



**PREVENTION OF TRAFFICKING IN PERSONS THROUGH IMPROVED MANAGEMENT OF LABOUR
MIGRATION**

A Project by the International Labour Organization

Sri Lanka

Final Evaluation Report

Title of Project	Prevention of Trafficking in Persons through Improved Management of Labour Migration
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Administrative Unit	ILO Colombo
Technical Backstopping Unit	Special Action Programme to Combat Forced Labour (SAP-FL), Geneva
Type of Evaluation	End of Project Evaluation
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Project duration	30 th September 2009 to 30 th September 2012 with a no-cost extension from 01 st October to 31 st January 2013

Evaluation Report

By

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1. Executive Summary

1.1 Background & Context

The International Labour Organization (ILO) Project, ***Prevention of Trafficking in Persons through Improved Management of Labour Migration***, completed its project term in January 2013. The total budget of the project was US \$ 500,000. Therefore this evaluation is conducted in compliance with ILO policy guidelines for results based evaluation in consultation with key stakeholders, ILO constituents, partners and donors.

According to the Terms of Reference of the evaluation, the evaluation will specifically examine the following.

- The achievement of project objectives.
- The validity and logic of the original project design
- The project implementation strategy
- The constraints, failures, achievements and best practices to make recommendations to modify strategies to be reflected in the design of subsequent phases of the TIP project.

The evaluation was conducted during the period 15th January 2013 to 31st January 2013. The evaluation adopted a participatory approach, to the extent possible, given the time constraint. The evaluation process included a Desk Review of Project Documentation, briefing by ILO and National Project Coordinator, Interviews with Key Project Stakeholders and Partners: Government partners, NGO partners, Civil Society groups and Donor partners, Interviews with a few key Sri Lankan legal luminaries, Presentation of Preliminary findings to ILO Colombo and Finalization of the Evaluation Report.

1.2 Main Findings & Conclusions

- There is strong legal and policy base to Prevent Trafficking in Persons in Sri Lanka especially through the Labour Migration Process
- The Project Objectives and Goals are strategically aligned to ILO's Decent Work Country Programme (DWCP)
- The Project Draws a strong link with other Projects on Trafficking and Migration
- The Project's involvement with Trade Unions and Employers were minimal
- Drastic changes to the political, social, economic and legal context in Sri Lanka since the conceptualization of the project had a positive and negative impact on project objectives
- There is no clear translation of goals to activities

- Activities under Outcome 1 - to strengthen law enforcement mechanisms and effective operations to combat trafficking and irregular migration was completed
- Activities under Outcome 2 - at the end of the project the policy environment and existing institutional mechanisms to support the implementation of prevention of trafficking within the new Labour Migration Policy strengthened was abandoned or partially completed
- The successful establishment of a nationally driven coordination forum to combat TIP
- There were critical gaps in the formation of the NTF
- The project has made a 'perceived change' or impact on the project objectives
- Project Indicators are insufficient to measure overall impact
- The project is supported by an efficient, dynamic and committed staff
- Sustainability of project interventions were partially achieved

1.3 Main Recommendations

- ILO should continue to engage with the government to translate national policy into action
- The second phase of the TIP Project should continue to draw a vertical as well as a horizontal coherence within the ILO Country Programme
- There should be a stronger engagement with Employers and TU's within the TIP Project
- The second phase of the TIP project should be founded on strong baselines and data
- There must be a clear translation of goals to activities
- The National Task Force should be formal and representative
- Second phase of TIP should move the project forward towards consolidation and systems building
- Project Indicators should include qualitative as well as quantitative indicators
- All Project interventions should provide for a disengagement strategy to ensure sustainability

1.4 Important Lessons Learnt

- Preventing duplication of activities and financial and human resources
- Ensuring transferable activities and outcomes from goals are imperative for measuring impact of the project.
- A representative national coordination forum is essential for the effective translation of policy into action to prevent trafficking from all aspects of the problem.
- Ensuring systematic collection of data to document and analyse progress and achievement of objectives.
- Identification of project interventions at design stage after comprehensive and participatory consultations with all stakeholders.
- The need for effective and comprehensive indicators to measure impact.

1.5 Good practices

- One to one discussions and consultations with all the major partners at the outset and the national level consultative forum that ensued set the correct tone for the project.
- Strong collaboration and consultation with other projects within ILO and with IOM to achieve project objectives
- Identification of activities that could be implemented and abandonment of activities that was not feasible at the outset.
- Jointly organizing and financing activities with partners, especially government partners to build capacity, ownership and continuity.
- The NPC, performed several roles in addition to coordinator as technical advisor and resource person.
- Implementing partners of the project were also employed as resource persons for project activities.

2. BRIEF BACKGROUND ON THE PROJECT AND ITS LOGIC

2.1 Contextual Background

Human trafficking involves the recruitment, transportation, transfer and harbouring of men, women or children, by means of coercion, fraud, deception or abuse of power, for the purpose of exploitation. Exploitation at a minimum include the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.¹ Although trafficking is not limited to women and children, they have become its primary target due to their 'limited economic resources, strong predominance in the informal sector, and subordinate status in society'.²

In Sri Lanka trafficking exists both internally as well as externally. Sri Lanka is primarily a source and, to a much lesser extent, a destination country for men, women and children subjected to forced labor and sex trafficking.³ Externally, every year a large percentage of men and women leave Sri Lanka and migrate primarily to Middle Eastern countries for domestic unskilled work. Although significant efforts have been made by the Government of Sri Lanka (GoSL) to provide protection to migrant workers, irregular and undocumented migration especially for domestic work is a growing concern for the country, as consequently a large number of these workers are susceptible to be trafficked into exploitative conditions in violation of their labour rights, subject to psychological and physical harassment, isolation, non-payment of agreed wages, debt bondage to placement agencies, involuntary servitude or to commercial sex work.⁴ This is not limited to adult workers but includes children.

A number of reasons have been identified for the continued exploitative conditions of migrant workers. They are largely personal, regulatory and structural. In particular:

- migration for low skilled work;
- inadequate training for migrant workers;
- lack of understanding the complicated nature of trafficking as a crime by law enforcement officials and community especially vulnerable groups;
- lack of monitoring of recruitment agencies to prevent unethical recruitment and practices;
- lack of bilateral agreements between sending and receiving countries to safeguard and protect migrant workers;
- lack of monitoring and protection mechanisms in labour receiving countries through diplomatic missions;

¹Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crimes, introduced in 2000.

² The Implementation of the SAARC Convention on Preventing and Combating Trafficking of Women and Children for Prostitution – Sri Lanka, By Centre for Policy Alternatives, May 2006

³ Trafficking in Persons Report, 2012 – Published by the United States Department of State at <http://www.state.gov/documents/organization/192597.pdf>

⁴ Ibid

- lack of law enforcement and prosecutions; and an
- absence of a national body to coordinate, monitor and oversee issues related to trafficking.

The migrant labour force plays a key role in the country's economy in terms of its participation and contribution. The Sri Lankan government actively encourages safe migration for men and women for skilled as well as unskilled employment. The Sri Lanka Bureau of Foreign Employment (SLBFE) estimates Sri Lanka's current migration population to be 1.8 million and growing. In the last five years alone more than 200,000 people migrated abroad for work. During project planning stage the TIP report⁵ issued by the United States Department of States (USDOS) placed Sri Lanka in the Tier Two Watch List⁶. It is interesting to note that in the 2012 TIP report Sri Lanka was raised to Tier 2 level.⁷

2.2 Organizational Arrangement for Project Implementation

The Project is directly implemented through ILO Sri Lanka using a participatory approach, which involves key government and non government stakeholders to maximise ownership, transparency and accountability.

Project Management

At the international level, the project draws upon the expertise on standards on forced labour from the Special Action Programme to Combat Forced Labour (SAP-FL) in ILO's headquarters in Geneva.

At the national level, ILO Colombo served as the lead agency under the overall supervision of the Director, ILO Colombo. The project team (PT) consisted of a NPC based in ILO Colombo, responsible for the overall coordination, implementation and reporting of the project, aided by a finance and administrative assistant for the preparation of budgets, disbursement of funds and financial reporting.

⁵ 'The Trafficking in Persons (TIP) Report is the U.S. Government's principal diplomatic tool to engage foreign governments on human trafficking. It is also the world's most comprehensive resource of governmental anti-human trafficking efforts and reflects the U.S. Government's commitment to global leadership on this key human rights and law enforcement issue. It represents an updated, global look at the nature and scope of trafficking in persons and the broad range of government actions to confront and eliminate it. The U.S. Government uses the TIP Report to engage foreign governments in dialogues to advance anti-trafficking reforms and to combat trafficking and to target resources on prevention, protection and prosecution programs. Worldwide, the report is used by international organizations, foreign governments, and nongovernmental organizations alike as a tool to examine where resources are most needed. Freeing victims, preventing trafficking, and bringing traffickers to justice are the ultimate goals of the report and of the U.S. Government's anti-human trafficking policy. In the TIP Report, the Department of State places each country onto one of three tiers based on the extent of their governments' efforts to comply with the "minimum standards for the elimination of trafficking" found in Section 108 of the Trafficking Victims Protection Act (TVPA). While Tier 1 is the highest ranking, Tier 3 is the lowest ranking. See <http://www.state.gov/j/tip/rls/tiprpt/2005/index.htm>.

⁶ Tier 2 Watch List includes countries where governments do not fully comply with the United States Trafficking in Victims Protection Act's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, therefore intensifying the need to provide support to reinforce government's efforts to minimize trafficking in persons.

⁷ Tier 2 includes countries whose governments do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

The NPC is tasked with preparing work plans for the Project and these plans are discussed at the National Task Force (NTF) for observations and consensus. The NTF conducts monthly meetings organized by the IOM at the Ministry of Justice. The NPC reports to ILO on a quarterly basis, based on performance targets set by the project document and the NPC is charged with close coordination with the NTF and other ILO programmes, namely the Migration Programme and efforts of international agencies such as the IOM.

Project Monitoring and Evaluation Methods

The project is subject to several biannual and annual reviews. The NPC is responsible for submitting quarterly reports to the USDOS and ILO Head Quarters in Geneva. However, progress reports were submitted biannually in the final year. The primary areas for reporting are based on key outcomes and deliverables based on indicators and target of achievements set by the project document.

Further to progress reports the NPC submits financial reports annually to USDOS and ILO Head Quarters and performance management framework to ILO biannually. The project is subject to an external evaluation by an independent evaluator after completion of the project.

2.3. Intervention logic

Based on its country programme strategy ILO has initiated several projects to address the growing issue of trafficking in Sri Lanka. The Migration Programme, which assisted in the development of the National Policy on Labour Migration, is evidence of the extent of ILO's contribution and participation in the national process towards ensuring safer and better migration. The TIP project too was developed keeping in line with the DWCP to strengthen law enforcement and the legal and policy framework to combat trafficking especially within the labour migration process. Thus it complements several other initiatives of the ILO.

3. PURPOSE, SCOPE AND CLIENTS OF THE EVALUATION

Project Background

The project, *Prevention of Trafficking in Persons through Improved Management of Labour Migration* was conceived in 2007 with the overall goal to ‘promote decent work in conditions of freedom, equity, security and human dignity’, which resonates Sri Lanka’s National Policy on Decent Work 2006 and the National Policy on Labour Migration⁸. The initial proposal was the result of a series of consultations with key government and non government stakeholders to design a national response to the Trafficking in Persons Report 2007, which classified Sri Lanka in the Tier 2 Watch List. Although the Project was initially designed for 3 years, there were considerable delays in starting and finally began in February 2010 with the recruitment of a National Project Coordinator (NPC). The Project was granted a no cost extension in October 2012 and completed its project term in January 2013.

The consultations indicated that interventions should:

- enhance the capacity of government law enforcement authorities (particularly the police, judiciary, prosecuting officers of the Attorney General’s Department, Emigration/Immigration officials, airport and civil aviation authorities) to enforce the law, through identification, investigation and prosecution of traffickers whilst respecting human and labour rights of migrant workers particularly in domestic and unskilled work;
- regulate migrant domestic work by strengthening recruitment processes; and
- create a policy and institutional framework to support the implementation of the Labour Migration Policy of the GoSL.

The project design took into account key national and international instruments dealing with trafficking of persons including the provisions contained in the Penal Code of Sri Lanka as amended as well as the ILO Conventions on Forced Labour (C-29) and Prevention of Child Labour (C-105, C-182). It also contributed to the ILO Decent Work Country Programme (2008-2012) Outcome 2, ILO Outcome Based Work Plan, Country Programme Outcomes 105 and United Nations Development Assistance Framework (UNDAF) outcome 1 and 4.

Project Outcome

The project was designed with a number of key innovative interventions to combat trafficking in persons for labour exploitation both from and within Sri Lanka to achieve the below mentioned projected outcomes.

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| 1. Strengthened law enforcement mechanism and effective operations to combat trafficking and irregular migration |
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⁸ See National Labour Migration Policy 2009, Ministry for Foreign Employment, Promotion and Welfare at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/genericdocument/wcms_180087.pdf

2. Enhanced legal, institutional and policy framework to support better governance and efficient migration management
3. Improved policy, coordination and knowledge base for better informed migration in keeping with international standards

The project focuses on these three inter linked strategic areas with a view to strengthening the legal and institutional frame work on trafficking, whilst strengthening law enforcement mechanisms and processes to provide a holistic intervention to achieve its targeted objectives.

Partnership Strategy

The project gives high priority to working with ILO's tripartite constituencies: government, employers and trade unions. Therefore at the inception the NPC initiated consultations with key government and non government partners, which later resulted in a national stakeholder consultation in March 2010 with a view to setting up a Project Advisory Board under the auspices of the Ministry of Justice.⁹ However due to the existence of a similar forum under the Trafficking in Persons Project, funded by the International Organization for Migration (IOM) also conducted under the Ministry of Justice, the two forums were merged to avoid duplicity and a National Task Force on Trafficking in Persons convened jointly by ILO and IOM was formed.

The NTF does *not serve* as a Steering Committee but as a coordination and monitoring committee, offering an informal platform to discuss work plans to avoid duplication of work and resources, uniformity in approach and strategy, sharing information and knowledge to tackle the problem through coordination and collaboration. The NTF also acts as an implementing body, as members of the NTF are strategic partners of the project.

The NTF consists of:

- Secretary, Ministry of Justice (who also acts as the Chairperson of the NTF);
- Secretary, Ministry of Foreign Employment Promotion & Welfare;
- Secretary, Ministry of Child development and Women's Affairs;
- Director, Planning, Ministry of Social Services and Social Welfare;
- Attorney General's Department;
- Ministry of Defence ;

⁹ The NPC conducted several one on one interviews with key national stakeholders, namely Ministry of Justice and Law Reforms, Ministry of Foreign Employment, Promotion and Welfare, Legal Aid Commission, Attorney General's Department, Employers Federation Ceylon, National Workers Congress, Police Department, SLBFE, Faculty of Law, University of Colombo, Employers Federation Ceylon and Community Based Organisations to ascertain needs and resources, institutional framework and possible partnerships. These discussions continued at a National stakeholder consultation held in March 2010.

- Department of Probation and Child Care;
- Department of Immigration & Emigration;
- Sri Lanka Bureau of Foreign Employment (SLBFE);
- Sri Lanka Police;
- Representative of the National Committee on Women;
- Ministry of External Affairs;
- National Child Protection Authority (NCPA); and
- Ministry of Labour and Labour Relations.

The NTF consists solely of government partners to ensure maximum state ownership of the project. An informal consultative meeting with non government partners such as NGOs, CBOs and trade unions are conducted by the Ministry of Justice once in three months. These groups are invitees to the Task Force and this forum is used to share information. These organisations include:

- Association of Licensed Foreign Employment Agencies (ALFEA)
- Migrant Services Centre/National Workers Congress

4. EVALUATION METHODOLOGY

The International Labour Organization (ILO) Project, *Prevention of Trafficking in Persons through Improved Management of Labour Migration*, completed its project term in January 2013. The total budget of the project was US \$ 500,000. Therefore this evaluation is conducted in compliance with ILO policy guidelines for results based evaluation in consultation with key stakeholders, ILO constituents, partners and donors.

According to the Terms of Reference of the evaluation, the evaluation will specifically examine the following.

- The achievement of project objectives.
- The validity and logic of the original project design and document the changes in project management and its impact.
- The project implementation strategy towards long-term and short-term goals as stated in the original project document.
- The constraints, failures, achievements and best practices to make recommendations to modify strategies to be reflected in the design of subsequent phases of the TIP project.

The evaluation covers all activities carried out by the project to date and focuses in particular, on the following aspects.

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| <ul style="list-style-type: none">• ILO country strategy and its influence on the project design : justification for ILO to implement the project, its engagement strategy• The programme strategy and design: as described in the Project Document.• The progress towards intended outcomes: verifying what works, what does not work and why.• The impact of the project: on the institutions; communities and localities which benefit from its support.• An assessment of the design of the partnership strategy: ensuring that partners who are working together toward the objectives of the project have a common appreciation of problems, needs and strategy.• The continuing relevance of the project: in view of any developments in the prevailing sectoral context since the time of project design and approval.• The sustainability of the project interventions: of the services being piloted by the project.• The process and extent of capacity building: in the sector.• The need for further support: by the development partners and the main areas and priorities where further support should be addressed.• The effectiveness of management arrangements : the structure of the Project Team |
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Methodology and the Process of Evaluation

The evaluation was conducted during the period 15th January 2013 to 31st January 2013. The evaluation adopted a participatory approach, to the extent possible, given the time constraint. The evaluation methodology does not include field visits to project sites, as project activities were completed prior to the evaluation. This limitation was however overcome, through extensive interviews with project partners and through comprehensive documentation of project activities in quarterly progress reports.

The evaluation process was as follows:

- *Desk review of project documentation* : desk review included the project proposal and project document, progress reports, performance progress reports, baseline surveys conducted in conflict affected areas and coastal areas, evaluation report of the Community Vigilance Groups (CWG), documentation on national policy including the national policy on decent work, previous reports on trafficking in persons conducted by various organizations, international and regional conventions and the TIP report 2012 published by USDOS, ILO publications, etc.
- *Briefing by ILO and National Project Coordinator*
- *Interviews with Key Project Stakeholders and Partners: Government partners, NGO partners, Civil Society groups and Donor partners.*
- *Interviews with a few key Sri Lankan legal luminaries:* to identify possible future interventions and potential victims.
- *Presentation of Preliminary findings to ILO Colombo*
- *Finalization of the Evaluation Report:* based on the feedback.

The project, was conceived in 2007 with the overall goal to ‘promote decent work in conditions of freedom, equity, security and human dignity’, which resonates Sri Lanka’s National Policy on Decent Work 2006 and the National Policy on Labour Migration. The initial proposal was the result of a series of consultations with key government and non government stakeholders to design a national response to the Trafficking in Persons Report 2007, which classified Sri Lanka in the Tier 2 Watch List. Although the Project was initially designed for 3 years, there were considerable delays in starting and finally began in February 2010 with the recruitment of a National Project Coordinator (NPC). The Project was granted a no cost extension in October 2012 and completed its project term in January 2013.

5. PRESENTATION OF FINDINGS AS PER THE EVALUATION CRITERIA

5.1 EC 1 –Relevance and strategic fit of the intervention/ILO Country Strategy and its influence on project design

Cooperation between ILO and the GoSL began as far back as 1948 with Sri Lanka's admission to the ILO. ILO provides technical and financial assistance to the Sri Lankan government primarily through the DWCP, which has been developed through full and participatory consultation with ILO tripartite partners.¹⁰ ILO has developed many programmes and projects including the Migration Programme, which assisted in the development of the National Policy on Labour Migration based on ILO's Multilateral Framework on labour Migration, adopted by the Tripartite Meeting of Experts in 2005. The TIP project too was developed to further the DWCP with the overall objective of promoting decent work in 'conditions of freedom, equity, security and human dignity' for women and children employed as domestic or unskilled workers within the country or abroad, thereby reducing their vulnerability to rights violations as victims of trafficking for exploitative employment. Moreover, rights of domestic workers are included in numerous ILO Conventions on conditions of work and forced labour.

Furthermore at a global scale ILO's work on issues relating to labour rights such as trafficking was intensified since 1965 and the TIP project in Sri Lanka is yet another initiative of the ILO to promote its global as well as its country strategy of extending labour rights to workers in the informal economy that accounts for 90% of the economic activity in the region.¹¹

Finding/Recommendation: Therefore clearly ILO is in a strategic position to assist the government in preventing trafficking in persons through labour migration due to its expertise in both areas of migration and trafficking in Sri Lanka. The project also draws a strong link with other ILO projects such as the Migration Programme¹², Child Labour Programme¹³ and to a lesser extent with the HIV/AIDS programme to jointly contribute towards the achievement of linked outputs to maximize impact. Therefore it is critical that discussions on subsequent phases should be conducted in consultation and coordination with the overall policy within the migration programme for continued coherence and impact.

ILO's engagement strategy has always been to assist the government through its tripartite partners. While there has been significant dialogue and contribution from the government including the formation of the NTF, there has been minimal dialogue with the TU's except in the formation of the Civil Vigilant Groups (CVGs) and even less dialogue and engagement with Employer's Federation of Ceylon (EFC). ILO identified the National Workers Congress (NWC) and the Migrant Services Centre (MSC) to

¹⁰ ILO tripartite partners consist of the Employer's Federation of Ceylon (EFC), the Trade Unions (TUs) and the government, particularly the Ministry of Labour and Labour Relations. See <http://www.ilo.org/colombo/lang--en/index.htm>

¹¹ See Project Proposal designed in 2007.

¹² The project draws a strong link with the Migration Programme since combating of trafficking is aimed through the effective management of the labour migration process.

¹³ The project draws links with the Child Labour programme through strengthening child labour monitoring groups.

establish and monitor CVGs¹⁴ in the regions. However the NWC or the MSC is not an active partner of the NTF instead is invited to attend the NTF meetings once in three months to report and make observations.

Findings/Recommendations: The EFC is not a member of the NTF. The role and function of the NWC within the NTF is not specified or coherent. It is clear that they do not engage or serve in a prominent role in the decision making process. However, it must be mentioned that ALFEA which is the associated body comprising of foreign employment agencies in the country is represented in the NTF to serve the function of 'employer' as they are in the case of trafficking the representative body for agencies. However, again ALFEA too does not play a significant role in the NTF and contributes little if any to the forum and in turn to the project. Thus it is important that the NTF provides significant space for employers (E.g. ALFEA) and TU's to participate in an equal capacity to its government counterparts in order to make decisions or plans that address each and every component of the trafficking chain.

5.2 EC 2 – Conceptualization

The project proposal was designed in 2007 in the backdrop of several positive and negative developments with regard to Trafficking in persons for exploitative labour in Sri Lanka. On the positive side in 2006 several amendments were made to the Penal Code, which brought the Sri Lankan law in line with international requirements on trafficking. Contrastingly, in 2007 Sri Lanka was categorized under the Tier 2 Watch List of the TIP report. The major problems identified were the lack of prosecutions under the new laws. During this period, reports of irregular and undocumented migration for domestic work was on the increase with evidence of adults as well as children trafficked through this process for exploitation. Therefore the prevailing context led to the identification of target groups and target areas in the project document. However, the project document was only finalized in 2009 and the project became functional early 2010.

Findings/Recommendations: Between 2007 and 2009 the country underwent several changes. The critical stage of the ethnic conflict which led to the final victory by the GoSL in 2009 and subsequent elections and reshuffling of government Ministries and transition from war to peace significantly changed the contextual factors under which the original project was designed. Although there were significant delays in starting the project, the project document remained intact and did not benefit from a situation analysis or risk analysis to identify emerging factors relating to trafficking and the connected growing concern of illegal smuggling or factors that could potentially impede the achievement of project objectives.

The upside of the delay was that the end of conflict meant more opportunities to work in otherwise inaccessible areas in the North and East. Secondly, there was a strong reaction by the government in

¹⁴ An independent evaluation of the Community Vigilant Groups was carried out by the ILO in 2012 in which its major findings and recommendations are included. Therefore this report will not analyse the strategy, relevance or the impact of those groups except in order to make conclusions on specified areas concerning the evaluation.

response to the TIP report in 2007 to address trafficking through policy reform and legal training and awareness.¹⁵ The downside of course was the possibility of increased vulnerability of people affected by war to migrate legally or illegally and in turn become victims of trafficking, especially in the absence of strong protection mechanisms. Although the project conducted 2 baseline surveys targeting the coastal areas and conflict affected areas it did not find significant evidence to support the above. The project however maintained its relevance by capitalizing on ‘peace times’ and making use of the opportunity of access and political will to move forward in this areas amidst the formation of many national policies on labour and migration.

5.3 EC3 - Logic and Validity of Project Design

Goals, Objectives, Outcomes and Activities

The Goals: The Project document specifies the overall goal as to promote decent work in conditions of freedom, equity, security and human dignity for women and children employed as domestic or unskilled workers *within or outside* the country reducing their vulnerability to rights violations as victims of trafficking for exploitative employment. Target groups and target areas are broadly defined and exploitation is defined to mean exploitation of labour including sexual exploitation.

The objectives: there are two broad objectives of the project. The first objective has four components that are interlinked. Firstly to develop capacity of government law enforcement officers (eg. Police, judiciary, prosecuting officers, emigration and immigration officers, airport authorities, etc) that enforce laws at different stages of the trafficking process, through identification, investigation and prosecution of traffickers. Secondly to respect human and labour rights of migrant workers in domestic and unskilled work and thirdly to impose sanctions against traffickers and fourthly to regulate migrant domestic work through ethical recruitment processes. *Thus through capacity building of law enforcement officers the project expects to increase prosecution of traffickers and increase better treatment of migrant workers that would lead to regulation of ethical recruitment processes.* The second objective is to strengthen the existing policy and institutional mechanisms to prevent trafficking of persons within the new labour migration policy.

Findings/Recommendations: There is a large and complex set of factors that contribute to an individual’s vulnerability to being trafficked. Often, these are described in terms of “push” or “supply-side” and “pull” or “demand-side” factors. As the terminology suggests, the former, push vulnerable populations into situations where they are at high risk of being trafficked, while the latter pull people already living in dangerous circumstances to seek out more favourable life options than are currently available to them in their own communities. The “Push” factors consist of macro-level vulnerabilities such as poverty, gender discrimination, conflict, natural disasters, while “pull” factors include the increasing global demand for commercial sex workers and domestic labour. However, no single vulnerability factor can be identified as a cause of human trafficking; instead, these factors are linked

¹⁵ Interviews with Police, Prosecution and Immigration and Emigration departments revealed that there was more engagement and awareness of trafficking as a separate offence by the government to combat trafficking in persons.

and interact in complex and intricate ways, often reinforcing one another.¹⁶ Therefore the issue of trafficking needs to be addressed from all angles of the trafficking cycle and cannot be achieved through capacity building and institutional strengthening alone. This shortfall was minimized through parallel activities conducted by other projects within ILO and through other organizations.¹⁷

Further although the overall goal is to promote decent work for ‘women and children employed as domestic or unskilled workers *within or outside* the country’ the activities identified in the project *primarily* targeted domestic or unskilled women working outside the country. Therefore it is recommended that there must be a clear translation of the project goals to activities in order to assess impact and achievements of the project goals.

Activities: To achieve the abovementioned objectives the project supported activities to strengthen law enforcement mechanisms and enhance legal, institutional and policy framework for efficient management of the migration process. It also sought to improve policy, coordination and knowledge base for informed decision making. Activities are depicted broadly in the following table.

Outcome 1.1 Strengthened law enforcement mechanism and effective operations to combat trafficking and irregular migration

No.	Activities (as indicated in Project Document)	Activities (Undertaken/abandoned)	New Activities identified
1.	Train and Re – train police, judiciary, prosecutors, immigration and emigration officials, pre departure training centres and airport authorities	Undertaken and Completed ¹⁸	6-month Diploma in Migration & Prevention of Trafficking at Bandaranaike Centre for International Studies. ¹⁹ Awareness raising full day training programme for 350 airport taxi drivers, three

¹⁶ See *supra* note 2

¹⁷ Explained below under the sub heading ‘Collaboration with Other Partners and Projects’ at page 24.

¹⁸ Training programmes included training of 80 Magistrates, 35 State Prosecutors, 100 Recruitment agents, 75 Samurdhi officers, 75 trainers of the SLBFE Pre-departure training centre, Awareness raising full day training programme for 350 airport taxi drivers, three wheeler drivers, cab drivers, Joint training programme on trafficking for 125 Immigration Officers and 100 officers from the SLBFE based at the airport, Training programme for electronic and print media on Human Trafficking and A panel discussion on prevention of trafficking and smuggling was organized in partnership with the Sri Lanka Press Institute for all media representatives.

¹⁹ The initial batch of participants was from the Department of Immigration and Emigration, Police, Armed Forces, NTF on Trafficking, Ministry of Justice, Ministry of Labour, etc. The first batch of students completed their diploma in 2012.

			<p>wheeler drivers, cab drivers held in Negombo, and Colombo</p> <p>Joint training programme on trafficking for 125 Immigration Officers and 100 officers from the SLBFE based at the airport.</p> <p>Training programme for electronic and print media on Human Trafficking</p>
2.	Develop training material on trafficking for prosecutions and consular staff, judiciary, police and law schools	Undertaken and Completed ²⁰	<p>Development of a Teachers Manual/Resource Guide on Trafficking & Forced Labour for the Faculty of Law, University of Colombo.</p> <p>Cinema Informercial was developed (Sinhala & Tamil) in collaboration with the SLBFE.</p>
3.	Incorporate training modules in in-service training programmes	Undertaken and partially ²¹ completed.	Trafficking is taught as a sub component of the law syllabus for LL.B and LL.M at UOC.

²⁰ Resource Manual on Prosecution of Trafficking cases for State Prosecutors, Resource Manual for the Police on Investigation of the Crime of Trafficking: Developed in partnership with the Sri Lanka Police, Legislative Guide on Trafficking in Persons developed for the Judiciary and legal practitioners, Resource Manual for the Media on Reporting on Cases of Human Trafficking and Development of a Teachers Manual/Resource Guide on Trafficking & Forced Labour for the Faculty of Law, University of Colombo.

Outcome 1.2 Enhanced legal, institutional and policy framework to support better governance and efficient migration management

No.	Activities (as indicated in Project Document)	Activities (Undertaken/Abandoned)	New Activities Identified
1.	Prepare and print audio visual awareness raising material through a consultative process	Undertaken and completed. ²²	Vehicle Sticker/Cartoon booklets, flyers on prevention of trafficking encouraging the public to report cases was developed, printed (in all 3 languages) and displayed at bus/train stations, hospitals, banks, schools, markets, tourist locations island wide.
2.	Review SLBFE Act and recommend reforms and implement and operationalise proposed amendments to the Act	Undertaken and Partially completed.	-
3.	Sensitise District Child Protection	Abandoned. (District Child Protection	-

²² 30 Minute docudrama on safe migration and prevention of trafficking (includes prevention of child labour, and HIV/Aids) developed in partnership with the SLBFE and the NCPA aired twice daily at the passport handover and collection counters at the Immigration & Emigration department, SLBFE pre-departure training centres, NCPA training programmes, and Deyata Kirula govt. mass awareness campaigns, 1 minute TV commercial developed in partnership with the National Task Force (Sinhala & Tamil) and aired on several popular TV channels for a period of 3 months, 6 Billboards developed on safe migration and prevention of trafficking (5 in partnership with the SLBFE and another in partnership with NCPA and UNICEF) and installed in selected high migrant districts including near the BIA Airport, Cinema Informercial was developed (Sinhala & Tamil) in collaboration with the SLBFE. Moreover Vehicle Sticker/Cartoon booklets, flyers on prevention of trafficking encouraging the public to report cases was developed in all 3 languages and displayed at bus/train stations, hospitals, banks, schools, markets, tourist locations island wide.

	Committees to identify and report trafficking	Committees were merged with CVGs)	
4.	Establish Community Vigilance groups	Undertaken and Completed. ²³	-
5.	Strengthen existing child labour monitoring units	Abandoned	-

2.1 At the end of the project the policy environment and existing institutional mechanisms to support the implementation of prevention of trafficking within the new Labour Migration Policy strengthened

No.	Activities (as indicated in Project Document)	Activities (Undertaken/Abandoned)	New Activities Identified
1.	Facilitate participation in technical workshops between sending and receiving countries to improve status of migrant workers	Abandoned	-
2.	Establish research and development unit	Abandoned	-
3.	Establish database for tracking prosecutions	Abandoned	-
4.	Develop database for labour	Undertaken and partially completed. ²⁴	-

²³ 16 such groups were established in selected high migrant districts in partnership with the National Workers Congress. Extensive training, refresher training (residential) was conducted for the members of the groups on identifying victims/offenders of trafficking, raising public awareness on the ground. Representatives from the Divisional Secretariat, Police Women and Children's Desk were included subsequently to ensure sustainability of the Units post ILO support. The ILO support ended in Feb 2012. However at the time at which an independent evaluation was conducted on the Units 6 months later, the evaluation report found that the units were still functioning and had identified over 100 cases (including suspected cases of trafficking, child abuse, child labour, domestic violence, fraud, operation of illegal recruitment agencies etc.) and channeled them to the relevant authorities including the CID, SLBFE and NCPA.

	migrants to register on departure at the airport		
5.	Set up a user friendly web portal for migrant workers	Abandoned	-

Findings/Recommendations: The project completed the activities identified under outcome 1 and identified *new but related* activities either to substantiate interventions already conducted (e.g. 6 months diploma course at BCIS) or include new partners crucial for preventing trafficking (e.g. training and awareness programmes for taxi drivers and media). These activities complemented each other and facilitated the strengthening of law enforcement mechanisms and the institutional framework. Activities identified in the project document to under outcome 2 were abandoned due to various reasons.

Firstly, due to the delay in implementing the project, some activities were already underway or established (eg. database at the police HQ). Secondly, some activities were already identified and addressed by other projects within and outside ILO (eg. The Migration Programme of the ILO had the mandate to establish a research unit to facilitate data collection etc; the IOM had the mandate to conduct similar activities such as training for law enforcement, etc). In fact due to this duplicity (especially with regard to the activities conducted by IOM under their mandate) most of the partners interviewed were unable to differentiate between the activities conducted by ILO from activities conducted by IOM. Thirdly, some activities were considered futile or non productive to proceed (eg. user friendly web portal at for migrant workers). The process of designing a project document is crucial for the success of the project outcomes. It is recommended that future phases of the project should include a participatory and consultative process identifying all the national and international partners involved in implementing of funding activities related to prevention of trafficking and to identify specific and targeted activities to reach specific outcomes while avoiding duplication of human and financial resources.

Findings/Recommendations: Although the project identified target groups and areas broadly to include a diverse range of activities or in other words not to exclude anyone in the trafficking process, it does so with the risk of diluting the focus and its limited resources and therefore the impact of the project. For instance while adults and children are identified most of the activities are aimed at protecting women workers (largely due to the fact that women dominate the domestic market). Further while prevention of trafficking within and outside the country is identified the project as suggested by its name and activities concentrate on migration outside the country for unskilled female domestic workers. It is recommended that the project would benefit from a nationwide or area based (provincial/ district) assessment to establish baselines and identify priority issues, vulnerable categories and potential

²⁴ The Project has completed its role in establishing a database at the Immigration department by printing the necessary forms for the initial survey and by training the officials. However, the activity was not completed due to lack of human resources and time on the part of the Department.

vulnerable categories²⁵, vulnerable areas, etc to direct project interventions. Although the project document envisaged the development of institutional and research capacities of main government partners to improve data collection and baselines to inform policy and decision making, these activities were not carried forward.

The project identified activities which were directed towards achieving its objectives to a considerable extent. There were a few shortfalls. Although the project identified a three-fold strategy in their projected outcomes namely, prevention, protection, and prosecution, majority of the activities were aimed at prevention (eg. awareness programmes, printing of awareness material, publications, training programmes, etc) or prosecution (training programmes for law enforcement officials, law guides and training modules, etc). The project did not make a similar impact on protection issues. Although the project interventions such as training for consular staff and publication of laws and labour conditions in receiving countries were received well, it did not build on those activities to strengthen protection of migrant workers through other identified activities such as facilitating dialogue between sending and receiving countries, promoting bilateral agreements to protect migrant workers, building protection mechanisms for migrants in receiving countries, etc.

The project initiated several activities within a short period of time and based on interviews conducted was successful in making a perceived change in the attitudes and practices of key stakeholders. However, it is self evident that the project goals were ambitious given the limited budget, time frame and personnel.

Partnership Strategy

The partnership strategy was formulated after several one to one consultations with relevant stakeholders in the trafficking chain. The project has been instrumental in conducting these discussions as well as organizing a national level consultative forum with all stakeholders within an impressive short span of time. As a result of these consultations the NTF was formed to serve in an advisory capacity and to ensure that all partners adopt a participatory and coordinated response to the problem and also to position itself to make an impact at the policy level.

Findings/Recommendations: The project managed to bring together various partners working to prevent trafficking in persons to approach the issue of trafficking through a coordinated and participatory standpoint. The formation of this group later renamed as the NTF on trafficking in persons is a significant achievement of the project. As the next step the project conducted training programmes for almost all the partners to standardize their approach to trafficking. Thus the approach to building partner relationships has been a holistic one and it obvious from partner interviews that the project was successful in obtaining the 'buy in' of all partners.

²⁵ A baseline survey would also draw parallels with regard to groups that have the potential of being vulnerable as a direct result of legal or illegal migration (e.g. Children left behind as a result of migration, school drop outs as a result of migration, children in conflict areas, trafficking that begin as human smuggling, etc).

However there are some critical gaps in the management arrangement of the NTF. Firstly, the NTF chaired by the secretary of Justice only consist of government partners as highlighted above. It has been observed that the reason for this structure is to ensure an operational and active group to resolve bottle necks within the government structure without external observations, which could inhibit full participation. However, this defeats the purpose of a transparent, participatory and coordinated approach if significant actors in the trafficking chain are excluded from the main forum. It is recommended that NTF should include all the major actors in the trafficking chain including selected TU's working with ILO in trafficking and ALFEA and to form small sub groups or working groups when dealing with specialized or sensitive issues relating to government action only. Secondly, the role of the NTF and its working arrangements appear ad hoc and unclear. While it is clear that the forum worked successfully²⁶ as a discussion and monitoring body it lacked teeth as a decision making body. The NTF does not approve work plans of the project or its partners but provides support and information through the process. It is recommended that the working arrangement and the management structure of the NPC and the NTF to be formalised in the project document with specific tasks and responsibilities including forwarding work plans by ILO and its partners, discussion and approval of work plans and monitoring of progress of activities based on objectives set in the work plans. In the alternative, future projects could consider a two tier structure with the NTF as the high level body overseeing the achievement of project outcomes and at the second tier an advisory board consisting of the main partners to approve and monitor work plans.

5.4 EC4 – Effectiveness

Overall Perception of the Project

Due to the abandonment of several activities and targets set by the project document, it is difficult to assess the overall effectiveness of the project. Although new activities were identified to supplement this short fall they were not within the targeted outcomes.

However, based on the interviews conducted with all the major partners, it is clear that the project has made a 'perceived impact'. The project was received well by all the partners and they claimed that the project made a significant contribution to their work on prevention of trafficking in persons. For example ILO TIP report made a significant contribution to documentation of the TIP report released in 2012.²⁷

There are several noteworthy activities initiated which requires special mention. Firstly, the formation of a nationally coordinated body to discuss and share information was crucial for the successful implementation of the project as well as to address trafficking through a unified lense by all the government partners. Prior to the NTF, the only platform at which stakeholders met was at the Round Table Discussion organized by the US embassy. Secondly, the resource manuals developed by the project and a series of docu-dramas with extensive collaboration and partial funding with the

²⁶ Interview with Ms. Kamalini De Silva, Secretary, Ministry of Justice

²⁷ Ibid

government opened options for future partnerships and capacity building of national partners. Thirdly, training and specialized training programmes contributed to building a common understanding amongst government and non government partners engaged in combating trafficking. Fourthly, building links with officials (police) and potential informants (taxi drivers) created an avenue for future partnerships. Fifthly, working in close collaboration with other projects and IOM to strengthen their collective power, resources, etc was key to its successful implementation.

Therefore, it is recommended that subsequent phases of the TIP project should build on good will, relationships, networks and interventions initiated by the project and aim towards strengthening and consolidating processes and systems necessary to continue to deal with trafficking effectively.

Collaboration with Other Projects and Partners

The Project was successful in collaborating with the Migration Programme²⁸, Project on Prevention of HIV/Aids, the Project on Child Labour and the Project on Fundamental Principles and Rights at Work of ILO Colombo to supplement and reinforce work done by different projects. Trafficking in persons is a complex phenomenon that cannot be addressed by strengthening the law enforcement and policy framework alone. Therefore it is crucial to address this issue within its macro framework taking into consideration 'push' and 'pull' factors, consequences of trafficking (e.g. HIV/AIDS, vulnerability of children of trafficked victims, re-trafficking, etc) and secondary victimization of trafficked persons. Therefore the project was in constant discussion and consultation with other projects to unify and target interventions.

This parallel strategy adopted by the ILO Colombo places each and every project within its broader mandate and provides a holistic approach to the issue.

It is noteworthy that the Project identified IOM as an important and necessary partner in achieving its project objectives. The project managed to avoid duplication and wastage of resources at an early stage by jointly executing the NTF and jointly funding or providing technical resources to common activities. It is recommended that future phases of the project consult extensively with IOM to identify common goals, strengths, resources, relationships with national partners to consolidate efforts and achievements of the first phase.

Project Objectives and Indicators

The Project indicators are key to both project management and to project monitoring and evaluation. The following performance indicators are identified in the project document.

Outcome 1.1 – strengthen law enforcement mechanisms

- Increase in number of prosecutions against trafficking in persons by 20%

²⁸

Although indictments based on laws relating to trafficking has increased by 60% since 2008²⁹ it is difficult to assess the contribution of this project towards achieving this target. Further there is no apparent and systematic process to collate data on exact number of prosecutions in each year by any of the partners.

- Increase in number of complaints lodged with consular staff and NCPA by 30%

Again there is difficulty in identifying direct impact of project with increase or decrease in number of complaints reported. According to police there isn't a significant increase in reported cases of trafficking.³⁰ However this does not lead to the conclusion that there is no awareness or that awareness is not effective. Contrastingly complaints lodged at the National Counter Human Trafficking Resource Centre at the Immigration and Emigration Department has increased by 75% due to combined efforts of government, ILO and IOM.³¹

It was the common view of all the partners that increase in understanding of trafficking and documenting trafficking incidents by government officials increased since 2009 due to efforts of government, ILO and IOM.

Although NCPA was identified as a major partner, the project did not collaborate with NCPA extensively due its primary focus on women migrant workers. Therefore there is little information to measure the above indicator.

Outcome 1.2 – enhance legal, institutional and policy framework

- National Policy reflecting international standards on Labour Migration reflects promotion of strong legal regime for law enforcement in respect of traffickers

This indicator is not catered to since the project was conceived in 2007 to promote decent work in conditions of freedom, equity, security and human dignity, which mirrors Sri Lanka's National Policy on Decent Work 2006 and the National Policy on Labour Migration 2009. Therefore the project's focus was shifted away from policy enhancement to strengthening the legal and institutional set up based on the existing policy.

- Legal gaps identified and addressed through revised legislation to complement the Penal Code provisions to counter trafficking

The Project conducted series of consultations with the SLBFE to introduce necessary changes to the law on migration. However, during the project term this target was not achieved.

Outcome 2.1 improved policy, coordination and knowledge base

- Research Unit established in MOFEPW
- Data base on traffickers established at MOFEPW and NCPA

²⁹ Interview with Mr. K Waidyaratme, Deputy Solicitor General, Attorney General's Department.

³⁰ Phone Interview with Mr. Ajith Rohana, Senior Superintendent of Police, Department of Police.

³¹ Interview with Mr. Buddhika Ranasinghe, Head, Counter Trafficking Division, Department of Immigration and Emigration.

- Data base on labour migration established at Immigration Department
- User friendly Web Portal set up at key locations in receiving countries and used by 80% of migrant workers
- All migrant workers registered with SLBFE receive training on use of web portal

Majority of activities mentioned above (except the database at the Department of Immigration and Emigration) was abandoned due reasons mentioned above. Therefore these indicators are inapplicable for measuring progress and impact.

Since most of the activities under Outcome 2 were abandoned it is difficult to assess the overall impact of the project based on its indicators. It is recommended that the future phases of the project initiate a serious exercise to develop indicators both quantitative and qualitative to monitor project objectives as well as to monitor its process.

Sustainability of Project Interventions

A common concern for most projects, as it is for the current project, is the issue of sustainability. The project document itself does not set out what basic changes in policy and practice are needed to ensure the sustainability of Project activities and progress towards meeting the outcomes and objectives identified. This makes assessing the approach in terms of effectiveness and sustainability and viability difficult.

Certain key initiatives were undertaken such as the coordination forum for trafficking but it is unclear whether such a forum will endure beyond the duration of the Project. Several stakeholders who were interviewed pointed out that 3 years are an insufficient period of time to establish sustainability. While this is true, a mere renewal of the Project for a further 3 years or a new project will not, of itself secure sustainability. There is a strong need to develop and implement a sustainability strategy which has specific monitorable goals, activities, indicators and timeframes.

The project initiated numerous activities in the short span of three years. Several such activities such as training of trainer programmes were consolidated by assimilating it into existing government mechanisms and systems such as in house training programmes. (eg. Police training programme, judicial training programme, etc). These activities were further consolidated by numerous publications to assist in the identification, investigation and prosecution of traffickers for police, Attorney General's department, judiciary, etc. On the other hand several other activities initiated did not have an in built sustainability mechanism to ensure continuity. For example the CVG's were established in 16 districts chaired by the divisional secretary and although they were well received by the community it is doubtful whether all 16 groups are still functional.³² Moreover, certain critical activities aimed at improving coordination were abandoned or undelivered. For example, although training for consular staff and publication of laws and labour conditions in receiving countries were initiated and received well, the project did not build on those activities to strengthen protection of migrant workers through other

³² The ILO support for CVGs ended in Feb 2012. However, 6 months later at the time the independent evaluation was conducted, the evaluation report found that the units were still functioning.

identified activities such as facilitating dialogue between sending and receiving countries, promoting bilateral agreements to protect migrant workers, building protection mechanisms for migrants in receiving countries, etc.

5.5 EC5 - Effectiveness of Management Arrangement

Management Structure

This is by far the most impressive element of the project. The project is more or less driven by one NPC with assistance from an administrative and finance officer. The project has completed most of its targeted outcomes due to the dynamic character and commitment of the NPC and her Team. This is corroborated by majority of partners interviewed. The project also seemed to have received a lot of support from the country office and team members of other ILO projects.

Findings/Recommendations: However, it is noteworthy to mention that there are obvious drawbacks on such a modality. It is recommended that where directly implemented modality is used the project document should include a strong pragmatic implementation modality. This could include a combination of personnel employed directly by ILO as well as a management unit within the main government partner supported by capacity building not only for purposes of continuity but also for sustainability in developing systems and processes within the government to effectively deal with trafficking in persons.

5.6 EC 6 - Emerging Impact/Future Direction

As mentioned above it is safe to say that the project has made a ‘perceived impact’ based on activities conducted in the course of its project term. However, given the indicators above and taking into consideration that most of the activities under outcome 2 were abandoned it is difficult to assess the overall impact of the project.

However, an evaluation of the activities leads to the conclusion that the project did make significant contribution to the process and extent of capacity building in the sector. The project adopted a systematic approach to capacity building in the form of training. Firstly, discussions were held with each and every partner to identify broad areas for training. Secondly ‘training of trainer’ (TOT) programmes were conducted to ensure a common and precise understanding of the complex nature of trafficking and its related crimes. Thirdly, training modules and material were developed to provide a basic and standardized structure to training across the sector. Fourthly, training modules and training programmes were assimilated into existing ‘in house’ training programmes to ensure continuity and sustainability.

Further several awareness programmes were conducted at community level and for informants such as taxi drivers to introduce them to the offence of trafficking. Although these programmes were effective (eg. The police received several calls subsequent to the programme for taxi drivers providing information, etc) their impact is short term and cannot be monitored without specific indicators and cannot be useful unless merged into a formal referral system.

Therefore there are several areas the next phase of the project could concentrate on. They include the following:

- Strategic planning and policy development with participation of all partners in the sector
 - Strengthen research, strategic planning and management capacities of government and non government partners
 - Capacity building and specialized training across the sector including the media
 - Facilitate dialogue across the sector for consensus in policy making and law reforms
- Strengthen National Task Force to take lead in building national consensus and common approach to prevent trafficking in persons especially through the Labour Migration Process
- Strengthen capacities for research and baseline collection to inform policy and law reform and to enhance accountability and transparency in reporting
- Strengthen institutional systems and processes to prevent trafficking especially through the migration process
- Strengthen complaints mechanisms and referral systems at community level to identify and report potential trafficking cases
- Strengthen coordination between government and non government partners to ensure a systematic and formalised system of sharing information

6. Conclusions

6.1 There is strong legal and policy base to Prevent Trafficking in Persons in Sri Lanka especially through the Labour Migration Process

- Sri Lanka is a signatory to all the major human rights conventions including the Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crimes 2000, The SAARC Convention on Preventing and Combating the Trafficking in Women and Children for Prostitution 2002 and the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- The Laws on Trafficking was first introduced in 1995 through an amendment to the Penal Code and strengthened in 2006 by the Penal Code Amendment, Act No. 16 of 2006, which brings the domestic law in line with the International definition on trafficking. Further Sri Lanka has specific legislation to protect migrant workers through the Sri Lanka Bureau of Foreign Employment Act 1985 as amended.
- To support legal reform Sri Lanka developed the National Policy on Labour Migration in 2009 and the National Policy on Decent Work 2006.

6.2 The Project Objectives and Goals are strategically aligned to ILO's DWCP

- The TIP project has been developed to further the Decent Work Country Programme (DWCP) of the ILO with the overall objective of promoting decent work in 'conditions of freedom, equity, security and human dignity' for women and children employed as domestic or unskilled workers within the country or abroad, thereby reducing their vulnerability to rights violations as victims of trafficking for exploitative employment. This reinforces rights recognized under ILO Conventions as well as ILO's work at the global scale.
- Further, ILO is in a strategic position to assist the government in preventing trafficking in persons through labour migration due to its expertise and involvement in both areas of migration and trafficking in Sri Lanka as well as globally.

6.3 The Project draws a strong link with other Projects on Trafficking and Migration

- The project draws a strong link with other ILO projects such as the Migration Programme, Child Labour Programme and to a lesser extent with the Project on Fundamental Principles and Rights at Work and the HIV/AIDS programme to jointly contribute towards the achievement of linked outputs to maximize impact.
- Further inter links between projects helped to address the issue of trafficking within its broader macro framework. The parallel strategy adopted by the ILO Colombo places each and every project within its broader mandate and provides a holistic approach to the issue.
- It is noteworthy that the Project identified IOM as an important and necessary partner in achieving its project objectives. The project managed to avoid duplication and wastage of resources at an early stage by jointly executing the NTF and jointly funding or providing technical resources to common activities.

6.4 The Project's involvement with Trade Unions and Employers were minimal

- ILO's engagement strategy has always been to assist the government through its tripartite partners. While there has been significant dialogue with and contribution from the government including the formation of the NTF, there has been minimal dialogue with the TU's except in the formation of the Civil Vigilant Groups (CVGs) and even less dialogue and engagement with Employer's Federation of Ceylon (EFC).
- The EFC is not a member of the NTF. The role and function of the TU's (National Worker's Congress, Migrant Services Centre) within the NTF is not specified or coherent. It is clear that they do not engage or serve in a prominent role in the decision making process.
- Although ALFEA, which is the associated body comprising of foreign employment agencies in the country is represented in the NTF to serve the function of 'employer' as they are in the case of trafficking the representative body for agencies, ALFEA however does not play a significant role in the NTF and contributes little if any to the forum and in turn to the project.

6.5 Drastic changes to the political, social, economic and legal context in Sri Lanka since the conceptualization of the project had a positive and negative impact on project objectives

- Since the design of the original project document in 2007, there were several positive as well as negative developments in the political, social, economic and legal fabric of the country, which affected the implementation of the project objectives.
- In 2006 several amendments were made to the Penal Code, which brought the Sri Lankan law in line with international requirements on trafficking. Contrastingly, in 2007 Sri Lanka was categorized under the Tier 2 Watch List of the TIP report. During this period, reports of irregular and undocumented migration for domestic work was on the increase with evidence of adults as well as children trafficked through this process for exploitation. The project document was conceptualized in this background.
- Between 2007 and 2009 the country underwent several changes. The critical stage of the ethnic conflict which led to the final victory by the GoSL in 2009 and subsequent elections and reshuffling of government Ministries and transition from war to peace significantly changed the contextual factors under which the original project was designed. Although there were significant delays in starting the project, the project document remained intact and did not benefit from a situation analysis or risk analysis to identify emerging factors relating to trafficking and the connected growing concern of illegal smuggling or factors that could potentially impede the achievement of project objectives.
- The upside of the delay was that the end of conflict meant more opportunities to work in otherwise inaccessible areas in the North and East. Secondly, there was a strong reaction by the government in response to the TIP report in 2007 to address trafficking through policy reform and legal training and awareness.³³ The downside of course was the possibility of increased vulnerability of people affected by war to migrate legally or illegally and in turn become victims of trafficking, especially in the absence of strong protection mechanisms. The project however maintained its relevance by capitalizing on ‘peace times’ and making use of the opportunity of access and political will to move forward in this areas amidst the formation of many national policies on labour and migration.

6.6 There is no clear translation of goals to activities

- The Project document specifies the overall goal as to promote decent work in conditions of freedom, equity, security and human dignity for women and children employed as domestic or unskilled workers *within or outside* the country reducing their vulnerability to rights violations as victims of trafficking for exploitative employment. Target groups and target areas are broadly defined and exploitation is defined to mean exploitation of labour including sexual exploitation. This goal is translated into project objectives through capacity building of law enforcement

³³ Interviews with Police, Prosecution and Immigration and Emigration departments revealed that there was more engagement and awareness of trafficking as a separate offence by the government to combat trafficking in persons.

officers to increase prosecution of traffickers and to increase better treatment of migrant workers that would lead to regulation of ethical recruitment processes and through the strengthening of existing policy and institutional mechanisms to prevent trafficking of persons within the new labour migration policy.

- However, although the overall goal is to promote decent work for ‘women and children employed as domestic or unskilled workers *within or outside* the country’ the activities identified in the project *primarily* targets domestic or unskilled *women* working *outside* the country. Therefore it is recommended that there must be a clear translation of the project goals to activities in order to assess impact and achievements of the project goals.
- Although the project identified a three-fold strategy in their projected outcomes namely, prevention, protection, and prosecution, majority of the activities were aimed at prevention (eg. awareness programmes, printing of awareness material, publications, training programmes, etc) or prosecution (training programmes for law enforcement officials, law guides and training modules, etc). The project did not make a similar impact on protection issues. Although the project interventions such as training for consular staff and publication of laws and labour conditions in receiving countries were received well, it did not build on those activities to strengthen protection of migrant workers through other identified activities such as facilitating dialogue between sending and receiving countries, promoting bilateral agreements to protect migrant workers, building protection mechanisms for migrants in receiving countries, etc.

6.7 Activities under Outcome 1 - to strengthen law enforcement mechanisms and effective operations to combat trafficking and irregular migration was completed

- The project was successful in completing activities identified under outcome 1 and identified new but related activities either to substantiate interventions already conducted (e.g. 6 months diploma course at BCIS) or include new partners crucial for preventing trafficking (e.g. training and awareness programmes for taxi drivers and media). These activities complemented each other and facilitated the strengthening of law enforcement mechanisms and the institutional framework.
- The completion of activities under the outcome is directly related to the efficiency and commitment of the staff and active and willing partnership and collaboration of partners.

6.8 Activities under Outcome 2 - at the end of the project the policy environment and existing institutional mechanisms to support the implementation of

prevention of trafficking within the new Labour Migration Policy strengthened was abandoned or partially completed

- Activities identified in the project document to under outcome 2 were abandoned due to various reasons. Firstly, due to the delay in implementing the project, some activities were already underway or established (e.g. database at the police HQ). Secondly, some activities were already identified and addressed by other projects within and outside ILO (e.g. The Migration Programme of the ILO had the mandate to establish a research unit to facilitate data collection etc; the IOM had the mandate to conduct similar activities such as training for law enforcement, etc). Thirdly, some activities were considered futile or non productive to proceed (e.g. user friendly web portal at for migrant workers).

6.9 The successful establishment of a nationally driven coordination forum to combat TIP

- The project managed to bring together various partners working to prevent trafficking in persons to approach the issue of trafficking through a coordinated and participatory standpoint. The formation of this group later renamed as the National Task Force on trafficking in persons is a significant achievement of the project. Moreover, its successful execution and partner collaboration was also a significant achievement of the project.
- As the next step the project conducted training programmes for almost all the partners to standardize their approach to trafficking. Thus the approach to building partner relationships has been a holistic one and it obvious from partner interviews that the project was successful in obtaining the 'buy in' of all partners.

6.10 There were critical gaps in the formation of the NTF

- Firstly, the NTF chaired by the secretary of Justice only consist of government partners. Although the main purpose was to ensure an operational and active group to resolve bottle necks within the government structure without external observations, which could inhibit full participation, this defeats the purpose of a transparent, participatory and coordinated approach to trafficking if significant actors in the trafficking chain are excluded from the main forum.
- Secondly, the role of the NTF and its working arrangements appear ad hoc and unclear. While it is clear that the forum worked successfully as a discussion and monitoring body it lacked teeth as a decision making body. The NTF does not approve work plans of the project or its partners but provides support and information through the process.

6.11 The project has made a ‘perceived change’ or impact

- Due to the abandonment of several activities (or the addition of new activities which were not necessarily under the same outcomes) and targets set by the project document, it is difficult to assess the overall effectiveness of the project.
- However, based on the interviews conducted with all the major partners, it is clear that the project has made a ‘perceived impact’. The project was received well by all the partners and they claimed that the project made a significant contribution to their work on prevention of trafficking in persons. The project initiated several activities within a short period of time and based on interviews conducted was successful in making a perceived change in the attitudes and practices of key stakeholders despite the ambitious nature of the project and despite the limitations in budget and personnel.
- The project made an impact in capacity building of government partners. The project adopted a systematic approach to capacity building in the form of training. Firstly, discussions were held with each and every partner to identify broad areas for training. Secondly ‘training of trainer’ (TOT) programmes were conducted to ensure a common and precise understanding of the complex nature of trafficking and its related crimes. Thirdly, training modules and material were developed to provide a basic and standardized structure to training across the sector. Fourthly, training modules and training programmes were assimilated into existing ‘in house’ training programmes to ensure continuity and sustainability.
- There are several noteworthy activities initiated which requires special mention. Firstly, the formation of a nationally coordinated body to discuss and share information was crucial for the successful implementation of the project as well as to address trafficking through a unified lense by all the government partners. Secondly, the resource manuals developed by the project and a series of docu dramas with extensive collaboration and partial funding with the government opened options for future partnerships and capacity building of national partners. Thirdly, training and specialized training programmes contributed to building a common understanding amongst government and non government partners engaged in combating trafficking. Fourthly, building links with officials and potential informants created an avenue for future partnerships. Fifthly, working in close collaboration with other projects and IOM to strengthen their collective power, resources, etc was key to its successful implementation.

6.12 Project Indicators are insufficient to measure overall impact

- Project indicators are primarily quantitative. However quantitative indicators alone are insufficient to measure impact since quantitative figures does not always lead to the correct conclusion as evident from the difficulties in measuring the increase in number of prosecutions

and the number of complaints lodged at NCPA or Immigration Department. Therefore it must be supplemented by qualitative indicators.

- There is no systematic process to collate data on activities conducted by partners.

6.13 The project is supported by an efficient, dynamic and committed staff

- The project is more or less driven by one NPC with assistance from an administrative and finance officer. The project has completed most of its targeted activities due to the dynamic character and commitment of the NPC and her Team. This is corroborated by majority of partners interviewed. The project also seemed to have received a lot of support from the country office and team members of other ILO projects.

6.14 Project was partially successful in ensuring sustainability of project interventions

- The project document itself does not set out what basic changes in policy and practice are needed to ensure the sustainability of Project activities and progress towards meeting the outcomes and objectives identified. This makes assessing the approach in terms of effectiveness and sustainability and viability difficult.
- Several such activities such as training of trainer programmes were consolidated by assimilating it into existing government mechanisms and systems such as in house training programmes. On the other hand several other activities initiated did not have an in built sustainability mechanism to ensure continuity.
- Moreover, certain critical activities aimed at improving coordination were abandoned or undelivered. For example, although training for consular staff and publication of laws and labour conditions in receiving countries were initiated and received well, the project did not build on those activities to strengthen protection of migrant workers through other identified activities such as facilitating dialogue between sending and receiving countries, promoting bilateral agreements to protect migrant workers, building protection mechanisms for migrants in receiving countries, etc.
- Further several awareness programmes were conducted at community level and for informants such as taxi drivers to introduce them to the offence of trafficking. However, although these programmes were effective (eg. The police received several calls subsequent to the programme for taxi drivers providing information, etc) their impact is short term cannot be useful in the long term unless merged into a formal referral system.

7. Recommendations

7.1 ILO should continue to engage with the government to translate national policy into action

- ILO provides technical and financial assistance to the Sri Lankan government primarily through the DWCP, which has been developed through full and participatory consultation with ILO tripartite partners. Currently ILO provides technical and financial assistance through many programmes and projects including the Migration Programme, which assisted in the development of the National Policy on Labour Migration based on ILO's Multilateral Framework on Labour Migration. ILO should continue to engage with the government to enhance their policy on Labour Migration to promote ethical recruitment and to prevent trafficking through the labour migration process.
- There are several key areas that ILO should consider to continue to engage with national partners to prevent trafficking especially through the migration process, to protect rights of migrant workers and their families and to prosecute traffickers quickly and efficiently to prevent secondary victimisation. They include:
 - Strategic planning and policy development with participation of all partners in the sector
 - Strengthen research, strategic planning and management capacities of government and non government partners
 - Capacity building and specialized training across the sector including the media
 - Facilitate dialogue across the sector for consensus in policy making and law reforms
 - Strengthen National Task Force to take lead in building national consensus and common approach to prevent trafficking in persons especially through the Labour Migration Process
 - Strengthen capacities for research and baseline collection to inform policy and law reform and to enhance accountability and transparency in reporting
 - Strengthen institutional systems and processes to prevent trafficking especially through the migration process
 - Strengthen complaints mechanisms and referral systems at community level to identify and report potential trafficking cases
 - Strengthen coordination between government and non government partners to ensure a systematic and formalised system of sharing information
 - Facilitate dialogue between sending and receiving countries to enter into agreements recognize, strengthen and protect rights of migrant workers.

7.2 The second phase of the TIP Project should continue to draw a vertical as well as horizontal coherence within the ILO Country Programme

- The TIP Project was strategically aligned not only within the ILO DWCP but also within ILO's broader engagement in the formation of migration policy and law reform.
- ILO should continue to address trafficking in persons especially women and children within the migration process taking into consideration not only law reform, law implementation and institutional strengthening but also macro factors that push and pull people into the trafficking cycle. Therefore it is imperative that ILO continues to draw on policies, interventions and strategies adopted by related projects to identify activities within the TIP project to address trafficking from all aspects.

7.3 There should be a stronger engagement with Employers and TU's within the TIP Project

- Employers and TU's play a minimal role in the TIP Project especially in comparison to the significant contribution made by government partners. It is important that ILO continue to engage with the government through its tripartite strategy to address all forms of exploitative labour from the viewpoint of all partners.

7.4 The second phase of the TIP project should be founded on strong baselines and data

- Drastic changes that took place in Sri Lanka between the period 2007-2010, affected the implementation of project objectives. Although the project managed to maintain its relevance by amending its strategy, the achievement of its goals suffered due to lack of reliable data and baselines. Although the project conducted 2 baseline surveys targeting the coastal areas and conflict affected areas it did not provide significant evidence or information to move forward.
- Therefore it is imperative that the second phase of the TIP project should include a nationwide / or district based assessments to identify target groups, new and potential vulnerable categories as a result of war, unprecedented migration both legal and illegal, etc, target areas (new and potential) and target activities, which would contribute to all ILO projects and programmes based on migration as well as implementing partners (e.g. in preventing trafficking in children, children themselves can be identified as partner).

7.5 There must be a clear translation of goals to activities

- The Project document must clearly translate goals to objectives, objectives to outcomes and outcomes to activities in order to assess the impact of the project. This must be supported by strong indicators to measure the impact of the project, which could be long term and short term.
- The process of designing a project document is crucial for the success of the project outcomes. It is recommended that future phases of the project should include a participatory and consultative process identifying all the national and international partners involved in implementing of funding activities related to prevention of trafficking and to identify specific and targeted activities to reach specific outcomes while avoiding duplication of human and financial resources.

7.6 The National Task Force should be formal and representative

- The NTF should include all the major actors in the trafficking chain including selected TU's working with ILO in trafficking and ALFEA and to form small sub groups or working groups when dealing with specialized or sensitive issues relating to government action only.
- The working arrangement and the management structure of the National Project Coordinator and the NTF should be formalised within the project document with specific tasks and responsibilities including forwarding work plans by ILO and its partners, discussion and approval of work plans and monitoring of progress of activities based on objectives set in the work plans.
- In the alternative, future projects could consider a two tier structure with the NTF as the high level body overseeing the achievement of project outcomes and at the second tier an advisory board consisting of the main partners, donor and ILO to approve and monitor work plans.

7.7 Second phase of TIP should move the project forward towards consolidation and systems building

- Therefore, it is recommended that subsequent phases of the TIP project should build on good will, relationships, networks and interventions initiated by the project and aim towards strengthening and consolidating processes and systems necessary to continue to deal with trafficking effectively.

7.8 Project Indicators should include qualitative as well as quantitative indicators

- Both quantitative and qualitative indicators should be developed at the formulation of the second phase of the TIP project to measure short term and long term impact. Further the

project should develop a systematic approach to collect and analyse data on activities conducted by the project as well as partners to feed into the final analysis.

7.9 All Project interventions should provide for a disengagement strategy to ensure sustainability

- There is a strong need to develop and implement a sustainability strategy which has specific monitorable goals, activities, indicators and timeframes to ensure that all interventions are incorporated into government policies, systems and processes which are sustainable.
- The second phase of the project should strengthen policies, laws and institutional framework to consolidate existing interventions and new interventions within the project period and build capacity, systems and processes of the government to effectively deal with trafficking for exploitative employment.
- The project should strengthen capacities and institutional set up of government partners to coordinate and carry out interventions initiated by the project.

8. Lessons Learnt and Good Practices

8.1 Lessons Learnt

- **Preventing duplication of activities and financial and human resources** - At the outset similar activities were conducted by the IOM and ILO, including maintaining two similar coordination forums for trafficking within the Ministry of Justice. In fact due to this duplicity most of the partners interviewed were unable to differentiate between the activities conducted by ILO from activities conducted by IOM. However, the two forums were merged and the project worked in partnership with IOM in implementing activities.
- **Ensuring transferable activities and outcomes from goals** are imperative for measuring impact of the project.
- **A representative national coordination forum is essential** for the effective translation of policy into action to prevent trafficking from all aspects of the problem.
- **Ensuring systematic collection of data** to document and analyse progress and achievement of objectives.
- **Identification of project interventions at design stage after comprehensive and participatory consultations** with all stakeholders.
- **The need for effective and comprehensive indicators** to measure impact.

8.2 Good Practices

- **One to one discussions and consultations with all the major partners** at the outset and the national level consultative forum that ensued set the correct tone for the project.
- **Strong collaboration and consultation with other projects within ILO and with IOM** to achieve project objectives
- **Identification of activities that could be implemented and abandonment of activities** that were not feasible at the outset.
- **Jointly organizing and financing activities with partners**, especially government partners to build capacity, ownership and continuity.³⁴
- **The NPC, performed several roles** in addition to coordinator as technical advisor and resource person.
- **Implementing partners of the project were also employed as resource persons** for project activities.

³⁴ Cinema Informercial was developed (Sinhala & Tamil) in collaboration with the SLBFE and the ILO was successful in negotiating with the National Film Corporation to air it free of charge at all their cinema halls island-wide.

ANNEXURES

Annex 1: Terms of Reference

Terms of Reference End of Project Evaluation

Title of Project	Prevention of Trafficking in Persons through Improved Management of Labour Migration
TC CODE	SRL/09/01/USA
Administrative Unit	ILO Colombo
Technical Backstopping Unit	Special Action Programme to Combat Forced Labour (SAP-FL), Geneva
Type of Evaluation	End of Project Evaluation
Timing of Evaluation	10th January 2013 – 30th January 2013
Project budget	US\$ 500,000.00
Project duration	30th September 2009 to 30th September 2012 with a no-cost extension from 01st October to 31st January 2013

I. INTRODUCTION AND RATIONAL FOR EVALUATION

This end of project evaluation is in compliance with the ILO policy guidelines for results-based evaluation (2012). An internal end of project evaluation is mandatory for all projects below US\$ 1 million. The internal evaluations are managed by ILO staff members and technical specialists and are conducted by external independent consultant(s). Key stakeholders, ILO constituents, partners and the donor will however be consulted throughout the evaluation process.

The end of project evaluation of the Prevention of Trafficking in Persons Project is planned for January 2013, with the final report expected to be completed by end January 2013. Its objective is to assess progress made towards the achievements of the project objectives, the original project design, review the implementation and identify constraints, achievements, best practices and failures and to make recommendations to support the implementation of a proposed second phase of the project. The final evaluation focuses on the outcomes of project and the likelihood that it will achieve impact. The evaluation findings will strengthen ILO's institutional support and would also provide valuable inputs to strengthening ILOs management capacity and would reflect the changes which occurred in the operational and administrative environment since 2010.

The evaluation will be managed by in the National Project Coordinator of the project together with the Evaluation Focal Point in the country office and will ensure quality standard of the process and of the evaluation report. The project will bear the cost of the evaluation, including the cost of the consultant. The evaluation report will be in English. The evaluation will comply with evaluation procedures and standards and follow ethical safeguards, all as specified in ILO's evaluation procedures.

II. BACKGROUND OF PROJECT AND CONTEXT

Contextual Background

Irregular and undocumented migration for domestic work is an area of growing concern to the Government of Sri Lanka (GoSL). Consequently, a large number of such workers remain vulnerable to being trafficked into exploitative labour including commercial sex. Trafficking for labour exploitation is not confined to adult workers, but extends to children, many of whom have been rescued by the National Child Protection Authority.

The migrant labour force is considered a vital part of Sri Lanka's labour force, in terms of participation as well as contribution to the national economy. The Sri Lanka Bureau of Foreign Employment (SLBFE) estimates Sri Lanka's current migrant population to

be 1.8 million. In the last five years approximately 200,000 people have left the shores of the country in search of work. However, in spite of the GoSL's efforts to protect migrant workers, there still remains a need to reinforce these protection measures as large number of migrant workers continue to experience violations of their labour rights in the form of psychological and physical harassment, isolation, non-payment of agreed wages, debt bondage to placement agencies and involuntary servitude.

There are a number of reasons for the exploitative and abusive situations faced by migrant workers. They are personal, regulatory and structural. While the lack of skills prevents low skilled workers from obtaining higher skilled employment; inadequacies in training the lack of contracts and State to State agreements to safeguard and protect migrant workers, the lack of State monitoring mechanisms in labour receiving countries that provide for proactive monitoring and protection mechanisms through diplomatic missions; lack of legal mechanisms for redresses are some reasons for these exploitations and abuses, the lack of successful prosecution of offenders can be listed as one of the key drawbacks in the fight against combating trafficking. Strengthened law enforcement mechanisms, policy interventions and increased awareness raising were identified as key priorities in implementation

Project Background

The project is a three year initiative aimed at supporting the GoSL's efforts to combat trafficking in persons for labour exploitation both from and within Sri Lanka. The project strived to achieve the overall objective through the following outcomes;

- Strengthened law enforcement mechanisms
- Enhanced legal, institutional and policy framework
- Improved policy, coordination and knowledge base

The rationale for strengthening law enforcement mechanisms lies in the fact that there were no successful prosecutions resulting in a conviction of a trafficking offender at the start of the project. The lack of awareness amongst law enforcement officials on the amendment to the penal legislation relating to 'trafficking', lack of evidence and under-reporting of cases had resulted in a limited number of prosecutions which did not result in a successful conviction of offenders. Moreover, the GoSL had not undertaken any investigations or prosecutions of labour recruiters using deceptive practices which resulted in the trafficking of Sri Lankans into involuntary servitude abroad. In order to address this gap the project identified the training of law enforcement officials including the Judiciary, State prosecutors, Immigration officers and other key officials of the ministry of justice as a key priority towards strengthening the law enforcement mechanisms.

Prior to the commencement of the project there was no national body tasked with monitoring, overseeing and deciding on policy aimed at combating trafficking in Sri Lanka. The project established the first such committee (National Steering Committee to Prevent Trafficking) which was subsequently integrated into the National Anti Trafficking Task force, under who's aegis the project carried out its activities. The activities of the project were carried out in partnership with institutions that are already members of the Task Force, which periodically reported on the progress of the projects activities to this national body.

Given that there was demand for an improved knowledge base on migration and international standards, the project adopted an implementation focus aimed at building the knowledge base and improving coordination amongst the key stakeholders. Moreover, the inter-governmental agency coordination was also required to maintain a record of the number of cases that were being reported as well as to identify the methods adopted to handle such cases.

Implementation of the project is participatory and inclusive of all stakeholders in the migration process. This initiative involving national stakeholders is anchored on the key principles of the International Labour Organization's (ILO's) Multilateral Framework on Labour Migration, the United Nations Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, the Convention on the Elimination of All Forms of Discrimination (CEDAW) and other international instruments which underscore the importance of migration in an overall programme of decent work and development and reaffirm the importance workers' of migrant protection in the overall migration programme strategy.

At the national level, the project is premised upon the key provisions contained in the penal legislation in Sri Lanka as well as the ILO conventions on forced labour and prevention of child labour (C-29, C-105, C-182).

The project contributes to:

- Sri Lanka DWCP (2008 – 2012) outcome 2,

- ILO OBW CPOs LKA105
- UNDAF 2008-2012 outcome 1 and 4

The Donor

The project is funded by the United States Department of State (USDOS). The Department of State's Office to Monitor and Combat Trafficking in Persons leads the United States' global engagement on the fight against human trafficking, partnering with foreign governments and civil society to develop and implement effective strategies for confronting modern slavery. The Office has responsibility for bilateral and multilateral diplomacy, targeted foreign assistance, and public engagement on trafficking in persons. The Office pursues policies, partnerships, and practices that uphold the "3P" paradigm of [protecting](#) victims, [preventing](#) trafficking, and [prosecuting](#) traffickers.

The Trafficking In Persons (TIP) Report is the U.S. government's principal diplomatic tool to engage foreign governments on human trafficking. It is also the world's most comprehensive resource of governmental anti-human trafficking efforts and reflects the U.S. government's commitment to global leadership on this key human rights and law enforcement issue. International Programs funds efforts against modern slavery based on trends and needs outlined in the TIP Report. The International Programs supports foreign governments' anti-trafficking efforts through targeted training and technical assistance in an effort to assist priority countries in meeting their goals.

The Embassy of the United States of America, through its political office, maintained regular contact with the ILO to keep track of the progress of the project activities.

Partners

The project gives high priority to working with ILO's tripartite constituency: government institutions namely the Ministry of Justice, Ministry of Foreign Employment Promotion & Welfare, Attorney General's Department, Department of Immigration & Emigration, Sri Lanka Bureau of Foreign Employment (SLBFE), Sri Lanka Police, National Child Protection Authority and the Ministry of Labour and Labour Relations, employers including the Association of Licensed Foreign Employment Agents (ALFEA) and trade unions.

The Ministry of Justice, the SLBFE, the Attorney General's Department and the Department of Immigration & Emigration are key institutions in the project management and implementation. The implementation of the project is carried out under the guidance of the National Anti-Trafficking Task Force that sits once a month under the Chairmanship of the Ministry of Justice.

The project also involves law enforcement authorities including the police, civil society organizations and migrant associations on awareness raising and empowerment, community-level empowerment, training and information services for aspiring and returning migrant workers, with special attention to female migrants.

The project also explores avenues for collaboration and aims to build partnerships with other development agencies to expand the scope of various project activities. The project has seen collaboration with other UN agencies including UNICEF and IOM, as well as various projects within the ILO such as Labour Migration, Child Labour, and Prevention of HIV/Aids. Moreover, the project established partnerships between government institutions in implementing several activities.

Project Implementation Strategy

The Project is a three year initiative aimed at strengthening the Government of Sri Lanka's efforts to combat trafficking in persons through improving the management of (internal and external) labour migration in Sri Lanka. In doing so, the activities of the project also resonated with Government's commitments under the National Labour Migration Policy of Sri Lanka. Promotion of safe migration, prevention of child labour and forced labour were treated as cross-cutting themes in the programme design and implementation.

The overall objective of the project is to promote decent work in conditions of freedom, equity, security and human dignity for women and children employed as domestic or unskilled workers within the country or abroad, and reducing their vulnerability to rights violations as victims of trafficking for exploitative employment.

The project outcomes are three-fold. The implementation strategy also reflects the priorities considered under the global TIP report that include prevention, protection, and prosecution.

1. Strengthened law enforcement mechanism and effective operations to combat trafficking and irregular migration

2. Enhanced legal, institutional and policy framework to support better governance and efficient migration management
3. Improved policy, coordination and knowledge base for better informed migration in keeping with international standards

The project focuses on the aforementioned three strategic areas. These are inter linked issues that contribute to improving the situation of the migrant labour force and the migration process by addressing gaps, strengthening policy frameworks and setting in place processes for implementation, regulation and accountability. Moreover, the emphasis on strengthening law enforcement mechanisms and policy interventions ensures a holistic approach to the implementation strategy.

Implementation of the project is participatory and inclusive of all stakeholders to maximize ILOs' strategic relationships to ensure a consultative and participatory implementation process that is owned by all stakeholders. Implementation is done in close consultation with all stakeholders, to develop a common understanding of the approach and their respective roles in achieving the outcomes including sustainability of the initiatives.

Progress To Date (As At end December 2012)

During evaluation period, ILO's interventions focused on three priority outcomes; strengthening the law enforcement mechanism to combat trafficking and irregular migration, enhancing the legal, institutional and policy framework to support better governance and efficient migration management, and improved policy, coordination and knowledge base for better informed migration in keeping with international standards.

The project aimed to strengthen the law enforcement mechanism by working in close cooperation with several arms of law enforcement including the Judiciary, the Attorney General's Department, the Police, the National Child protection Authority, and the Department of Immigration & Emigration. Comprehensive training programmes were conducted for the judiciary and state prosecutors, and resource guides and manuals were developed for the Police, the state prosecutors, the judiciary and legal practitioners on the identification, investigation, prosecution of cases of trafficking as well as the national and international standards relating to the subject. Community vigilance groups were established in selected districts following which several cases were identified and channeled to the relevant authorities for further action.

In terms of legal, institutional and policy enhancement, the project conducted a review of the existing legislation on trafficking in persons in Sri Lanka, established the country's first national steering committee on the subject which currently sits as the National Anti-Trafficking Task Force. The establishment of the same coupled with the implementation of the activities and the first conviction of a trafficking offender being secured in 2010, resulted in Sri Lanka being upgraded to Tier 2 in the Global TIP report for the years 2010 and 2011. The ILO continued to provide technical support and guidance to the National Task Force on matters relating to legal policy, international standards on human trafficking and forced labour. Moreover, the

In terms of improving policy, coordination and knowledge base the project approached the subject from several angles. The subject of human trafficking and forced labour was introduced into the labour law syllabus at both undergraduate and graduate level at the faculty of law, university of Colombo, the Open University. Additionally, the project introduced a 6-month diploma on migration & trafficking at the Bandaranaike Centre for International Studies (the key international relations institute of the Government) for key governmental stakeholders including ministry officials, members of the forces, and labour officers posted to Sri Lanka missions in labour receiving countries. In relation to strengthening coordination, the project established linkages between the community vigilance groups and government officers in the relevant districts including the police women & children's bureau. Moreover, the joint training and information exchange programme between the immigration officers and the SLBFE officers based at the airport facilitated the first such information exchange programme following which officers were able to clarify issues pertaining to the subject. In raising public awareness, the project carried out a host of activities including conducting awareness training programmes for electronic and print media, taxi drivers, developed a guide for journalists on reporting of human trafficking, developed and distributed 40,000 country specific handbooks for Saudi and Kuwait bound migrants, distributed 30,000 information flyers on safe migration, 5000 cartoon booklets, information wallet cards, conducted a media panel discussion on the subject, developed a docudrama, cinema infomercial and TV commercial on safe migration & prevention of trafficking which was aired on all popular TV channels, cinema theatres and the department of immigration & emigration.

The ILO also provided technical guidance to the Government of Sri Lanka to draft its country report to the United States Department of State for the annual TIP report. Additionally the project conducted lectures on the subject at various forums as well as the faculty of law, university of Colombo.

Management Arrangements

At national level, the Director of the ILO Colombo office is responsible for the overall implementation of the project. The ILO serves as the lead agency assisting the Government of Sri Lanka, in particular the Ministry of Justice in its execution and implementation.

Although the official start date of the project was October 2009, the project commenced operations proper in February 2010. From February - May 2010 the project implementation team consisted of a National Project Coordinator (NPC) located at the ILO. Subsequently, a finance and administrative assistant was recruited to assist in preparation of budgets, disbursement of payments and financial reporting. The NPC is responsible for overall project implementation and reporting of progress.

The project is steered by the National Anti Trafficking Task force chaired by the Ministry of Justice. The NTF is represented by all key national stakeholders who are also the project's key implementing partners. All training programmes are conducted in collaboration with the Attorney General's Department, the SLBFE, NCPA and the Police.

At the international level, the project also draws upon the expertise on standards, and forced labour from the Special Action Programme to Combat Forced Labour (SAP-FL) based in ILO's headquarters in Geneva.

Participation of Employers' and Workers' and Civil society Organizations

The project worked with the association of licensed foreign employment agencies to conduct training programmes for recruitment agents. The Employers Federation Ceylon was represented in the National Steering Committee on Prevention of Trafficking in Persons established in May 2010.

The project also cooperates with the national networks of trade unions, recruitment agencies, migrant associations and NGOs working to protect the rights of migrant workers.

The project engaged the support of NGOs and community based organizations to raise public awareness on the subject. While engagement with the Trade Unions was primarily to establish the community vigilance groups and conduct training, several and public awareness raising initiatives were also carried out with their support.

III. PURPOSE AND OBJECTIVES OF THE EVALUATION

Purpose:

- Assess the achievements of project objectives
- Review the original project design and document the changes in project management and its impact,
- review the project implementation towards long-term and short-term goals as stated in the original prodoc.
- Identify constraints, failures, achievements and best practices and make recommendations to modify strategies to be reflected in the design of subsequent phases of the TIP project.

The primary user of the evaluation will be the ILO Project Team, Technical and Administrative backstopping units.

The secondary users will be United States Department of State (USDOS) who will be provided with access to the findings of the evaluation to demonstrate ILOs evaluation oversight and also feed into their annual results based monitoring, work plans and strategies. This is expected after the evaluation has been completed.

IV. EVALUATION SCOPE

The scope of the evaluation is to verify project implementation from the drafting of the proposal until 30th January 2013.

EVALUATION CRITERIA AND QUESTIONS

It is felt that the evaluation should examine the following:

No.	Criteria	Specific Information
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1	Relevance and strategic fit of the intervention ILO Country Strategy (DWCP) and its influence on Project design	<p>Its relevance and justification in relation to target group (migrant workers, children)</p> <p>Its engagement strategy</p> <p>Justification for the ILO to implement the project</p> <p>How are ILO core values and strategic policy aligned with the objectives of the project?</p> <p>For what strategic reasons did ILO decide to develop the TIP project?</p> <p>What was the nature and type of engagement between ILO and USDOS in the pre-design phase?</p> <p>What were the inputs from HQ / Regional Units in relation to strategic context and design</p>
2	Validity and Logic of Design of Project / PRODOC and coherence with ILO capacities and values	<p>How relevant was the contextual analysis during the project design?</p> <p>Was the planned operational /implementation arrangements effective?</p> <p>What changes were made and how did they impact on the overall results of the project?</p> <p>How was the ILO institutional technical capacity and added value incorporated into the project design?</p> <p>Was ILO experiences in other projects on trafficking incorporated into the project design? If so how?</p> <p>How does the Project outcomes relate to the DWCP, UNDAF and national development plans?</p> <p>Is there coherence between project activities, outputs, outcome and objectives in the project design?</p> <p>Is there coherence between the outputs, outcome and objectives as described in the PRODOC and the objectives of the Project?</p> <p>What specific institutional technical know-how, added value was ILO bringing to Sri Lanka under this project?</p> <p>How realistic was the project budget design?</p>
3	Effectiveness	<p>How relevant were the activities towards reaching the overall objective of the project?</p> <p>How effective were the implemented activities towards achieving the desired objectives?</p> <p>Has the project been responsive to the changing operational and administrative environment at the Ministry(s)?</p> <p>Has the project been responsive to the changing priorities in the field of trafficking?</p> <p>Has the project been responsive to the demands of donors?</p> <p>What demonstrable success has the project achieved?</p> <p>What contribution has the project made towards supporting the strategic objectives of the ILO, and Sri Lanka DWCP outcomes?</p> <p>How has the project addressed issues of gender?</p> <p>Has the project effectively addressed marginalized groups?</p> <p>How has the project effectively addressed issues of prevention, protection and prosecution?</p> <p>How has the project supported institutional building?</p> <p>What are the unique or unexpected lessons learnt through the implementation of the project</p> <p>Has the project initiated activities beyond that which was originally envisaged? Are these initiatives sustainable?</p>
4	Management effectiveness (the extent to which management capacities and arrangements put	How effective was the structure of the project management team and what management changes were made to deal with administrative changes among partners?

	in place support the achievement of results)	<p>Type, nature and effectiveness of technical and administrative support at Colombo and Geneva levels?</p> <p>How effective were the social partners involved in the project?</p> <p>How effective is the monitoring and evaluation system of the Project? Have adequate provision been made in the M&E to pay special attention towards gender and other cross-cutting theme such as HIV?</p> <p>Has there been any cross project collaboration within ILO project working in the sector of labour migration, HIV/AIDs, Child Labour?</p> <p>Has the project collaborated with other UN agencies in implementing activities?</p> <p>How effective is the Project Communication strategy; with government?</p> <p>With other agencies?</p> <p>With national partners?</p> <p>In regard to project visibility?</p> <p>Did the project partners, CBOs, NGOs maintain contact with the project in carrying out their activities on the subject?</p>
5	Impact and sustainability	<p>What impact in terms of the donor priorities has the project made (ex: prosecution, protection, prevention)?</p> <p>Is the project making a significant impact on to broader and longer term development goals of the country?</p> <p>Is the project making a significant impact on to ILO strategic goals?</p> <p>How effectively has the project built national ownership</p> <p>How can the project be sustained or replicated after the project period?</p> <p>Can the project approach be up-scaled and institutionalized by national partners or other actors?</p> <p>Can the institutions/community groups supported by the project continue operations after the close of the project?</p> <p>What mechanisms is the project following to institutionalize the key findings/lessons?</p>

V. METHODOLOGY

The ILO will engage an external independent consultant to undertake the evaluation. The Consultant will report to the evaluation manager. The ILO Evaluation Focal Point at the ILO Country Office will help facilitate the evaluation process and the evaluation mission.

Suggested methodology:

The methodology to be followed by the evaluator should include, but need not be limited to the review of documents, key informant interviews, in depth interviews and focus group discussions.

The Evaluator will share the first draft of the findings of the evaluation with the Evaluation Manager and the Country office staff on the 17th of January 2013 and present preliminary findings for verification by key stakeholders at Anti Trafficking Task Force Meeting on a date to be determined by the ILO. Evaluator will submit a the final Evaluation Report to the Evaluation Manager by 30th January 2013.

MAIN DELIVERABLES

The main outputs will be the followings:-

- 1) **Draft report on Preliminary Findings** : on project activities /outputs to be presented at the stakeholders workshops at the end of evaluation mission
- 2) **The final evaluation report** with the following contents:

- ILO standard title page
- Executive summary
- Brief background on the project and its logic
- Purpose, scope and clients of evaluation
- Methodology
- Review of implementation
- Presentation of finding as per evaluation criteria
- Conclusions
- Recommendations (Including to whom they are addressed to)
- Lessons learnt
- Possible future directions
- Annexes

Quality recommendations in the evaluation report must meet the following criteria: -

The ILO Evaluation guidelines to Results-based Evaluation: Principles and rationale for evaluation – Version 1 includes the following criteria for drafting quality recommendations in evaluation reports: (1) recommendations are based on findings and conclusions of the report, (2) recommendations are clear, concise, constructive and of relevance to the intended user(s), and (3) recommendations are realistic and actionable (including who is called upon to act and recommended timeframe). In addition to The ILO Guidelines, EVAL has also issued guidance for formatting requirements for evaluation Reports, establishing the following criteria for the drafting of recommendations: (1) actionable and time-bound with clear indication of whom the recommendation is addressed to, (2) written in two to three sentences of concise text, (3) numbered (no bullet points) and (4) no more than twelve. Also, recommendations must be (5) presented at the end of the body of the main report, and the concise statement should be (6) copied over into the Executive Summary and the Evaluation Summary (that is, the concise statements of recommendations should be verbatim identical in the recommendation section of the main body of the report, the Executive Summary, and the Evaluation Summary).

- 3) **Evaluation summary (as per ILO standard format):** (in word file) the evaluation summary according to ILO template will also be drafted by the evaluation team leader after the evaluation report has been finalised. The evaluation manager will finalise the evaluation summary.

The evaluation reports and its contents are the property of the ILO.

ILO management will prepare management response to the evaluation recommendations and action to act upon the recommendations will be undertaken and report to ILO Evaluation Unit.

VI. MANAGEMENT ARRANGEMENT, WORK PLAN AND TIME FRAME

7.1 Evaluation management and roles of evaluators and stakeholders:

The **evaluation manager** is of ILO. He/she will approve the TOR and choice of consultant. The project team in Sri Lanka will handle all contractual arrangements with the evaluator and provide any logistical and other assistance as may be required.

The evaluator(s) reports to the evaluation manager,.

Evaluator's roles: The national independent consultant who has no prior involvement in the project will undertake the evaluation and will be responsible for delivering the above evaluation outputs using a combination of methods mentioned above. **Selection/Qualifications of Evaluator:** One independent national evaluation specialist with a University Degree. He/she should have a proven track record in the evaluation of similar complex projects, experience with country situations similar to that of Sri Lanka. Experience in the field of labour migration will be an advantage.

The tasks of the Project: The project management will provide logistic support to the evaluation and will prepare a more detailed evaluation mission agenda. The project needs to ensure that all relevant documentations are up to date and easily accessible by the evaluator.

7.2 Proposed Work plan and time allocation

Time lines : The work on the evaluation to begin by the 10th of January 2013. and the first draft of the report to be submitted by 20th January 2013.

Phase	Responsible Person	Tasks /Activities	Days Proposed (W/Days)	Timing from commencement
1	Consultant/ evaluation manager	Briefing with ILO Colombo Desk Review of project – related documents	1 day 3 days	11 th January 2013
2	Consultant	<ul style="list-style-type: none"> Consultation with project team in Colombo Consultation with project partners and other beneficiaries 	2 days 4 days	
		<ul style="list-style-type: none"> Draft 1 of report 	2 days	20 th January 2013
		<ul style="list-style-type: none"> Consultation with ILO staff and presenting preliminary findings to ILO staff 	1/2 day	17 th January 2013
		<ul style="list-style-type: none"> Presentation of preliminary findings to the Task Force 	½ day	To be determined
3	Consultant	<ul style="list-style-type: none"> Finalising of report 	2 day	
		<ul style="list-style-type: none"> Submission of Final Report 		30 th January 2013
4	Evaluation manger and Evaluation Focal Point	<ul style="list-style-type: none"> Circulation of draft report to key stake holders 		
Total			15 days	

VII. RESOURCE REQUIRED: The following resources are required from the project.

- Cost of External evaluator (Fee+ travelling expenses)
- Cost of local transportation in the field

Annex 2: List of persons interviewed

List of Persons interviewed

1. Ms. Kamalini De Silva, Secretary, Ministry of Justice
2. Mr. Kapila Waiidyaratne, Deputy Solicitor General, Attorney General's Department
3. Mr. Mangala Randeniya, Deputy General Manager, Sri Lanka Bureau of Foreign Employment
4. Mr. Buddhika Ranasinghe, Head, Counter Trafficking Division, Department of Immigration and Emigration
5. Ms. Preethika Sakalasuriya, Legal Officer, National Child Protection Authority
6. Mr. Ajith Rohana, SSP, Police Department
7. Mr. Thomas Radke, Embassy of the United States of America
8. Ms. Anuradhi Navaratnam, Senior Project Coordinator, Counter Trafficking, IOM Sri Lanka
9. **Prof. Sharya Scharenguivel, Head, Department of Public and Comparative Law, Faculty of Law.**
10. Mr. W M P Aponso, President, Association for Licensed Foreign Employment Agencies
11. Mr. Faizer Makeen, Secretary, Association for Licensed Foreign Employment Agencies
12. Mr. Gehan Gunatilleke, Attorney at Law and Consultant ILO Colombo
13. Ms. Chandrika Karunaratne, National Project Coordinator, TIP Project
14. Ms. Pramodhini Weerasekera, Programme Office, ILO Sri Lanka

Annex 3: List of Publications cited

1. Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crimes, introduced in 2000.
2. The Implementation of the SAARC Convention on Preventing and Combating Trafficking of Women and Children for Prostitution – Sri Lanka, By Centre for Policy Alternatives, May 2006
3. Trafficking in Persons Report, 2012 – Published by the United States Department of State at <http://www.state.gov/documents/organization/192597.pdf>
4. The Trafficking in Persons (TIP) Report 2012
5. National Labour Migration Policy 2009

Annex 4: List of Documents reviewed

1. The project proposal 2007
2. The project document
3. Progress reports 2010 -2012
4. performance progress reports 2010-2012
5. baseline surveys conducted in conflict affected areas and coastal areas,
6. evaluation report of the Community Vigilance Groups (CWG),
7. the national policy on decent work
8. Trafficking in Persons Report 2012 published by the United States Department of States (USDOS).
9. Rapid Assessment Study on Human Trafficking and HIV in Sri Lanka, By Centre for Policy Alternatives, May 2006
10. Trafficking in Children, By Centre for Policy Alternatives, 2002
11. Publications of Trafficking Project ILO
12. International Labour Organization's (ILO's) Multilateral Framework on Labour Migration, the United Nations Convention on the Protection of the Rights of Migrant Workers and Members of Their Families, the Convention on the Elimination of All Forms of Discrimination (CEDAW)