from its publication in the Gazette be brought before Parliament for approval. A regulation which is not so approved shall be deemed to be rescind as from the date of its disapproval, but without prejudice to anything previously done thereunder. (4) Notification of the date on which any regulation is deemed to be rescinded, shall be published in the Gazette.
Interpretation	30. In this Act unless the context otherwise requires- “Minister” means the Minister assigned the subject of the OS Office under Article 44 or 45 of the Constitution; “overseas Sri Lankans” means Sri Lankan residents citizens residing overseas, Sri Lankan citizens by birth who have subsequently obtained citizenship of another country and include descendants of Sri Lankan citizens; “Sri Lankan citizens residing overseas” include those Sri Lankan citizens temporarily staying abroad as migrant labour, students or as visitors, as the case may be; “Sri Lankan citizen” means a person who comes within the laws of Sri Lanka which includes Citizenship Act No. 18 of 1948 as amended by Act No. 45 of 1987 and Chapter V of the Constitution.
Sinhala text to prevail in case of inconsistency	31. In the event of any inconsistency between the Sinhala and Tamil texts of this Act the Sinhala text shall prevail.

	First Schedule [Section 21] 1. The Committees that are established hereunder to assist in the exercise, performance and discharge of its powers, functions and duties under this Act is without prejudice to the generality of the powers vested in the Board to appoint further committees and panels, as the case may be. 2. The Committees that are established hereunder can be changed, cancelled or added with further Committees as the Board may consider necessary. Committee on Investment Promotion 3. There shall be a Committee on Investment Promotion comprising of the members from the government institutions to advise on investment promotion. 4. Committee on Investment Promotion shall compromise of the following government institutions; (a) a senior officer nominated by the Board of Investment Board of Investment of Sri Lanka Law No. 4 of 1978 as amended, (b) a senior officer nominated by the Director General of the Department of External Resources, (c) a senior officer nominated by the Commissioner General of Inland Revenue, (d) a senior officer nominated by the Head of the Department of Foreign Exchange, (f) any other representative nominated by the Board. Committee on Science and Technology 5. There shall be a Committee on Science and Technology to advise the Board. 6. The Committee on Science and Technology shall, among other things, advise on the following matters; (a) To create a platform for overseas Sri Lankans and Sri Lankan citizens residing overseas, (b) Attraction of Science and Technology to Sri Lankan educational institutes, (c) Any other task the Board assigns to the Committee. 7. The Committee on Science and Technology shall compromise of the following government institutions; (a) a senior officer nominated by the Information and Communication Technology Agency of Sri Lanka, (b) an expert on Information Technology nominated by the University of Moratuwa, (c) any other representative nominated by the Board. Committee on Labour Relations 8. There shall be a Committee on Labour Relations to advise the Board. 9. The Committee on Labour Relations shall, among other things, advise on the following matters; (a) provide assistance to persons who are interested in re-migrating to Sri Lanka in line with the national policy and the laws of Sri Lanka on return and integration, (b) To assist the establishment of the co-ordination of information for overseas Sri Lankans and Sri Lankan citizens residing overseas,
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	(c) Advise the Board on the development of an information liaising body with other regulators where necessary to co-ordinate and facilitate the information flow between the overseas Sri Lankans, including Sri Lankan citizens residing overseas, and the said regulators subject to other laws, (d) any other task the Board assigns to the Committee. 10. The Committee on Labour Relations shall comprise of the following government institutions; (a) a senior officer nominated by The Ministry of Labour and Employment, (b) a senior officer nominated by the Head of Department of Immigration and Emigration, (c) a senior officer nominated by the Sri Lanka Bureau of Foreign Employment, (d) a senior officer nominated by The Department of Employment and Labour. 11. The Committee on Labour Relations may, at its discretion and subject to the Board's approval, request the technical assistance of The International Labour Organization of the United Nations and The International Organization for Migration of the United Nations. Committee on Emergency Response for International Disasters Aboard 12. There shall be a Committee on Emergency Response for International Disasters Aboard to advise on the safe evacuation of the Sri Lankan citizens residing overseas in the in the event of an international disaster. 13. The Committee on Committee on Emergency Response for International Disasters Aboard, among other things, advise on the following matters; (a) to establish an information liaising platform to co-ordinate with the Government Agencies to assist Sri Lankan citizens residing overseas to return to Sri Lanka during an international disaster or an international humanitarian crisis and co-ordinate with the relevant Government Agencies to assist in the re-integration process, (b) any other task the Board assigns to the Committee. 14. The Committee on Committee on Emergency Response for International Disasters Aboard shall comprise of the following government institutions; (a) a senior officer nominated by The Ministry of Labour & Employment, (b) a senior officer nominated by The Ministry of Foreign Affairs, (c) a senior officer nominated by The Ministry of Labour & Employment, (d) a senior officer nominated by the Head of Department of Immigration and Emigration, (e) a senior officer nominated by the Sri Lanka Bureau of Foreign Employment, (f) a senior officer nominated by The Department of Employment and Labour. 15. The Committee on Emergency Response for International Disasters Aboard may, at its discretion and subject to the Board's approval, request the technical assistance of the following international organizations; (a) The International Labour Organization of the United Nations, (b) The International Organization for Migration of the of the United Nations, (c) The United Nations High Commissioner for Refugees.
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