

**Internal Evaluation Report:
End of Project Evaluation:**

**Promoting Decent Work through Good Governance, Protection and
Empowerment of Migrant Workers: Ensuring the Effective Implementation of
the Sri Lanka National Labour Migration Policy**

(SRL/10/08/SDC)

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ACRONYMS

ALFEA	– Association of Licensed Foreign Employment Agents
BCIS	– The Bandaranaike Centre for International Studies
BIDTI	– Bandaranaike International Diplomatic Training Institute
CBO	– Community Base Organisations
CSO/NGOs	– Civil Society Organisations/ Non Governmental Organisations
DWCP	– Decent Work Country Programme
DWT	– ILO Decent Work Technical Support Team – South Asia
EFC	– Employers’ Federation of Ceylon
GCC Countries	– Gulf Cooperation Council Countries
GDP	– Gross Domestic Product
GOSL	– Government of Sri Lanka
HQ	– ILO Headquarters in Geneva
ILO	– International Labour Organisation
ILO –ROAP	– ILO Regional Office for Asia-Pacific
LM Project	– Labour Migration Project
MEA	– Ministry of External Affairs
MFEPW	– Ministry of Foreign Employment Promotion and Welfare
NAC	– National Advisory Committee on Labour Migration
NLMP	– Sri Lanka National Labour Migration Policy
NVQ	– National Vocational Qualification
PAC	– Project Advisory Committee
SDC	– Swiss Development Co-operation
SLEMA	– Sri Lanka Employment Migration Act
SLFBE	– Sri Lanka Bureau of Foreign Employment

TAC	– Tripartite Advisory Committee
TOT	– Training of Trainers
TYDF	– Ten Year Development Framework
UNDAF	– United Nations Development Assistance Framework

EXECUTIVE SUMMARY

Since the 1970's when economic liberalisation policies were adopted by successive governments, the state has recognised the contribution of migrant labour to generate valuable foreign exchange. In the year 2012, Central bank of Sri Lanka statistics pointed out that the migrant workers' remittances exceeded USD 6 billion. It has been estimated that around 1.8 million migrant workers in the country were contributing more than 8% to the GDP. In the late 1990s, the majority of these were female migrant workers comprising almost 75% but by 2008 the percentage had dropped to 50%. Labour migration opens employment opportunities and social benefits in terms of improving living standards of migrant workers and their families. However, it also opens attendant problems connected to the process of migration such as exploitation, abuse and rights violations throughout the labour chain.

The National Labour Migration Policy for Sri Lanka [NLMP 2008], formulated with technical assistance from ILO through, embodies the government's commitment to adhere to, '*principles of good governance and rights and responsibilities enshrined in international instruments to advance opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, dignity, security and equity.*' The ILO was approached by the Ministry of Foreign Employment Promotion and Welfare (MFEPW) to support the implementation of the Sri Lanka Labour Migration Policy based on a two year project [15th December 2010 -14th December 2012]. The ILO sought support from Swiss Development Co-operation [SDC] to provide financial resources to take the vision forward in the action plan of a project titled, "*Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy*" [LMP].

Working with the tripartite constituency of ILO informs the project's underlying principle. These were government institutions, MFEPW, Sri Lanka Bureau of Foreign Employment (SLBFE), Ministry of Labour and Labour Relations, Ministry of External Affairs, Employers' Federation of Ceylon (EFC), Association of Licensed Foreign Employment Agents (ALFEA), trade unions and civil society networks. The project was planned to be implemented and guided under the Tripartite Advisory Committee (TAC) which has now been named and restructured (for this project purpose) as the 'Project Advisory Committee' (PAC) that meets every three months.

The overall development objective of the NLMP was to "... *promote an enabling policy and institutional environment that allows migrant workers to secure decent jobs in conditions of freedom, equity, security and human*".

The project's key objectives have been outlined as;

- 1. To strengthen policy, legal and institutional frameworks of the migration process, and protection and empowerment of migrant workers and their families.**
- 2. To review and enhance the processes for improved governance and protection and empowerment of migrant workers and their families.**
- 3. To improve efficiency and effectiveness of protection and grievance mechanisms and procedures through institutional strengthening.**

These objectives were to be achieved through a range of project activities addressing the three strategic outputs/components as follows:

- 1. Revision of major legislation is submitted to Attorney General's Department for acceptance.**
- 2. Recommendations for key guidelines and frameworks for duty bearers are submitted to the Advisory Committee for adoption.**
- 3. Revised complaints and grievance mechanism to address and redress migrant worker's issues is operational.**

The purpose of this End of Project Evaluation was to, "assess progress made towards the achievement of the project's 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 methodology followed for the evaluation was, a desk study of all relevant documents, reviews, progress reports; focus group discussions and one to one meetings with selected key stakeholders. The evaluating consultant also attended the Stakeholders Workshop on "Reintegration with Home community: Perspectives of Returnee Migrant Workers in Sri Lanka – 31st Jan, 2013. This information supports the findings to review the relevance of activities, Project achievements, its effectiveness, management effectiveness, impact and sustainability and to draw conclusions, recommendations, and lessons for the next phase and future directions.

A summary of the key issues and findings are presented here based on the Terms of Reference and evaluation criteria.

The project has direct relevance to the ILO's commitments to the Country Strategy (DWCP 2008-2012) as, "*Enhanced labour administration and promotion of equitable employment practices*," and relates to the ILO International Instruments and Frameworks, CEDAW, and UN Convention on Protection of Migrants' Rights that govern labour migration to ensure labour standards, norms adhered to and its enforcement. Further, the Project design draws on ILO's technical expertise regionally and internationally by way of protection of migrant workers' rights and human rights, sharing good practices and lessons to build an enabling environment for changing policies and procedures to meet obligations of both sending and host countries.

The three focus areas the NLMP had identified are Governance, Protection and Empowerment of migrant workers and their families, and Migration and Development with the aim to address and redress, improve and strengthen the systemic and structural policy frameworks and operational mechanisms. In the process of formulation of the NLMP, the ILO's financial and technical support was significant and fully acknowledged by the MFEPW and the Tripartite Steering Committee. The Project clearly aimed at taking the NLMP forward, reiterating the need to address gaps, strengthen policy frameworks and processes for implementation, regulation and accountability.

The Project had envisioned building capacity with stakeholders and partners, to enhance their commitment, efficiency and effectiveness, and increase coordination between partners and institutions at government, provincial and district levels, and non government institutions.

Specifically inputs from the Migration Specialists at the ILO Regional and Head offices in project appraisal and monitoring, on migration and labour standards /law added value to the strategic context and design.

In validating the Project design there is a sense of overarching concern that the Project's scope and its nature could have been narrowed to allow space for consolidating the activities and interventions. Given the complexity of the issues related to migrant workers and to address the contextual challenges, it would have been more prudent to limit the scope so as to put more effort on systemic changes, and formulating clear monitoring mechanisms to maximise the effects within the Project time frame.

The Project's **key strength is driving the National Labour Migration Policy** to be operational, (by the MFEPW, the SLFBE and thus the government) and highlight the loopholes and address long standing problems related to the labour migration process and migrant workers' protection-rights issues. In this regard, the ILO team had the relevant skills, orientation and the competence to establish partnerships with diverse stakeholders.

There is no doubt that the quality of products¹ to support the institutionalising efforts is impressive. The Project's approach to institutionalising training and investing in human capital (staff) will benefit greatly to develop the quality of training of staff, conciliators, mission officials, labour officers, SLFBE officers and related staff, but a returnee observed , *"it has to finally reach the grassroots level"*.

The pilot re-integration project experience has highlighted the manifold issues that have to be addressed and analysed. For example, will credit result in a cycle of indebtedness? Will it assure increased incomes in an already saturated market without addressing women's marginalized **social and weak bargaining position**, and **barriers for accessing** resources for their empowerment? The evaluation confirms and reflects that gender orientation, understanding and consciousness of the duty bearers at the local level is rather minimal. It was limited to participation of women as a category in numbers, without an analysis of women migrant workers' social position and condition, their specific needs and vulnerabilities, their access to resources, access to information and control, and their ability to manage resources.

The Project monitoring has been done through regular reports, special reports on consultations/meetings, and through the PAC meetings mechanisms. In addition, monitoring is done by backstopping support from the relevant Units and /or from Regional Office for Asia and the Pacific (ROAP). As pointed out in the preceding sections, the monitoring and evaluation system could be developed **further to track the process** more closely through process indicators and specific monitoring training to document these. To be more effective these process indicators that are both **quantitative and qualitative** indicators could be formulated and structured in. A clear gender strategy could be included which would strengthen the process to achieve the **gender outcomes** if it is planned within the Project design and implementation.

The ILO's technical know-how added value significantly and enabled **cross collaboration and bringing valuable learning** to the Labour Migration Project.

In terms of fulfilling donor priorities in operationalising the NLMP, the Project has made **measurable substantive progress in the right direction** for better governance, and improved regulatory mechanisms.

In the area of protection and empowerment of migrant workers and their families, a number of activities have been taken by the Project towards **capacity building in regulating** recruiting agencies, operational manual for diplomatic missions, re -packaging training of trainers modules, reintegration of migrant families. In the area of improving efficiency and effectiveness of grievance handling, in spite of a comprehensive review and analysis produced through this Project and appropriate technical support given, there is **not much visible headway to develop and coordinate, a systematic comprehensive grievance handling mechanism**.

The principle of **collective ownership** which the ILO professes, through the tripartite consultations (NAC/PAC) and stakeholder consultations, was seen throughout the Project. Nevertheless, some of

¹ Annex 4.

the partners did not seem to understand the **principle of national ownership**. In this respect, all the stakeholders and partners have the right to assert their views on the principle of collective ownership, to further advocate the rights of the migrant workers.

The Project approach is credible and the evaluation findings are proof that the institutional building process has commenced with remarkable achievements during the short time in spite of lags while accommodating new additional activities. In order to upscale the **institutionalising process**, the Project should continue its **efforts at multiple levels** – more work at legal policy, and at the regulatory, mainly monitoring and enforcement, services delivery and access to grievance mechanisms, **empowerment of migrant workers** to assert themselves on **accountability and make informed choices**. The lessons highlighted during the evaluation regarding institutionalizing is insightful; PAC should be more transparent in its decision-making by involving all stakeholders related to the issue and safeguarding the interests of the migrant workers; capacity building of all stakeholders and partners and those handling the Project activities on gender analysis and social analysis, knowledge and skills, including process monitoring skills and should be more **sensitive when handling on language issues**. The project should maintain the focus on protection, rights and welfare of migrant workers and their families, as the Project was conceived in the name of migrant workers who have a key stake in the process of regulation, enforcement and accountability.

Conclusions

The End-of-Project Evaluation of the Project namely, “**Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy**” undertaken by the ILO confirms that the Project design and its implementation are coherent with the National Labour Migration Policy, the GOSL country goals, the current context on labour migration and migrant workers, the donor priorities and the strategic goals of the ILO. The project aimed to strengthen policy, legal and institutional frameworks of the migration process, to review and enhance the processes for improved governance and protection (improving the training of prospective migrant workers), and to improve efficiency and effectiveness of protection and grievance handling mechanisms by strengthening institutional capacity. Moreover the Project is responsive to the needs of the current problematique and is timely, thus it has to be commended.

The Project has effectively delivered on most key activities planned; it has progressed well towards fulfilling its short term goals. The ILO has a competent staff team to carry out the Project tasks and sound management mechanisms in place. In this respect, the functional working relationship the team cultivated between the Project team, stakeholders, the national and social partners, and in addition strategic partnerships with key agencies, consultants, researchers, advisors and activists is strong.

Given the complexity of the labour migration subject, the Project's approach and administrative arrangements and efforts to strengthen policy- governing- regulatory institutional frameworks and grievance handling systems are highly responsive to the needs of the industry and more specifically the migrant workers. Moreover, the Project intervention and its activities have been prioritized by the stakeholders, trade unions, civil society organizations, women's groups and key Ministries. The technical support and expertise by the ILO, has been of a high quality towards meeting the objectives of the Project especially in building capacity and institutional strengthening, this was relevant to the current context, and was unanimously acknowledged by all stakeholders.

The Project has just completed its second year; therefore it is still early to measure sustainable impacts on strengthening policy, legislation and governance mechanisms and operational systems as a direct result of the activities implemented as it is a substantial task and takes time. The Project's overall quality of service delivery mechanisms and capacity building has to be considered in the context of its structural approach, its scope, its interrelatedness and synergy and its outputs. However at this stage, the evaluator could identify key areas which reflect some of the emerging impacts, to be expected. These are **technical support** for regulatory, legislative frameworks that govern labour migration, **improving the capacity** of service providers and agencies across the spectrum building their skills and knowledge and analysis including gender-class understanding, developing **research -information- resource base** to re-strategise and **streamline operational grievance handling** systems to address migrant workers' complaints, a **more structured re-integration** interventions to address systemic constraints for migrant workers to access appropriate resources and their empowerment and upscaling **advocacy efforts** with participation of union-union migrant workers, civil society organisations' solidarity alliances across national and the regions. For this, the Project has to be supported for more than two years, if the same programme momentum is to be sustained while taking stock of the implementation and monitoring hurdles.

Many priorities have been identified during the evaluation and some concerns raised on shifting of focus. The GOSL's priority to promote migrants workers to boost foreign exchange earnings as the shortest possible way for the country to reduce poverty, and upgrade status the country to the 'high end' of middle income economy, has to be balanced against the right to protection of migrant workers. The foremost principle of worker's rights- protection during the entire process of migration and the support structure which the Project commits and respects should drive programming interventions in the future.

State interventions to regulate the market economy, should lead to institutionalising rights to ensure social protection and welfare of migrant workers. In this context related issues of accessibility, enforceability and accountability which the desk reviews and the evaluation findings have affirmed cannot be evaded or ignored to achieve long term goals of security, dignity and worker rights and human rights.

Finally the ILO Project on “Promoting decent work through good governance, protection and empowerment of migrant workers: *Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy*” has made a credible contribution in the efforts to taking the Labour Migration Policy forward. Collaborative, joint planning and monitoring together with other stakeholders in institutionalizing efficient, effective services to reach the vulnerable migrant workers will go a long way to build national ownership.

Summary of Recommendations

The evaluation report has mentioned a series of recommendations as it relates to the specific section or sub sections, to draw attention on issues to be considered for Project implementation and for future interventions. However these could be prioritized in consultation with the ILO, SDC and implementing partners depending on specific and contextual needs.

Recommendations to the MFEPW, SLBFE and ILO

1.Recommendation - While awareness raising and increasing public visibility were integrated in the Project activities in the original proposal and work plan, these had to be deferred due to new priorities on the proposed new Migration Authority Act and its delay in adoption. It is recommended that these activities continue as such efforts are a critical to link public awareness to educate government officers, migrant workers and their families. Parallel to this, setting a plan for monitoring mechanisms to track the process and its efficacy is equally important. [Short term]

2.Recommendation - Training and capacity building of conciliation officers could also focused on social- gender analysis, problem handling so that they could approach complaints in an effective manner. Tamil Conciliation Officers should be recruited to handle complaints from Tamil speaking people. [Short term]

3 Recommendation - The range of reports, reviews and research publications, documentation, training modules and materials, that have been produced during the course of the Project to strengthen, improve policy and regulatory frameworks related to migrant workers issues and support the information base is impressive. Gender analysis, worker rights and focus on vulnerable communities could be further developed through enrichment- qualitative case studies.[Long term]

4. Recommendation - The crucial factors and the main challenges are empowerment, access, and enforcement. Pilot testing of operational-grievance handling mechanisms should be conducted, with process monitoring of the value chain of migration to ensure the rights, protection and dignity of migrant workers at the micro, meso and macro levels. The desk reviews and the evaluation confirm this critical need of an Autonomous Body whether in the form of a ‘Counseling unit’ or an office of ‘Ombudsman’ which can be used as a stepping stone to document and study access to quality services. [Short term/Long term]

5.Recommendation – Availability of awareness raising booklets in both languages and especially the need for material in Tamil which addresses the needs of Tamil speaking workers has to be addressed urgently. To develop conciliation officers’ skills, it is crucial to promote exchange of experiences, skills

and knowledge of staff in different locations to open channels for feedback, documentation, learning and to build sound practices and procedures. [Short term/Long term]

6. Recommendation - The Reintegration project must seek to empower women and build understanding of their social and economic position and condition. Migrant workers has to be approached in a holistic and inclusive way so that the migrant workers can be part of the planning process, It should be understood that financial support and entrepreneurship is only one entry and it will not automatically empower women . [Short term]

7.Recommendation- It is important that all training and capacity building programmes for duty bearers could be enhanced with gender-class analytical skills so that they have a clear gender-class orientation and strategy to address specific needs and vulnerabilities of women migrant workers throughout the chain of migration and understanding of empowerment. Gender qualitative indicators could be included in the process monitoring, in the Project design and the project cycle management. [Short term]

Recommendations to the ILO and SDC

8. Recommendation - Monitoring has to be not only confined to collecting information but should include analysis of information to feed into improved implementation, performance and obtaining of results. The two way information process to the migrant workers from the agency/institution and vice versa has to be built in and part of the planning and designing. The lapse of process monitoring² has to be addressed by the Project in the next phase. [Short term]

9.Recommendation - The Project scope and the nature of activities were wide and encompassing. The Log frame was cautiously planned to highlight broad indicators. It would be better if future project programme designs incorporate specific qualitative process indicators [including gender issues] in order to maximize the project effects within the time frame. [Short term]

10. Recommendation - It is strongly proposed that the ILO sustain the technical support beyond the current Project phase to address the immediate priorities, policy level issues and systemic - structural challenges that have been identified, and effective regulatory- monitoring mechanisms are established within a realistic time frame. [Short term]

Recommendations to Implementing partners and ILO

11.Recommendation - Communication within PAC should be strengthened especially inter agency, as information flows on decisions made outside the PAC affects the Project related policy directions and

² Process monitoring means continuous monitoring of the process, it has to be differentiated between effect monitoring [short term] and impact monitoring [long term]. Process monitoring is a continuous two way process for eg, what issues have been identified, why, how to follow up, with what methods, collecting relevant information, whose tasks, when to collect data- timing, use of data, analysis and follow up actions and corrective actions.. The non availability of complaint forms in Tamil during our visit was something to ponder about!.

identifying priorities. There should be increased strong representation of CSOs and Unions for more effective contribution through genuine equal partnership. Also within the PAC, there needs to be an upscaling of their role for close Project monitoring, better communication and involvement on policy advice, directions and support effective advocacy. [Short term]

12.Recommendation - It is suggested that an Inter-Ministerial Coordinating Committee could be set up to address communication gaps, build effective relationships, ensure better information flows, and ensure open consultation and collective policy reflection. [Short term/Long term]

13.Recommendation - To upscale the current institutionalising efforts with more focus on strengthening processes that are being currently established; by ensuring accountability and enforcement; and the ILO, MFEPW, SLFBE, ALFEA and partners extending their influence to effective programme delivery and advocacy at all levels. Local, district and provincial levels of activities should be undertaken in this regard, these should be measured and documented to allow prioritization of interventions and enhanced delivery services to the migrant workers. [Short term/Long term]

1. BRIEF BACKGROUND TO THE PROJECT AND ITS LOGIC

1.1 BACKGROUND AND CONTEXT

Since the 1970's when economic liberalisation policies were adopted by successive governments, the state has recognised the contribution of migrant labour to generate valuable foreign exchange. Labour migration is a politically complex phenomenon as it is intertwined with globalisation - open market policies, global capital and the international division of labour. Many actors are involved with competing interests to gain the competitive edge where there are winners and losers.

In the year 2012, Central bank of Sri Lanka statistics pointed out that migrant workers' remittances exceeded USD 6 billion. It has been estimated that around 1.8 million migrant workers in the country were contributing more than 8% to the GDP. This underscores the significant role of migrant workers in the social and economic development of the country. In the late 1990s, the majority of these were female migrant workers comprising almost 75% but by 2008 the percentage had dropped to 50%. Labour migration opens employment opportunities and social benefits in terms of improving living standards of the migrant workers and families. However, it also opens attendant problems connected to the process of migration such as exploitation, abuse and rights violations throughout the labour chain from pre-recruitment, pre-departure, job placements in the host country, while in employment until return and re-integration in the home country.

Sri Lanka Bureau of Foreign Employment [SLBFE] set up in 1985 is the primary government agency that regulates migrant workers' employment and manages the migration process. SLBFE which was earlier under the Ministry of Labour Relations and Productivity Promotion [prior to 2007] is now under the authority of the Ministry of Foreign Employment Promotion and Welfare [MFEPW] which was created to recognise the valuable contributions made by migrant workers to the economy and to ensure and effect necessary changes to manage their migration.

The MFEPW's Cabinet memorandum on the Policy Framework and Action Programme of 2007 clearly outlines that, *"emerging market conditions have necessitated new initiatives and (the need for) converting the entire labour market migration sector into a demand driven process to meet the competitive challenges of the market by introducing new mechanisms to meet challenges realising the importance of the contribution to the national economy."*³

Feminisation of labour, which is not something new, began with the open market economy that swept across the globe, and has impacted Sri Lanka as well. Recent studies have pointed out that, *"overall, in 2008, 93% of women migrated as unskilled workers or housemaids, which indicates a continuing problem for Sri Lanka, given difficulties associated with such work."*⁴ Sri Lankan women migrant labour force, characteristically termed as 'housemaids', 'low paid', 'unskilled labour', work in precarious, vulnerable employment environments. Predominantly, they fall within the age group

³ National Labour Migration Policy for Sri Lanka, Ministry of Foreign Employment Promotion and Welfare, 2008.

⁴ Ranaraja S, Road Map on the Development of a National Labour Migration Policy in Sri Lanka, Review of National Legislation and Regulations on Migration for Foreign Employment and their Implementation, ILO Colombo, April 2010

of 26-45 years.⁵ Inevitably the questions this raises are; “Do these women workers working in such vulnerable environments have the same opportunities for skills development? Are occupational health issues addressed and more importantly whether these lead to further exploitation of women’s labour?” What is relevant here is who is to be accountable for the deplorable situation of the majority of migrant workers who are drawn from marginalised, vulnerable and deprived communities given their social class? Is it the state and duty bearers, the SLBFE, the licensed agents, the sub agents, the regulatory systems, the legal-protection framework, worker unions and/or the gaps of institutional capacities to address their just grievances in the home country and the host country?

The National Labour Migration Policy for Sri Lanka [2008], formulated with technical assistance from ILO through an extensive consultation process with relevant stakeholders, embodies the government’s commitment to adhere to, *‘principles of good governance and rights and responsibilities enshrined in international instruments to advance opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, dignity, security and equity.’* The ILO was approached by the MFEPW to support the implementation of the Sri Lanka Labour Migration Policy based on a two years project [15th December 2010 -14th December 2012]. The ILO sought support from Swiss Development Co-operation [SDC] to provide financial resources to take the vision forward in the action plan of a project titled, *“Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy”* [LMP].

SDC has been supporting global migration programmes since 2010 including governance of labour migration and more, under the country’s Swiss Medium Term Programme. The project fits well into the Swiss co-operation strategy for Sri Lanka. Against this backdrop, The ILO and SDC partnered this project with the key aim of improving and protecting migrant workers’ rights, addressing the gaps in redressal mechanisms, strengthening the policy-legal-institutional frameworks and identifying effective processes for regulation and accountability. The three interlinked strategic areas identified were; strengthening policy, legal and institutional processes; improving the training of prospective migrant workers and improving efficiency and effectiveness of regulatory, protection and grievance handling mechanisms by strengthening institutional capacity.

The key project outcomes were, *Strengthening policy, legal and institutional processes: Improving the training of prospective migrant workers: Improving efficiency and effectiveness of regulatory, protection and grievance handling mechanisms by strengthening institutional capacity.”*⁶

Implementation of the project was to be participatory with the inclusion of all stakeholders working at policy level with government mechanisms. This was based 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’**. Therefore, the importance of migration, and protection of migrant workers in an overall programme of decent work and development was emphasized and reaffirmed.

⁵ Male workers also migrate for unskilled low paid, work.

⁶ Annex 1 TOR for the evaluation of the LM project

Working with the tripartite constituency informs the project's underlying principle. These were government institutions, MFEPW, SLBFE, Ministry of Labour and Labour Relations, Ministry of External Affairs, Employers' Federation of Ceylon (EFC), Association of Licensed Foreign Employment Agents (ALFEA), trade unions and civil society networks. The project was planned to be implemented and guided under the Tripartite Advisory Committee (TAC) which has now been named and restructured (for this project purpose) as the 'Project Advisory Committee' (PAC) that meets every three months.

1.2 PROJECT LOGIC AND IMPLEMENTATION STRATEGY

During the project period of two years [2010-2012], the ILO has been working on three strategic areas that are interlinked drawing upon the commitments in the National Policy. i.e "strengthening governance mechanisms, enhancing protection and welfare and facilitating development in the migration process." Hence the project title, *"Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy"*.

As spelt out in the project document, the overall development objective was to *"... promote an enabling policy and institutional environment that allows migrant workers to secure decent jobs in conditions of freedom, equity, security and human"*.

The project's key objectives have been outlined as;

- 1. To strengthen policy, legal and institutional frameworks of the migration process, and protection and empowerment of migrant workers and their families.**
- 2. To review and enhance the processes for improved governance and protection and empowerment of migrant workers and their families.**
- 3. To improve efficiency and effectiveness of protection and grievance mechanisms and procedures through institutional strengthening.**

These objectives were to be achieved through a range of project activities addressing the three strategic outputs/components as follows:

1. Revision of major legislation is submitted to Attorney General's Department for acceptance.

The activities envisaged in this component were, legislative review and reform for better governance, strengthened legal and monitoring frameworks to protect and ensure the welfare of the children of migrant workers. The underlying understanding was that strengthened legal framework will lead to empowerment of migrant workers and their families through effective regulation and support services.

2. Recommendations for key guidelines and frameworks for duty bearers are submitted to the Advisory Committee for adoption.

In this component intended activities were, improved regulation of recruitment agencies to combat unethical recruitment and to promote accountability in recruitment agencies towards migrant workers; increased capacity in Sri Lankan Foreign Missions to address migrant workers' grievances in labour receiving countries; enhanced pre-departure training programmes for migrants to be employed as domestic workers to ensure better quality of employment and increased capacity for documentation and research; a pilot initiative on reintegration of returnee migrants was added in mid 2012. These activities were proposed to address regulation of the labour migration process, the protection mechanisms/processes, preparing migrants for jobs abroad, their return and reintegration.

3. Revised complaints and grievance handling mechanism to address and redress migrant worker's issues is operational.

Activities covered in this component were improved efficiency and effectiveness of the protection and grievance handling mechanism, and procedures through institutional strengthening. Through assessing and identifying the gaps in the grievance handling system, i.e., lack of coordination between different government agencies, delays in providing timely redress, lack of access to and appropriate information, it was envisaged that a comprehensive effective grievance handling mechanism will be developed via bringing all parties in the process. The Sri Lanka diplomatic missions would also be involved in this process. The conciliation division of the SLBFE is to be strengthened through skills training to take up this task. The tripartite advisory committee has to ensure implementation of the recommendations of the reviews.

1.3 PROJECT RELEVANCE

The LM Project fits with the international and national priorities identified through the relevant Conventions, Policies and Instruments.

Government Of Sri Lanka's [GOSL] Ten Year Development Framework [TYDF 2006-2016] and the National Policy for Decent Work [DWCP 2006-2016] are premised on promoting 'decent', 'just' and 'secure' employment for all citizens as envisioned,

" A future of peace and prosperity in which all Sri Lankans enjoy a better quality of life free from poverty and deprivation, through the promotion of opportunities for women and men to obtain productive work in conditions of freedom, equity, security and human dignity,"

Moreover, the GOSL has reiterated that 'protecting human rights' is a core strategy in the National Plan of Action on Human Rights, which resonates with the National Labour Migration Policy, developed in 2008. The government's intention to utilise foreign exchange resources towards mobilising financial, human and social capital towards the bigger goal of sustainable livelihoods for migrant workers and their families also reaffirms, that ensuring a 'decent' working environment for migrant workers is paramount.

As per the Sri Lanka DWCP [2008-2012] outcome 2 and United Nations Development Assistance Framework [UNDAF 2008-2012] outcomes 1 and 4, the ILO's commitment has been spelt out as "Enhanced labour administration and promotion of equitable employment practices," [DWCP]. UNDAF outcome 1 is, "Economic growth and social services are pro-poor, equitable, inclusive and sustainable in fulfilment of the MDGs and MDG plus and focus in particular on the rural areas," and outcome 4 is, "Women are further empowered to contribute and benefit equitably and equally in political, economic and social life." Thus both the GOSL and ILO country plans underline equity, pro-poor policies and promote productive work for women and men.

In addition, the implementation of the project is to be participatory and inclusive of all stakeholders [social and national partners] in the consultative process to ensure **collective ownership**. These inclusive principles have been reiterated in the ILO's Multilateral Framework on Labour Migration [2006], the United Nations Convention on the Protection of the Rights of Migrant Workers and Members of Their Families [1990], and the Convention on the Elimination of All Forms of Discrimination (CEDAW) to guide implementation of labour migration policies.

In this development frame, the LM Project reflected the identified national priorities, focusing and addressing the challenges in managing the migration processes at the levels of **policy, regulation, capacity building and accountability**.

1.4 ADMINISTRATIVE ARRANGEMENTS

The ILO Colombo is the lead agency supporting GOSL through the MFEPW and its key implementing arm, the SLBFE. The Director of ILO Colombo has the overall responsibility for the Project, supported by the project team [Senior Programme Officer, National Project Coordinator and Admin and Finance Assistant]

However it is important to note that in the 1st year of the Project, ILOs project implementation team consisted of a part time technical advisor, a programme assistant located at a project office set up in the premises of the Ministry of Foreign Employment Promotion and Welfare supported by a programme officer attached to the country office in Colombo.

When the project was originally designed the mandate was under the former administration of the Ministry of Foreign Employment Promotion and Welfare, where a strong Steering Committee was already in place for the implementation of the NLMP under the chairmanship of the Secretary of the Ministry. Hence the need for a full time NPC was not envisaged at the time, as the responsibility for the implementation was vested with the Ministry with technical assistance from ILO and was considered as a continuation of the policy formulation process.

However, with the changing of the mandates of foreign employment portfolio to the MEA and then to the newly formed MFEPW the previously planned management arrangement was not possible. Moreover project implementation had to adjust to the structural and administrative changes and there was a period of adjustment and confidence building. Thus a full time National Project Coordinator (NPC) was appointed in April 2012 to manage the project supported by the part time technical advisor who continued on from the beginning of the project

The Project also falls within the regional structure of the ILO Regional Office for Asia-Pacific (ILO-ROAP), and draws on technical support through its several units/departments and internationally from the ILO headquarters in Geneva, and DWT – New Delhi, India.

Since the adoption of the NLMP and efforts to take this policy forward, there have been several external bottlenecks – both administrative and political. Delays occurred when the responsibility for implementing the policy was shifted from the MEA, that was originally given the mandate of labour migration in April 2010. In November 2010 the subject of labour migration was taken over by the newly established MFEPW and re-established under a new Minister and new Secretary. Subsequent to several meetings with the new Minister and Secretary of MFEPW in March 2011, a project office of the ILO was opened at the Ministry and the ILO Programme Assistant was appointed under the supervision of the ILO Programme Officer and the Technical Advisor. The Programme Assistant left in February 2012. The ILO consultant continued to give support to the project even after the appointment of a National Project Coordinator in April 2012.

At the outset, it was planned that the National Advisory Committee on Labour Migration (established in August 2009) would steer and guide the Project with support from ILO. As a result of the administrative changes, Cabinet reshuffles, and the appointment of a new Minister, the scope and mandate of the NAC was expanded with additional members. Due to external administrative-operational constraints, the ILO proposed to set up a Project Advisory Committee (PAC) comprising representatives of the ILO's tripartite constituents with a clear mandate;

“In addition to the engagement with the MFEPW, the SLBFE and the National Advisory Committee, and in view of closer and practical engagement with all stakeholders in the process of migration in Sri Lanka, the ILO sees it prudent to seek guidance of a Project Advisory Committee which will look into, advise and guide the specific implementation of the ILO project”.

The PAC meetings were to be convened by the ILO and chaired by the Secretary, MFEPW . Meetings were to be held every quarter. SDC, the donor was to be invited to PAC meetings.

The ILOs tripartite constituency are namely, the MFEPW, SLBFE, Ministry of Labour Relations and Productivity Promotion, Employers’ Federation of Ceylon {EFC} and Association of Licensed Foreign Employment Agents (ALFEA) and trade unions. Selected Civil society organisations and migrant associations are also to be invited to be part of the PAC due to their close involvement on women migrants’ rights issues and empowerment.

2. PURPOSE, SCOPE AND CLIENTS OF EVALUATION

The end of project evaluation was undertaken in late January - early February 2013 based on the priorities within the Terms of Reference of the end of Project evaluation of the LM Project (Annex 1) and on the evaluation criteria and questions. This end of project evaluation complies with the ILO policy guidelines for results-based evaluation (2012). The independent evaluator Ms. Faizun Zackariya who has extensive experience in the development field as well as issues relating to migration and gender was directly selected to undertake the evaluation by ILO Colombo. The evaluation was conducted in coordination with ILO Colombo, the Project Team and Senior Programme Officer overseen by an Evaluation Manager based in the ILO Regional Office in Bangkok. All activities and meetings were undertaken over a period of five weeks from 30th January to March 10th 2013.

The purpose of the End of Project Evaluation was to, “assess progress made towards the achievement of the project’s 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 the project and the likelihood of achieving impact. The evaluation findings will strengthen the ILO’s institutional support and would also provide valuable inputs to strengthening the ILOs management capacity, and would reflect the changes which occurred in the operational and administrative environment since mid December 2010.

The specific objectives of the evaluation were to:

- Assess the achievement of project’s objectives;
- Review the original project design and document the changes in project management and within Government administration and its impact on the implementation of the project activities;
- Review the project implementation modalities towards long-term and short-term goals as stated in the original project document; and
- Identify constraints, failures, achievements and best practices and make recommendations to modify strategies to be reflected in the design of subsequent phases of the LM projectⁱ.

The client of the evaluation is the ILO Project team and the Technical and Administrative backstopping units. The project evaluation will also be shared with SDC feeding into their results based monitoring, the MFEPW and the PAC so as to reflect and review on project activities and approach.

3. METHODOLOGY

The evaluation methodology was prepared based on the End of term Evaluation TOR and discussed with the ILO Colombo key officers in order to comply with ILO guidelines and criteria for drafting recommendations.

The key activities covered in the evaluation were:

- Consultation with the Director of ILO in Colombo.
- Overview and briefing by Senior Programme Officer, Evaluation Manager, Part time Technical Advisor, Evaluation/Migration Focal Point and National Project Coordinator.
- Meeting with the Director of Cooperation, SDC and the Programme Manager, SDC.
- Desk review of project related documents - this includes studying project documentation, proposal, work plans, progress reports, publications produced by ILO, research-review reports by consultants, NAC/PAC meetings and minutes, key documents of GOSL and ILO.
- Consultation and follow-up meetings with specific persons of the Project team at ILO.
- Consultation with Technical Advisor/Consultant and External Consultant.
- Consultation with project partners - meetings and interviews with government, social partners, unions, and identified PAC members.
- Field visit to Kurunegala – meeting with SLFBE officers, meeting with local CBOs [2] and focus group discussions with beneficiaries in Polpithigama (16) and Kurunegala (7).
- Interviews and independent meetings with a women's organisation working on migrant workers, and migrant women [4] who had returned recently.
- Information and feedback from Senior Migration Specialist, ROAP, Bangkok. [via email]
- Attending the Stakeholders Workshop on "Reintegration with Home community: Perspectives of Returnee Migrant Workers in Sri Lanka – 31st Jan, 2013.
- Presentation and discussion of evaluation key findings with project staff at the ILO to validate findings and information gathered.
- Preparation of the End of Project Evaluation report, incorporating feedback.

The evaluator obtained the support of a co- consultant, Ms. Menaha Kandasamy, to participate in the process of evaluation as she has wide experience of handling labour issues and women workers' issues. The meetings and consultations were semi-structured and open to get as much information as possible from the persons interviewed, using the following guidelines as a baseline;

- The motivation to be involved in the project and nature of the partnership.
- Relevance of the objectives and activities to the project.
- The strengths and gaps identified in the course of the project, at different levels.
- Extent to which the activities support institution building.
- The ILO's competence to manage the project and technical expertise.
- Understanding of gender, ownership, rights of the marginalised and how these are addressed/ integrated in the project.
- Communication strategy with stakeholders and project visibility.
- Sustainability and key achievements.
- Any lessons and suggestions.

A list of individuals and organisations interviewed during the End of Project Evaluation [Annex 2].

3.1 LIMITATIONS OF THE EVALUATION

As stated earlier, the purpose of the evaluation was to ‘assess progress made towards the achievement of the project’s 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’.

Initially the time limit to complete all the planned tasks and submit the final evaluation report was only 15 days [21 January - 25th February 2013]. Subsequently the date was extended to 12th March 2013.

Given the scope and focus of the evaluation, meeting government officials and fitting with their own schedules was rather difficult. We had planned to have i) specific focus group discussions at Ministry level, at SLFBE level, with PAC members, Unions, ALFEA and CSO/NGOs and ii) separate individual interviews. It was not possible to arrange all these discussions as planned but we could meet most of them, as a small group [2 persons] or as individuals. We could not meet one or two of the selected persons to be interviewed as they could not avail themselves due to pressure of official work during that time.

The evaluator did not observe any of the trainings nor did she have the opportunity to study the training modules and their content as she did not have access to these modules. However, the evaluator could study the training strategy for conciliators, its focus and direction and an outline content of Pre-Departure Training and Information Material for Prospective low skilled migrant workers⁷

The evaluation ToR did not cover the project budget. Therefore, the evaluator could not comment on the use of financial resources and its efficiency.

It would be better if the evaluator could have spent more time in the field and meeting project related officers handling specific units in the Ministry and SLFBE rather than be limited to the given time work plan in the TOR. It was understood that the project term end evaluation was a rapid assessment of the project.

However, the evaluator considers the evaluation process gave good insights for herself and the co-consultant to identify the areas of significant strengths and potential areas which could be further developed.

⁷ At the meeting with the SLBFE officials, the evaluators were informed that the training modules were in the process of being pilot tested and they cannot be shared.

4. REVIEW OF IMPLEMENTATION

This section provides a summary of the status of the Project implementation during the period 15th December 2010 to 14th December 2012 [with a no-cost extension up to 14th March 2013].

This review is mainly an assessment of the extent to which the Project implementation is in line with the proposed activities, the work-plan and project reporting.

It is important to highlight that there were many changes in the political-operating-administrative environment which affected the Project implementation and its activities. This contextual background lays the setting to the status of the Project implementation and its start up delays.

4.1 OPERATING-ADMINISTRATIVE FACTORS

4.1.1.CHANGES IN ADMINISTRATIVE ARRANGEMENTS

As mentioned previously, the line Ministries with responsibility to implement the labour migration policy changed twice with shift of portfolios and Ministers in charge. In February 2010, while it was the MFEPW that made a request to the ILO for technical assistance in developing a project proposal for implementation of the Policy, by the time the proposal was developed and submitted to the donor in July, the mandate of labour migration was transferred to the MEA. The ILO then had to re-establish and revive relations with the new Ministry and orient the officials on the background of the LM Project. In July 2010, the ILO submitted the proposal to SDC and MEA, but the MEA could not respond immediately. Within one month of the proposal being accepted by SDC in October 2010, there was another change of Ministry with a new MFEPW (in November 2010) established in charge of labour migration. The ILO moved to re-established rapport with the new MFEPW and the Secretary to the Ministry, who were keen to take the Project forward. The Project was approved by SDC and the agreement was signed in December 2010.

In perspective, during the years 2008-2009, the ILO continued to be the key facilitator in supporting the development of the National Policy through the MFEPW, and establishing the Tripartite Advisory Committee on Labour Migration. This consultative process was acknowledged by all stakeholders. The Ministry was dedicated to its task and problems and steps to resolve them were brought up for discussion. There were policy level reviews suggested at these meetings that helped the ILO to take up relevant legal reviews. As mandated by the National Policy for smooth functioning of the action plans and policy directives to be operationalised, an inter-Ministerial Coordinating Committee was set up which would represent their own Ministries, as the Focal points to ensure coordination amongst Ministries/ Agencies/ Departments/ Institutions/ Units and other governments and non-governmental stakeholders, such as trade unions and CSOs.

4.1.2 DELAYS IN PROJECT START UP

There was a delay in starting up the project. Despite the delays at the inception of the Project, its finalisation and formal commencement were due to the good cooperation between the ILO and GOSL. Although these delays did initially constitute a setback for the Project, the ILO was able to steer and facilitate the ground work to begin the Project by opening a Project office of the ILO at the

MFEPW and recruit project staff. A detailed work plan was prepared for efficient implementation and management.

As the ILO pointed out in the first half year reports, there were some bottlenecks in these administrative arrangements which affected the Project progress and the planned activities. Firstly, extra time was required for building working relationships with the new MFEPW as the Project was developed by the previous administration of the Ministry. Though the National Advisory Committee and its constituents of the former Ministry did not change nor did the priorities identified, the ***process of taking ownership*** was slow. This slowed down the pace with which undertakings in the National Policy were initially taken forward. Secondly, and more importantly, there was a delay in constituting, appointing and convening meetings of the NAC. The ILO could manage these delays by undertaking internal planning; commence reviews planned in the earlier phase, identifying partners and giving technical support to partners.

In the latter part of the first year of the Project, the appointment of the NAC with 28 members⁸ by MFEPW was an important step. *“The role of the Advisory Committee will be to review the labour migration process, explore issues and challenges, follow the changes in the labour market and advise on all aspects of the process. The MFEPW will prepare Terms of Reference setting out the mandate, roles and responsibilities of the Advisory Committee on Labour Migration”*⁹. The ILO provided secretariat support to the NAC. There were two NAC meetings held in 2011 where the discussions centred on the proposed legislative reforms of the SLFBE Act and the new proposed Migration Authority Act, and identifying ten priority areas of work for the following years. The priority areas identified were ‘Linking Migration to Development, Strengthen Institutional and Regulatory Framework at destination countries, Strengthen Institutional and Regulatory Framework in Sri Lanka (Governance) Research for New Markets and Penetrating into New Markets, Training and Skills Development, Protection and Empowerment of Migrant Workers and their Families, Re-integration of Migrant Workers, Welfare of Migrant Workers and their Families, Re-engineering the Business Process of Agents and Sub-Agents and as suggested by Secretary the inclusion of ‘developing an e-migration system’.¹⁰

While the NAC settled into its own functioning mode, the ILO sought to establish the Project Advisory Committee [PAC] under the leadership of the MFEPW to provide focused guidance and advice on the Project implementation¹¹.

Though some of the planned activities were delayed, this did not significantly affect the scope of the activities undertaken by the Project and its overall impact. However, the fact remained that the overload of activities in the next period was to be expected.

⁸ See TOR of the NAC.

⁹ First meeting of the NAC in August 2011.

¹⁰ Minutes of NAC meetings held on 10th August 2011 and 09th September 2011.

¹¹ Annex 2, TOR of PAC and its composition.

4.1.3 PROJECT ADVISORY COMMITTEE

In the second year, 2012, PAC meetings convened by the ILO were held in January, April, July and in October. At the outset the Project purpose and activities were outlined, progress updated, and changes in work plan was discussed and agreed upon. While the final decisions rested on the Secretary, MFEPW, the open discussions and concrete suggestions were useful to focus on effective implementation and build cordial relationships with all the stakeholders.

While the Project attempted to make a strong impact on policy development and strengthening internal mechanisms, working directly with the key Ministries and the lead agency SLFBE and its tripartite constituents, developing common analysis and a shared vision still posed a challenge. The ILO has to be commended for its strategic diplomacy in the face of changing working relationships and intra-governmental coordination that may have impacted on progress of the Project.

In summary, the administrative-operational delays and start up bottlenecks did not affect the Project work plan and its implementation as the initial work had already been started by the ILO since the NLMP was approved and an action plan was mapped. However, the quantum of work to be taken on board would have in turn affected the team who had to finally ensure and deliver quality outputs.

4.2 STATUS OF PROJECT IMPLEMENTATION

The Project had a wide scope, focusing on key strategic areas and planning activities supporting the commitments of the National Policy. The evaluation attempts to summarise the activities undertaken during the Project period as these have been verified through studying the Pro Doc, Log frame, progress reports, reviews and minutes of the PAC and some concept notes of the new activities. In this section, the evaluator highlights the key strategic programming and whether the activities implemented were consistent with the outputs and outcomes in order to gauge the scope and nature of the interventions and its inter-links.

The key strategic objectives in perspective:

*“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**. The three areas are as follows:*

- 1. Strengthening policy, legal and institutional processes*
- 2. Improving the training of prospective migrant workers*
- 3. Improving efficiency and effectiveness of regulatory, protection and grievance handling mechanisms by strengthening institutional capacity”¹².*

¹² ILO Proposal to Swiss Development Corporation, Sept 2010.

4.2.1 OUTPUT 1: REVISION OF MAJOR LEGISLATION IS SUBMITTED TO ATTORNEY GENERAL'S DEPARTMENT FOR ACCEPTANCE

The project has clearly made headway focusing on strengthening policy, legal and institutional frameworks for better governance, working with the MFEPW, reviewing the SLBFE Act that is the main legislation governing the migration process and working with the SLBFE which is the central institution managing labour migration. The project has also established links with other constituents, local and foreign consultants and institutions to support capacity building initiatives. In the light of the proposed new Migration Act to replace the SLBFE Act, the ILO provided technical expertise [from Geneva and the Regional office] to review and advise the MFEPW to make sure that the new Act conforms to international standards and good practices.

Some of the important efforts include:

1.1 Legislative review and reform for better governance –

- Appointing a subcommittee to look into improvements, ***amendments and repeal of the SLBFE Act***, and facilitating meetings. This review was completed, but at the moment this activity is on hold as MFEPW proposes to enact a new **Sri Lanka Employment Migration Act [SLEMA]**. The new Act will govern legislation relating to both inbound and outbound migrant workers. A Drafting Committee appointed by the Ministry *[with ILO technical inputs and secretarial support]* took the lead in formulating the new legislation. PAC has not been part of these consultations nor was informed of the substantive aspects of the new legislation.
- ***Stakeholders' Awareness on legislative amendments for Government officers, migrant workers and their families*** is pending until draft of the new Act is finalized.
- ***Support relevant Ministries/Institutions to set up monitoring mechanisms*** to track efficient and effective implementation of the legislative amendments including all stakeholders *[on hold until legislation is finalized]*
- ***Review of impediments and opportunities to Sri Lanka ratifying ILO Conventions 97 and 143. C97 focuses on*** creating a platform to enable reducing/waiving registration fees. These are key instruments for the protection of migrant workers, their employment process [entry to return], and more importantly the principles of equal treatment with national workers re; working conditions, trade union membership, collective bargaining, accommodation, social security, legal proceedings etc. While C 143 imposes an obligation on states to respect the basic human rights of all migrant workers it also attempts to prevent irregular migration. A consultant was commissioned to undertake a review and analyse the feasibility of ratification of the 2 Conventions. The report was completed and handed over to the MFEPW and reported at the PAC and is awaiting a response. The stakeholder consultation to discuss C97 and C143 to get support prior to finalising the report and subsequent ratification has still to be organized as the Ministry appears to lack the political will to recommend ratification of these two Conventions.

- ***Promoting the ratification of the Domestic Workers Convention [189].*** This was a **new activity** post the 100th Annual Conference of the ILO, where Sri Lanka and the trade unions voted in favor of the Convention aiming at improving the living conditions of domestic workers including migrant workers. Sri Lanka needs to ratify the Convention, promote local domestic workers rights and their bargaining position. The ILO Gender Specialist from the Decent Work Country team {Delhi} gave a presentation¹³ to raise awareness *and understanding on the need for Sri Lanka to ratify and ensure the country laws are consistent with ILO Convention. Work is still ongoing within ILO with a Concept Note being prepared for research on the situation of Domestic Workers to be conducted under the ILO Gender Thematic work.*
- ***Seminar on global and regional trends in migration.*** This was an **additional** activity as per the request of the MFEPW for the ILO to **support capacity building** of MFEPW and SLFBE staff. This forum was facilitated by an ILO Senior Migration Specialist with the object of increasing their knowledge of issues related to the migration process. Some local experts also made presentations on specific subjects related to managing data and research, and proposed changes on the SLFBE Act to ensure protection and welfare of children of migrant workers.

1.2 Welfare of Children of Migrant Workers

- ***Facilitate, coordinate and adopt legislation on children of migrant workers.***
- ***Support relevant Ministries/Institutions to set up monitoring mechanisms.***
- ***Support conducting awareness raising programmes on the provisions to educate government officers and migrant workers and their families.*** *This whole segment for the time being was kept on hold in the context of the proposed SLEMA already having a clause for the protection of children of migrant workers and its adoption. The ILO hopes to continue facilitating and provide technical inputs to ensure migrant workers' rights and the welfare of their children.*

Comment - In this component, there are some activities / initiatives that are being handled by ILO and MFEPW (see Annex 3) independently. The whole segment on Welfare of Migrant workers and children, involving monitoring and awareness is still relevant once the legislation is operative but should be approached in a needs- specific way.

Recommendation - *While awareness raising and increasing public visibility were integrated in the Project activities in the original proposal and work plan, these had to be deferred due to new priorities on the proposed new Migration Authority Act and its delay in adoption. It is recommended that these efforts are critical to link public awareness to educate government officers, migrant workers and their families. Parallel to this, setting a plan for monitoring mechanisms to track the process and its efficacy is equally important. [Short term]*

¹³ Reiko Sushima, ILO gender Specialist. As reported in progress report, June – Nov 2011.

4.2.2 OUTPUT 2 : RECOMMENDATIONS FOR KEY GUIDELINES AND FRAMEWORKS FOR DUTY BEARERS ARE SUBMITTED TO THE ADVISORY COMMITTEE FOR ADOPTION

The focus of these activities of the Project was to assess, improve governance of the migration process at all stages, strengthen protection mechanisms and empower migrant workers. In this area the Project undertook key interventions; improving regulation of recruitment agencies to prevent unethical recruitments; building capacity of diplomatic missions in labour receiving countries to deal with migrant worker problems; upgrade the pre-departure training, developing tools such as operational manuals, capacity for documentation, policy oriented research especially on return and reintegration.

The considerable amount of work covered in this component is reflected in the products.¹⁴ Efforts to improve delivery of services to migrant workers, developing operational guidelines, framing a Code of Conduct for Recruitment agents, all focus on capacity building and institutionalising good practices that also relate to component 1.

2.1 Improved regulation of recruitment agencies, combat unethical recruitment and to promote accountability in recruitment agencies towards migrant workers.

- ***Review of Existing Recruitment Practices in Sri Lanka.*** One of the key aspects underlined in the Migration Policy was to review, and improve the existing recruitment practices and procedures and develop comprehensive recruitment guidelines and policy. The ILO commissioned a consultant to ‘*identify gaps and deficiencies in the recruitment and regulatory processes that lead to exploitative practices and identify best practices in other labour sending countries*’. This review encompasses the whole gamut of policies and procedures tracing the evolution of foreign labour recruitment policies since 1985, valuable data and its management, legalities and conflict of interests, agencies and sub agents, compliance with ILO standards, MOUs between Sri Lanka and labour receiving countries. The review also draws on experiences and best practices from other labour sending countries, especially the Philippines and an all-inclusive list of recommendations.

The review was presented at a stakeholder consultation with the aim of ‘developing a comprehensive recruitment policy setting standards for the regulation of the recruitment industry to promote ethical recruitment’. A sub-committee was appointed by the Secretary to prepare the ‘**Code of Ethical Guidelines**’ which has been completed. This publication has been **translated into Sinhala and Tamil** and sensitizing training has also been done. (i.e for SLBFE and ALFEA members.

- ***Desk review of regional best practices on recruitment.*** This desk review on “*Regional Best Practices on Recruitment*” by an ILO consultant, while highlighting current gaps in the recruitment process and options for Sri Lanka, it draws on experiences of regional mechanisms, frameworks and legislation that regulates the industry.

¹⁴ Annex 3. For the list of products, review reports, publications completed and ongoing.

- ***Facilitating, creating mechanism for coordination between SLFBE, line Ministry and ALFEA.*** Sensitizing meetings with ALFEA members is in progress.
- ***Support setting up of Monitoring mechanisms to promote accountability.*** This aspect has not been identified in the Log frame. Therefore this activity has to be *brought in as proper checks and balances are needed and a monitoring system acceptable to respective stakeholders, mainly SLFBE, ALFEA so as to minimize the role of irregular sub agents.*¹⁵

2.2 Increased capacity of Sri Lankan Missions to address Migrant worker grievances in labour receiving countries.

- ***Desk Review of operational guidelines of diplomatic missions and prepare operational guidelines for Labour Welfare sections to address migrant worker issues.*** Sri Lankan Embassies have a crucial role in addressing protection of migrant workers’ ; promote their welfare, recognising the right to protect their dignity and fundamental rights and freedoms. Ensuring the safety of migrant workers in the host countries during employment and return due to a host of reasons and repatriation are also the responsibility of the diplomatic mission. The ILO’s intervention was strategic regarding mapping and review of operational processes in Sri Lankan missions in host countries, support building capacity of government officials posted in missions to ensure effective service, and addressing workers’ grievances.

In this view, the ILO had commissioned two reviews to support and strengthen the current systems of migrant worker grievance handling in Sri Lanka and operational procedures in Sri Lankan Diplomatic Missions in labour receiving countries¹⁶. A national stakeholder consultation helped to discuss and obtain views on both review findings and recommendations, and follow up action.

Based on the review findings the ILO supported the organisation of a meeting with all Sri Lankan diplomatic missions in labour destination countries to develop a common understanding and *draft an operational framework for Diplomatic missions to address migrant worker issues and its enforcement (see below)*.

- ***Regional Consultative Meeting in Jordan to review and finalise the Operational guidelines.*** As mentioned in the report of the proceedings, the

¹⁵ The evaluator was later informed that this was being done subsequently

¹⁶ Strengthening Grievance and Complaint Handling Mechanisms to Address Migrant Worker Grievances in Sri Lanka: *A Review and Analysis of Mechanisms* carried out by Mr. L.K. Ruhunage and Dr. Sepali Kottegoda, 2013. Promoting decent work through good governance, protection and empowerment of Sri Lankan migrant workers : *A review of operational guidelines, procedures and process of Diplomatic Missions in labour receiving countries* carried out by Mrs. Padmini Ratnayake Coordinating Secretary to the Secretary of the Ministry of Labour and Labour Relations, July 2011. [Draft]

meeting was successful for many reasons; a) sharing the findings of the study and endorsement of the MFEPW, ML & LR and the MEA in finalising the overall content of a draft Operational Manual, b) the attendance of the main three Ministries [MFEPW, MEA and Ministry of Labour] Labour Counselors and Labour Welfare Officers of the Diplomatic Missions in one forum to highlight and discuss the issues to be addressed, c) the presence of ILO regional experts from HQ in Geneva, and regional offices in Beirut and Bangkok helped to update understanding and increase awareness of participants on trends in labour receiving GCC Countries, related international laws/standards to be adhered to, social security and to ensure protection of migrant workers' rights. Further, the suggestions from the consultation were sent to the three respective Ministries and to the SLFBE and incorporated into the 'Operational Manual' which has now been published. *SDC was of the opinion that the experiences of Nepal and Philippines and particularly the way in which labour rights are framed and implemented in these two countries could be shared with these delegates.*

- ***Monitoring mechanism for the new operational framework for diplomatic missions.*** This activity is in- progress at the time of the evaluation.
- Below are all new activities suggested by the MFEPW and recommendations post- the review of the Operational Guidelines consultation aimed at capacity building.

**** Sensitisation programmes for in- service Labour Welfare Officers to familiarize themselves with the Operational Manual and build capacity to address migrant worker protection issues.*** This is also an on-going activity.

**** Inception training for prospective labour welfare officers appointed to Diplomatic Missions.*** This training has been designed to be recognised as a professional course that is mandatory for officials expecting to be appointed by the SLFBE and Ministry of Labour and Labour Relations to Sri Lankan diplomatic missions. This training has been designed by resource experts and being conducted by the Bandaranaike International Diplomatic Training Institute [BIDTI]. It is planned to include practical sessions with visits to the SLBFE and meet with migrant worker associations etc). This is an on- going activity.

**** Diploma in Migration Studies for key Government Officers with BCIS.*** This is a complementary activity co-funded with the ILO Anti Trafficking project and conducted by the Bandaranaike Centre for International Studies' (BCIS) Diploma in Migration studies. Applications were entertained from key Ministries and Departments linked to migration. This has been completed.

1.3 Enhanced Pre-Departure Training Programmes for semi and low skilled category Migrant workers to ensure better quality of employment.

- ***Review of Pre-Departure Training Programmes and Recommendations to the GOSL and SLBFE to enhance pre-departure training curricula, training content and methods includes;***

- Desk review of existing pre-departure materials available including curricula for male migrant workers
- Support SLBFE to develop improved training content and methods
- Recommendations to SLBFE to implement new Training curriculum.

All these pre-departure training modules have been assessed and designed to suit the needs of the domestic workers including male migrant workers who fall in the category of unskilled and low skilled, and improve their understanding to handle employment related issues and to provide a more informed service. The desk review has been completed, the curriculum has been revised (to include male migrants), the modules have been prepared based on the NVQ3 standard; TOT designed and has been field tested through 5 training sessions covering 160 SLBFE instructors from 28 SLBFE training centers island-wide, before publication.¹⁷

2.4 Increased capacity for documentation and research.

- ***Research on impact of migrant workers, particularly women and their families from the perspective of returnee migrant workers.*** The research by Social Policy Analysis and Research Centre [SPARC] commissioned by the ILO focused on aspects of return and reintegration of migrant workers, the benefits to the country, to the migrant workers and their families including negative impacts at all levels (individual, family, community, country) and support services to returnees. The research covering both quantitative and qualitative assessment was administered to 2000 returnees from 15 high migration districts. These key findings were shared at the stakeholder consultation at the end of January 2013.
- ***Recommendations for setting up a reintegration sub policy.*** Recommendations were shared at the consultation but the formulation of the sub-policy has been deferred for the next phase.

New activities incorporated into the project at the request of the MFEPW:

- ***Training of SLBFE staff to support reintegration efforts.*** This is an ongoing activity.
- ***Pilot Reintegration Project.*** The pilot initiative was planned to refine and test appropriate approaches, lessons learnt and provide valuable insights to plan a 'sustainable' reintegration model that could also be integrated when developing a reintegration sub policy. The idea emanates from the National Policy directives that the State “*shall ensure that the return and reintegration*

¹⁷ This information was shared with the Evaluator subsequently by ILO.

process takes place with full protection of rights and freedoms, upholding of human dignity with access to resource and opportunities. The role of civil society, employers and trade unions in reintegration will be encouraged”.

The concept of re-integration of migrant workers [low skilled] is being approached from two perspectives; reintegration into family and society and into the labour market. Two locations have been identified for the pilot, and the first phase of orientation and training of selected returnees-beneficiaries has been completed, with support of SLBFE officials and MFEPW ‘to empower them to set up, manage and sustain livelihoods’.¹⁸ The main partners at the community/local level are CBOs, a trade Union, existing Migrant worker groups and SLBFE. Capacity of SLBFE is also being strengthened to network with other service providers such as IDB, banks to help the re-integration process. *The pilot idea was rather premature at this stage as the planning process and implementation was rushed to get quick-short term results [July – December 2012] before the discussion of the reintegration research findings.*

- ***Development of a sustainable Business Plan for the proposed Labour Migration Institute.*** As set out in the National Policy, this new activity is being planned. A Senior organizational development specialist has been engaged by the ILO to develop a sustainable business model for the proposed Institute as an autonomous institute under the purview of the MFEPW.

Comment – The scope of the originally planned activities (as well as the additional new activities), were evidently aimed at strengthening institutional capacity building, improving and revising existing recruitment practices and operational guidelines to address grievance handling mechanisms, regional consultation and action research, and effectively support and ensure that international mandates and standards are met and practiced. Despite the emphasis on consultation, to what extent the implementing partners were consulted with reference to the new activities is a question.

Sharing experiences and best practices in this component have been relatively successful. But these need to be translated into checks and balances in setting effective monitoring systems so as to boost the interventions and ultimately impact on a ‘decent working’ and non exploitative environment in the labour market and in the lives of migrant workers and their families. SDC was also concerned about the lack of close project monitoring.

The pilot reintegration project could have been delayed until the ground work was in place; the context-needs analysis could have been done jointly with the returnees and the CBOs investing more time to reflect on the project with the migrant returnees. This would have ensured ownership of the process and its sustainability. The research study findings could have been used to develop a reintegration sub policy together with the ultimate beneficiaries.

¹⁸ Concept note on reintegration pilot programme.

The Project has made remarkable strides in the short term towards capacity building but capacity alone cannot deliver unless systemic weaknesses are reformed or transformed to ensure sustainable results.¹⁹

4.2.3 OUTPUT 3 - REVISED COMPLAINTS AND THE GRIEVANCE MECHANISM TO ADDRESS AND REDRESS MIGRANT WORKER ISSUES OPERATIONAL.

Output 3 seeks to address and redress the many shortcomings of the existing grievance redress mechanisms; lack of coordination between government officials that resulted in delays, workers' lack of access to the info system, lack of knowledge and duplication of services. While there are formal and informal mechanisms existing, the Conciliation division of SLFBE is the primary service provider. Activities under output 3 overlaps with output 2 activities as it will finally impact on strengthening grievance handling mechanisms.

3.1 Improved efficiency and effectiveness of protection and grievance handling mechanism and procedures through institutional strengthening.

Conduct an assessment of Grievance handling mechanisms. This activity has been completed with ILO commissioning a review to assess current grievance handling mechanisms and procedures that migrant workers and their families could access. A stakeholder consultation was held to share findings in April 2012. The report makes comprehensive recommendations to improve the grievance handling mechanisms²⁰. The project had also planned to develop **a centralised grievance redressing mechanism**, but concrete steps were not initiated so far in this phase. There is now an urgent need to *develop a co-ordinated grievance referral system. The scope of such mechanism is yet to be clarified by the MFEPW*

- ***Conduct a training needs assessment for Conciliation Officers and Training of Conciliation Officers of SLFBE.*** As recommended in the above review and report, the ILO commissioned an international consultant to formulate a 'Training Strategy for Conciliators of SLFBE' – for the effective prevention and settlement of migrant worker disputes. The strategy includes the rationale, training needs, approach focusing on strengthening the Conciliation Division and capacity building of the Conciliation officers reflecting on '*their commitment and the key role they are playing as guardians and advocates of migrant workers' rights*'²¹. Two trainings programmes as well as a TOT of Bureau officials were undertaken. *The challenge is to keep the approach and focus on migrant workers' rights from a gender perspective.* ²².

¹⁹ See Padmini Ratnayake, (2011) who rightly points out the gaps at the level of policy, practices, systems and mechanisms.

²⁰ The final report has been published by ILO, January 2013.

²¹ Draft report on 'A Training Strategy for Conciliator of SLFBE' – The effective prevention and settlement of migrant worker disputes. A. Sivananthiram, October 2012.

²² During the evaluation, we could identify the shortcomings despite trainings- in the course of discussions with a conciliation officer handling complaints in the field, we could gather that they were not gender sensitive in their approach and focusing more on the number of complaints, how many cases pending, the nature of complaints, the

- ***Set up Mediation Boards and Training of mediators and stakeholders.*** This was not taken up in this phase and is planned for the second phase of the Project which will be covered by proposed legislation.
- ***Support to SLBFE for awareness on International Migrants Day.*** The ILO was requested by the MFEPW to support Migrants Day in 2011 and 2012. In 2012 it was an island-wide awareness raising session on the rataviruwo committees and the provision of safe migration information. *As per the report on the Migrant Day, it was largely a 'show of numbers' to introduce the 'rataviruwo' concept by the Ministry. It was not clear what was expected by the women and what was the impact in furthering worker rights/interests of the migrant workers.*

Comment – This component highlights the need for a comprehensive co-ordinated grievance handling mechanisms which is an urgent need and a priority. As the Conciliation division of the SLBFE has the prime responsibility to address and redress the shortcomings, the conciliation officers should be equipped for this task through capacity building. The training methods and content have to be tested and re-tested for gender sensitive handling. The language issue is still not adequately addressed, as the officers are depending on translators to fill forms in the Tamil language. The approach of each conciliation officer to complaints brought by the workers is crucial. The complaint forms have to be filled not in a technical way but being sensitive to how issues/problems are identified, analysed and handled. The issue of Tamil language still remains a test for the duty bearers and relevant staff, as the evidence points that this issue persists at the local level. In this context the role of translators vis a vis conciliation officers has to be distinguished and clarified. The underlying concern is that the translator's tasks cannot be equated to that of the conciliation officer.

Recommendation - *Training and capacity building of conciliation officers could be also focused on social- gender analysis, problems handling so that they could approach complaints in an effective manner. Tamil Conciliation Officers should be recruited to handle complaints from Tamil speaking people.*

Recommendation - *The range of reports, reviews and research publications, documentation, training modules and materials, that have been produced during the course of the Project to strengthen, improve policy and regulatory frameworks related to migrant workers issues and support the information base is impressive. Gender analysis, worker rights and focus on vulnerable communities could be further developed through enrichment- qualitative case studies.*

Recommendation - *Monitoring has to be not only confined to collecting information but should include analysis of information to feed into improved implementation, performance and obtaining of results. The two way information process to the migrant workers from the agency/institution and viceversa has to be built in and part of the planning and designing. The lapse of process monitoring²³ has to be addressed by the Project in the next phase.*

number resolved etc. Many problems brought by migrant workers were categorized as minor problems, although from the perspective of the workers they were not minor.

²³ Process monitoring means continuous monitoring of the process, it has to be differentiated between effect monitoring [short term] and impact monitoring [long term]. Process monitoring is a continuous two way process for eg, what issues have been identified, why, how to follow up, with what methods, collecting relevant

5. PRESENTATION OF FINDINGS AS PER EVALUATION CRITERIA

The End of Project Evaluation has confirmed that the Project's progress evolved with new activities being added to the original the Log frame[in the progress reports and in the Section 4 Review], while some original activities were deferred on account of changed priorities. The presentation of findings attempts to highlight the spectrum of activities undertaken so far and its effects and impacts. This section also draws attention to the emerging issues that need attention to reach the planned outcomes in the short term and the long term.. In particular, the evaluation also aims to examine key concerns as per evaluation criteria outlined by the ILO.

5.1 RELEVANCE AND STRATEGIC FIT OF THE INTERVENTION

The project has direct relevance to the ILO's commitments to the Country Strategy (DWCP 2008-2012) as, "*Enhanced labour administration and promotion of equitable employment practices*," and relates to the ILO International Instruments and Frameworks, CEDAW, and UN Convention on Protection of Migrants' Rights that govern labour migration to ensure labour standards, norms adhered to and its enforcement. Further, the Project design draws on ILO's technical expertise regionally and internationally by way of protection of migrant workers' rights and human rights, sharing good practices and lessons to build an enabling environment for changing policies and procedures to meet obligations of both sending and host countries.

Migrant workers' remittances are today the prime source of foreign exchange [Year 2012, USD 6 billion] in Sri Lanka. Annually an average of 250,000 persons migrates for work, to Saudi Arabia, and a few other Middle East destination countries, recording the highest percent for preferred destinations. The majority of the female migrant workers comprise 'domestic workers' [Year 2010-86%], underscoring the fact that these workers should be protected, their rights secured and their welfare promoted in an environment of non-discrimination or violation of their human rights. Labour migration involves many stages; pre-departure, in service/employment, post service and re-integration. The SLFBE has the main responsibility to regularise the industry and also **ensure protection and welfare** of the migrant workers and their families. The role of employment agencies as key actors who control job placements is also important. It is evident that this context and analysis has been taken into account in the design of the Project and its vision.

The ILO country priority of poverty reduction and decent work is based on promoting social justice and internationally-recognised human and labour rights. Gender equity and HIV are cross cutting, while the core issues are 'creating jobs and income opportunities, guaranteeing rights at work', 'extending **social protection and promoting social dialogue and tripartism**'. On the other hand, Sri Lanka has pledged in the Ten Year Development Plan (2005-2016) to ensure 'safe, skilled migration' as the basic strategy. Moreover, the National Policy for Decent Work [DWCP 2006-2016] is premised on promoting '**decent**', '**just**' and '**secure**' employment for all citizens.

information, whose tasks, when to collect data- timing, use of data, analysis and follow up actions and corrective actions.. The non availability of complaint forms in Tamil during our visit was something to ponder about!.

The Project intervention is timely and important, with the increased focus on migrant workers, and consequently the adoption of the National Labor Migration Policy for Sri Lanka [NLMP] in 2008, by the MFEPW. The NLMP opened the way for an inclusive process with active participation of all stakeholders and the guidance of the Tripartite Steering Committee.

The three focus areas the NLMP had identified are Governance, Protection and Empowerment of migrant workers and their families, and Migration and Development with the aim to **address and redress, improve and strengthen the systemic and structural policy frameworks and operational mechanisms**. In the process of formulation of the NLMP, the ILO's financial and technical support was significant and fully acknowledged by the MFEPW and the Tripartite Steering Committee. The Project clearly aimed at taking the NLMP forward, reiterating the need to address gaps, strengthen policy frameworks and processes for implementation, regulation and accountability.

The time lag between country plans and policy statements, formulation and promulgation of laws and its effective implementation and setting up monitoring mechanisms necessitates substantial effort, inputs and resources to continue beyond the project. The Project has supported a sizeable input in the form of technical assistance of experts, consultants, advisors, researchers and activists to strengthen the regulatory framework and environment.

The important role of CSOs in this process has been recognised by the state and the ILO in service delivery at community level. Throughout the evaluation, all the national and social partners commented on the ILO's substantial technical expertise which supported the Project. The national partners especially, appreciated the role of the ILO in sharing information, technical advice on legalities on migration issues and state obligations, revising draft legislation and operational guidelines, and capacity building.

All the national and social partners were unanimous that the ILO intervention should be continued in providing strategic direction and advice, inputs on policy-action research, publications and strengthening legal-governing-regulatory-monitoring processes.

5.2 PROJECT DESIGN AND VALIDITY

The Project was primarily designed by a technical consultant and ILO Colombo with technical backstopping support from the ILO regional office. It was developed in a consultative process soon after the NLMP was adopted with active participation of the former MFEPW and the Secretary, the National Advisory Committee and Worker organisations. The groundwork had been already done as the main rationale was to address the priorities identified in the NLMP and to meet the challenges in the migration process in a holistic way in keeping with International labour principles and protocols. Though the initial discussions with SDC and the ILO (as reported in the Review of Implementation) on Project formulation started early 2010, when the final Project approval came in July 2010 there was a new Minister at the helm. SDC and ILO had extensive discussions during the pre-design stage on the best approach and strategy to take the NLMP forward as suggested by the Advisory Committee.

During the evaluation some partners expressed the view that developing a strong working relationship took time and although the priorities did not change, convening the reconstituted NAC was delayed which in turn affected the Project's start up activities. As pointed earlier, the transition was well managed by the ILO team with the support of the Technical Advisor. The Project gathered momentum after the appointment of a National Project Coordinator based at the ILO-Colombo office in April 2012. The formation of Project Advisory Committee was a good step to pull back the Project activities on course.

There have been a number of research reports, independent reviews and newspaper cases that have continued to highlight the innumerable hardships and rights violations, faced by majority of migrant workers, especially women who migrate as domestic workers. Managing the labour migration process is the responsibility of the lead institution of the MFEPW, and the SFLBE which were set up to **govern, regulate, set standards and supervise** the migration. These institutions are accountable for the welfare and protection of migrant workers and have to move positively to address these issues. The NLMP has recognised the effective and efficient role of the Diplomatic missions to ensure the security and protection of the migrant workers at all stages of the process. The project has very copiously mapped and **analysed the current operational procedures and mechanisms identifying the gaps in the process** and specific recommendations to **strengthening the mechanisms and co-ordination**²⁴.

In the deployment of migrant workers overseas, private recruitment agencies play a dominant role in this industry with a 60% share²⁵. Through the reviews commissioned by the Project, the **many gaps in the recruitment process**, have been identified as well as what needs to be done **to formulate a sound institutional and regulatory framework**. The major input in the area of grievance handling mechanisms, was a study which identified **grievances and complaints of migrant workers**, reviewed current **mediatory mechanisms, capacity building needs, best practices** and which proposed remedial actions. Therefore project design is responsive to the current issues and needs of the migrant workers, their protection and welfare.

The Project, in addition to providing specific technical support as well as capacity building, has attempted to ensure effective service delivery in line with the NLMP. This explains the Project strategy, its relevance and its validity in the context of the challenging environment of labour migration and the ILO's rights- based approach to migration. More **specifically, inputs from the Migration Specialist at the ILO Regional and Head office** in project appraisal and monitoring, on migration and labour standards /law added value to the strategic context and design.

The Project had envisioned **building capacity** with stakeholders, partners, to enhance their commitment, efficiency and effectiveness, and **increase coordination** between partners and institutions at government, provincial and district levels, and non-government institutions. The evaluation has identified the role of PAC and its constituents as a consultative process, which is very

²⁴ Ratnayake Padmini, Promoting Decent Work through Good Governance, Protection and Empowerment of Sri Lankan Migrant Workers – Review of Operational Guidelines, Procedures and Process of Diplomatic Missions in Labour Receiving Countries, July 2010. Draft.

²⁵ Ruhunage L.K, Recruitment Practices of Employment Agencies Recruitment Migrant Workers . A Review aimed at improving recruitment regulations and drafting recruitment guidelines, ILO 2011.

healthy, allowing them to have access to the system and the Project activities. Whether PAC provided a space for serious discussions on policy is open to question. Some views on this were as follows:

“there is recognition of migrant workers issues, of having new actors in the PAC and broadening membership is good”.

However, qualifying this were other views as follows: -1) *“some of the members are not clear of their roles”, “some feel they are not recognized or marginalized due to political directions coming from the MFEPW and the SFLBE”. 2) “PAC is not a decision making body but only a space for dialogue and consultation” 3) “sometimes important information is not shared, there is no transparency”. 4) “ILO could support more in advocacy efforts on regulatory reforms and ensure implementation of reforms”.5) “there is a lack of gender understanding amongst members”.*

SDC was of the view that the TOR of the PAC should be revised and ILOs advising/guiding role within PAC was insufficient. *“The constituent stakeholders, were not reading the progress reports in advance the reports (although it was not clear whether they were given the reports before the meeting), were not aware of the dates of meetings in advance. It is better if the partners can go into the field for exposure and project monitoring”. They also felt that there were not enough concrete suggestions coming out of PAC.*

Recommendation - *Communication within PAC should be strengthened especially inter-agency, as information flows on decisions made outside the PAC affects the Project related policy directions and identifying priorities. There should be increased strong representation of CSOs and worker unions for more effective contribution through genuine equal partnership. Also within the PAC, there needs to be an upscaling of their role for close Project monitoring, better communication and involvement on policy advice, directions and support effective advocacy.*

The perceptions of all the government officials were positive on the role of the ILO in getting the project on track with satisfactory support. The main arm of the MFEPW, SLFBE seemed confident that they can deliver the outcomes envisaged by the Project. Towards this, the Project reviews and assessments for re-packaging the trainings with critical inputs, have highlighted the need for institutional capacity to strengthen the quality of pre, in service and post training of staff, officers and prepare them to deliver their tasks effectively to protect the migrant workers.

The Project objectives, outputs, outcomes and activities have been planned and designed to align with and to reflect the key strategic outcomes. In validating the Project design there is a sense of overarching concern that the Project’s scope and its nature could have been narrowed to allow space for consolidating the activities and interventions. The Project encompasses reviews, legislation amendments, research, revising and redressing grievance handling mechanisms, operational guidelines, recruitment practices, trainings and capacity building, re-integration and protection of migrant workers and their families,. These are all at macro, meso and micro levels with interlinks and its own synergy. Given the complexity of the issues related to migrant workers and to address the contextual challenges, it would have been more prudent to limit the scope so as to put more effort on systemic changes, and formulating clear monitoring mechanisms to **maximise the effects within the Project time frame**. This would have helped in following up and tracing the process and the chain of protection of rights and welfare of migrant workers. For example, the **indicators could be more detailed to include cross cutting gender issues more explicitly**, and a pilot test of the operational guidelines for diplomatic missions to closely monitor the practical problems, lessons, learnt, documentation, and follow up of what worked and what did not. This

would be in keeping with the main purpose of ensuring protection and welfare of migrant workers. The pilot case test in grievance handling could strengthen service delivery and the grievance redressal procedures.

Recommendation - *The Project scope and the nature of activities were wide and encompassing. The Log frame was cautiously planned to highlight broad indicators. It would be better if future project programme designs incorporate specific qualitative process indicators [including gender issues] in order to maximize the project effects within the time frame.*

Recommendation - *It is strongly proposed that the ILO sustain the technical support beyond the current Project phase to address the immediate priorities, policy level issues and systemic - structural challenges that have been identified, and effective regulatory- monitoring mechanisms are established within a realistic time frame.*

5.3 PROJECT EFFECTIVENESS

The preceding section concentrates on the Project progress towards implementation substantiated with the relevant reports and other documents. This section draws on the Project's effectiveness and quality of delivery.

The overall objective of the Project is, *'to contribute to the sustainable economic and social development of Sri Lanka by promoting decent and productive employment opportunities for women and men while safeguarding the rights, freedoms, security and dignity of migrant workers and their families.'* Towards this goal, the Project has **contributed considerably**, firstly to policy and legislative reviews, ensuring that best practices and international obligations are articulated in future guidelines; secondly, in regulation of the labour migration process, the protection mechanism processes, preparing migrants for jobs abroad, their return and reintegration and thirdly, assessing, identifying and addressing the gaps in the grievance system. ILO's strategic objectives of creating jobs and income opportunities, **guaranteeing rights at work**, extending social protection and promoting social dialogue and tripartism links with the DWCP 2 and 3, improved laws and strengthening regulatory and institutional capacity. **Capacity building and institutional strengthening** are the core strategies that underline these long term aims and objectives to guarantee rights, security, and dignity of migrant workers and their families.

In 2010, SDC embarked on its , "Global Programme for Migration and Development (GPMD), under the strategic theme of strengthening the protection and well-being of labour migrants for foreign employment and their families in Sri Lanka", SDC offered to support the Labour Migration Project "to strengthen the rights of migrant workers and to make labour migration safe and more beneficial for human development." The Project therefore was also aligned to the Swiss Medium Term Plan 11 for Sri Lanka and the donor priorities

The Project's **key strength is driving the National Labour Migration Policy** to be operational, (by the MFEPW, the SLFBE and thus the government) and highlight the loopholes and address long standing problems related to the labour migration process and migrant workers' protection-rights issues. In this regard, the ILO team had the relevant skills, orientation and the competence to establish partnerships with diverse stakeholders. As mentioned in Section 4 of the Review, in the

face of start-up administrative – operational delays, the team was able to muster and mobilise partners, advisors, consultants and researchers to find alternative approaches to meet the Project goals. Further, combining ILO technical expertise [international and regional] on labour migration issues, the Project could build strong recognition and credibility among the government, national and social partners that is **crucial for collective advocacy**.

What follows is a summary on the Project's strengths and gaps identified based on the responses of those who were interviewed during the course of the evaluation.

Politics of presence –

While some interviewees took the view that tripartism and stakeholders' involvement in the Project implementation arrangements in one forum has helped to develop a sense of vibrancy, in information sharing, negotiation and working towards a common understanding, others were skeptical about PAC.

„Has the core agenda of ILO been sidelined by new priorities”? „Are all PAC members fully aware of the Project, on some Project decisions”?

Concerns were also raised by social partners relating to, „politicising the Project”.

For SDC comments on PAC is also relevant in relation to capacity building of PAC (see sec. 5.2)

Therefore, there needs to be more reflection on the role, functioning limits and effectiveness of the PAC towards clearer policy direction and involvement of all stakeholders. This aspect of intra-inter agency communication has been already highlighted in the previous section.

Government officers were positive about NAC:

„The presence of the Minister in the NAC was positive as decisions could be made immediately. Clear policy direction was given from this project.” „When the NAC is chaired by the Minister, all other government officials feel compelled to attend. On the other hand using the Minister's presence, members bring day to day grievances/ issues that need to be resolved which are not policy related matters”.

Institutional strengthening – The Project's policy, legal, regulatory and operational guidelines, and grievance handling frameworks, manual for diplomatic missions and Code of ethics for recruitment agencies have been in place with substantial inputs from senior experienced researchers, technical experts, consultants and activists. There is no doubt that the quality of products²⁶ to support the institutionalising efforts is impressive. The Project's approach to institutionalising training and investing in human capital (staff) will benefit greatly to develop the quality of training of staff, conciliators, mission officials, labour officers, SLFBE officers and related staff, but a returnee observed, *„it has to finally reach the grassroots level”*.²⁷

This factor was also emphasized by SDC at the discussion with the evaluator.

The lack of systematic attention paid to accessibility by marginalized migrant workers to operational mechanisms in the context of rights and protection, has to be rectified. The issue of

²⁶ Annex 4.

²⁷ Independent interviews with returnee migrants.

access is not uniform, it is also gendered and this analysis is critical especially for the marginalized and vulnerable migrant workers. Access to appropriate information, access to resources, access to redress mechanisms to address migrant workers issues and their welfare will be based on how effective and responsive the system is. There are two self evident examples to illustrate the issues of access and enforcement. Firstly, that the bilateral MOUs are ineffective, however many capacity building programs of diplomatic missions and the SLFBE are conducted, the crux of the problem is – Can the migrant worker access the system, to even make a telephone call to the Sri Lanka Embassy to register her complaint in the face of Employer’s tacit rejection of appeals to communicate with the Embassy welfare officers, or any support centre? The second issue relates to the management of the Workers Welfare Fund comprised of contributions from migrant workers to be used for the benefit of the workers. The migrant workers have no say in how the fund is used, and for what purpose. Information gathered through independent sources point to the fact that the Welfare Fund is used for other purposes rather than for the welfare of workers, with overdue claims still to be settled.²⁸ It is in this context, that empowerment becomes relevant to enable migrant workers to access the system effectively.

Comment - The inter-ministerial policy coordination dialogues is an opportunity that could be utilized to a maximum to promote effective grievance handling mechanism at all levels. In this context SLFBE could also revise its approach to issue-specific handling streamlining the operational arrangements to meet those needs at the local level and follow up.

Recommendation - *It is suggested that an Inter-Ministerial Coordinating Committee be set up to address communication gaps, build effective relationships, ensure better information flows, and ensure open consultation and collective policy reflection.*

Recommendation - *The crucial factors and the main challenges are empowerment, access, and enforcement. Pilot testing of operational-grievance handling mechanisms should be conducted, with process monitoring of the value chain of migration to ensure the rights, protection and dignity of migrant workers at the micro, meso and macro levels. The desk reviews and the evaluation confirm this critical need of an Autonomous Body whether in the form of a ‘Counseling unit’ or an office of ‘Ombudsman’ which can be used as a stepping stone to document and study access to quality services.*

Support Training and Capacity building – All the training modules whether pre-departure, in-service, post-reintegration for migrant workers have been assessed and revised. The pilot testing will reaffirm how effectively the staff will be prepared to take up the task for the protection of migrant workers abroad. As commented by a male migrant returnee , “*Capacity building of staff, conciliators, mission officials, labour officers, SLFBE officers and related staff who are part of the implementation is a responsibility of SLFBE*”. “*The duration of five days trainings for male workers is too short.*” Upgrading the training to the NVQ 3 standard is a good step. On a brief scan of the list of awareness raising information material on procedures etc, it showed that

²⁸ Independent interviews with an organisation working on migrant workers and individual returnees. The majority of workers’ overdue insurance claims to bring the remains of deceased workers and migrant workers entitlements have still not been settled. The Transit home – ‘Sahana Piyasa’ in Katunayake is presently used to accommodate a volleyball team!

of a total 20 booklets/brochures, 2 are in English, 16 in Sinhala and 2 in Tamil/Sinhala.²⁹ Of these, only one talks of rights and rights violations and more importantly it is only in Sinhala! In the final analysis, it is clearly evident of the training plan's lack of sensitivity on language issues and need to cater for Tamil speaking workers. Moreover, there were only 2 brochures in both languages; one is addressing 'husbands of departing female workers' and the other one for 'departing female workers' on instructions for child protection. It is quite revealing that the latter specifically focuses on female migrant worker's child care responsibility when working overseas.

The evaluator could not comment on the training curriculum content and its method for conciliation and SLFBE officials, but meeting some officials handling conciliation and discussing the process, we could infer that there are still some gaps on gender sensitive handling issues, negotiating skills and analysis of social awareness and problems identifying skills.

Recommendation – *Availability of awareness raising booklets in both languages and especially the need for material in Tamil which addresses the needs of Tamil speaking workers has to be addressed urgently. To develop conciliation officers' skills, it is crucial to promote exchange of experiences, skills and knowledge of staff in different locations to open channels for feedback, documentation, learning and to build sound practices and procedures.*

Pilot re-integration experience - During the field visit, meeting two groups of women beneficiaries including some men, it was clearly evident that the planning process was short, premature (before the research on re-integration was finalized and shared) and needed more context -specific analysis, although the objectives of the pilot was explained by the ILO and the SLFBE at the meetings with the CBOs. The returnees-beneficiaries were informed of the trainings to start their business, improve their business and that the SLFBE /bank would support with low interest loans. Returnees appreciated the training programme saying it was very useful but they were disappointed that the banks failed them emphasizing that they can access loans only on commercial interest rates with collateral.³⁰

The returnees -migrants had this to say, "if we have our own guarantees we don't need to come to this project", "I don't want to be in debt, I don't need training, I can manage to do my own tailoring", "all the villagers are laughing at us", "they (SLBFE) gave us certificates, explaining that we are 'heroes of the national economy'.. to save the country with our earnings, we as migrant workers we should get some benefit, the country is grateful for us", "Samurdhi banks give loans only for those who are Samurdhi recipients but we have forfeited that subsidy, as we are not eligible as we went abroad to earn for our families under so much hardship." The CBOs in the

²⁹ See Desk Review of Pre-departure training and information material for prospective low skilled migrant workers in Sri Lanka.

³⁰ Subsequently the evaluator was informed that the Samurdhi Bank was to give loans to the returnee migrants although we are unaware of the conditions. Out of the 160 beneficiaries in Kurungala District, only 88 were selected for loans. It would be good to follow up on what happened to the others.

field were not very clear, despite being contracted by ILO, about their role as part of the Steering committee before getting into such community projects as they felt accountable to the community after raising migrant workers' expectations.³¹

Comment - This pilot experience has highlighted the manifold issues that have to be addressed and analysed, for example, Will credit result in a cycle of indebtedness? Will it assure increased incomes in an already saturated market without addressing women's marginalized **social** and **weak bargaining position**, and **barriers for accessing** resources for their empowerment?

Recommendation - The Reintegration project must seek to empower women and build understanding of their social and economic position and condition. Migrant workers has to be approached in a holistic and inclusive way so that the migrant workers can be part of the planning process, it should be understood that financial support and entrepreneurship is only one entry and it will not automatically empower women.

5.4 GENDER

This section is an attempt to assess the varied understandings of gender, gender orientation and how gender was addressed by the selected stakeholders in the course of the interviews.

"In my organization, the secretary and treasurer are women who are non-workers. For workers, it will take a lot of time for them to be leaders. They cannot understand many things."

"The Labour Migration policy is all about gender, 51% are women migrants, there are some other policies like HIV which can be used for migrant workers"

"Most of the NAC members are not gender conscious"

"Gender concerns were there throughout the Project"

"Women migrant workers should not go overseas, we should find alternative earning sources".

In examining the majority of the responses, it confirms and reflects that gender orientation, understanding and consciousness of the duty bearers are rather minimal. It was limited to participation of women as a category in numbers, without an analysis of women migrant workers' social position and condition, their specific needs and vulnerabilities, their access to resources, access to information and control, and their ability to manage resources.

The Pilot reintegration project has given good insights to the planning and overall approach as well as lapses of the LM Project towards achieving migrant women's rights, protection and their empowerment³². This Pilot seems to be containing migrant workers especially women in a

³¹ One CBO even pointed out it would be better if they had a contract.

³² Empowerment must be correctly understood- processes of decision-making, negotiation, and using required resources effectively, decide to define goals and act effectively to achieve these. Disempowerment forces that work against women have to be challenged in the course of women workers empowerment and attain equity.

‘domesticated - traditionalist’ mode and may undermine their - labour rights consciousness and their bargaining-negotiating power; The Project has to be aware of these risks and guard against moving away from a worker rights strategy to one that would push women workers back into their traditional roles as wives and mothers within the household thereby undermining their potential power to demand and access rights in the specific vulnerable context.

The NLMP explicitly affirms, recognizing the specific vulnerabilities, *‘the state shall apply **gender sensitive criteria** in the formulation and implementation of policies and programmes affecting migrant workers . . . aimed towards the empowerment of migrant workers in exercising the right to informed decision making full enjoyment of all rights, privileges and benefits of migration ’*. Further, one of the Project publications, has a section specifically devoted to recommendations for improved Gender Sensitive facilitation of Grievance Handling. However, the other Operational Manual in its Discipline /Code of Conduct³³ has overlooked this aspect of creating **gender sensitive or gender friendly environment**.

Recommendation- *It is important that all training and capacity building programmes for duty bearers could be enhanced with gender-class analytical skills so that they have a clear gender-class orientation and strategy to address specific needs and vulnerabilities of women migrant workers throughout the chain of migration and understanding of empowerment. Gender qualitative indicators could be included in the process monitoring, in the Project design and the project cycle management.*

5.5 UNEXPECTED LESSONS

There are two major unexpected lessons learnt through the implementation of the Project which need to be recorded in this evaluation. These questions are being posed for self -reflection in future Project planning.

1. *Citizens rights, Migrant workers working overseas, and domestic workers within the country.* As citizens of Sri Lanka, migrant workers (especially unskilled) need to be protected, their rights as workers and human rights. Yet why has the same concern not been extended the protection and rights for local ‘domestic workers’? If all State Policy statements affirm issues of equity and equality in accessing rights, then there is an inherent conflict which is pointed out by Ranaraja,” *Social justice and equity would therefore appear to require Sri Lanka to ensure that it observes terms and conditions for domestic workers within Sri Lanka no less beneficial than those demanded by it for its citizens employed in other countries.*”³⁴
2. *Co-ordinated Grievance Handling Mechanism and the Labour Migration Institute.* Was there a shift in priority from setting up a Co-ordinated Grievance Handling Mechanism as planned, to the setting up of a Labour Migration Institute? Which initiative will redress the systemic gaps and problems confronting migrant workers? Will a Labour Migration Institute promote policy and research on labour migration and fulfil the urgent need of the industry?

³³ P 38, Discipline/Code of Conduct, Operational Manual, ILO , Jan 2013. This is important as verbal or any kinds of harassment should not be entertained within a gender friendly ethic.

³⁴ Ranaraja,S Review of National Legislation and Regulations on Migration for Foreign Employment and their Implementation, ILO 2010.

5.6 MANAGEMENT EFFECTIVENESS

The Project End Evaluation attempted to get a fair understanding of the management arrangements to implement the Project, both internal and external opportunities and constraints through the discussions with the ILO Project team and meetings with selected stakeholders.

The NAC that was reconvened in August 2011, under the new Ministry and reconstituted with additional members and had a very broad mandate. As advised by the ILO, the PAC was established in January 2012 with new Terms of Reference under the chairmanship of the Secretary of the MFEPW so as to focus closely on Project implementation and suggest concrete steps to undertake the activities to meet the Project objectives. As explained earlier on in this report these related to the administrative – operational delays and limitations, but the ILO continued with the Project activities and its engagement process of consultation in creative ways. The PAC held regular meetings in the year 2012 to support and speed up the Project activities that were deferred. ILO commissioned consultants to take up specific tasks within the frame of the Project work plan, but some could not meet the Project time lines set up, though this did **not affect the quality** of Project outputs. Continuous consultations through specific committees and involvement of all stakeholders, dissemination by way of workshops, consultations and focused meetings ensured healthy communication. However, SDC 's observations that the ILO project management could be more speeded up, have to be taken note of in the light of the tasks of the NPC who was trying to keep the holistic perspective [though supported by the Technical consultant].

These are what some of the PAC members had to say in the course of the interviews, *“Communication within partners could be better, cultivating information sharing of ILO and Ministry roles”. “It would be good to revive the inter –Ministerial focal points for coordinating Project activities, the non-attendance of the representative of the MEA at the last four PAC meetings is something that has to be discussed”. “The Amman –Jordan consultation experience was a good opening, for direct engagement with all important Ministries attending.”* The reviews also reiterate the need for an **Inter-Ministerial Co-ordinating Body** to guide and direct the process of labor migration.

From the interviews, the evaluator could also gather that the ILO had developed very **good working relationships with social and national implementing partners** who were unanimous in their assessment of the **ILO management capacity**. *“ the ILO is very well equipped, well trained and they are handling the Project very well.” “The representation of social partners is useful to bring fresh perspectives from their own activist experiences and healthy arguments”.* But there were other comments too. *“ ILO Project management support to NPC could be improved .” “NPC could be located within the MFEPW to speed up Project management effectiveness.”*

Some of the stakeholders the evaluator met suggested that the ILO should have direct communication with SLFBE, MFEPW and MEA besides the PAC process. They also mentioned that the ILO has established very good communication with Ministries, agencies and partners but there were some bottlenecks, like lack of clear instructions and not sharing information that may generate confusion amongst partners. However, they were emphatic that the **ILO's biggest strength at the level of policy is clearly visible** in its mobilising strategies with all relevant stakeholders, from local, national and international, together with supportive donors, in addressing research gaps, and building the information and knowledge base for advocacy on migrant workers' rights. Some also pointed out that the ILO could push for **more visibility through public awareness.**

Under this Project the ILO's technical know-how added value significantly by way of advising the establishment of the Project Advisory Committee, preparing operational planning/ monitoring budgets, on Project reviews, on studies commissioned, review of draft legislation on Migration Authority [especially expertise in Beirut {Arab} and Head Quarters], and programme review for Regional Consultation in Amman, Jordan [includes Migration Specialist in Beirut]. Technical presentations at the Consultations at Colombo and Jordan, personal direct meetings in Jordan with the Minister of Foreign Employment Promotion and Welfare, Secretary to the Minister of Foreign Employment Promotion and Welfare, Chairman SLBFE, Secretary to the Minister, Ministry of Foreign Affairs, Ministry of Labour were very successful as reported. This crucial **Ministerial level meeting strengthened working relations with the ILO Migration Specialists** from HQ, Beirut and Bangkok on the implementation of the Project. In his official capacity, three missions were made by the Regional Migration Specialist for project support, two missions to Colombo and one to Amman.

Further, sharing the experience of recruitment agencies in developing a code of conduct and monitoring mechanism in Vietnam from the ILO GMS Triangle project and the ILO ongoing projects on Prevention of Trafficking in Persons and the Prevention of HIV at workplace have enabled **cross collaboration and bringing valuable learning** to the Labour Migration Project. In the preparation of the reviews, guidelines, and operational mechanisms, the Project has drawn heavily from the Philippines and Indonesia on labour migrant workers protection and rights frameworks. Therefore there is ample evidence that the Project benefitted by this cross-collaboration.

The Project monitoring has been done through regular reports, special reports on consultations/meetings, and through the PAC meetings mechanisms. In addition, monitoring is done by backstopping support from the relevant Units and /or from ROAP. As pointed out in the preceeding sections, the monitoring and evaluation system could be developed **further to track the process** more closely through process indicators and specific monitoring training to document these. To be more effective these process indicators that are both **quantitative and qualitative** indicators could be formulated and structured in. A clear gender strategy could be included which would strengthen the process to achieve the **gender outcomes** if it is planned within the Project design and implementation.

Despite some issues relating to communication within PAC, [inter – ministerial, inter –agency] other management arrangements had worked out well with the ILO's critical role and Project directions. The capacity of the team handling the project, the responsible ministry officials and agencies could be enhanced with gender analytical skills, context analysis and awareness of workers and human rights so that process monitoring mechanisms could be formulated for effective outcomes to protect rights of migrant workers and for improved service delivery.

5.7 IMPACT AND SUSTAINABILITY

Sri Lanka has pioneered the NLMP in South Asia with full participation of all stakeholders including the ILO's technical expertise. Hence, the Project design to take the NLMP forward and its strategy was fashioned towards institutionalisation of capacities of all stakeholders (government and other partners) in the process of strengthening, regulating, protecting and managing the labour

migration. The **shared values, collaborative principles** and creating work relationships with stakeholders at all levels were based on collective trust and for a **common purpose**. This has impacted significantly on ILO's roles as advisor, facilitator and expertise- support to influence policy changes, practice and service delivery, acting from both the inside and outside.

In terms of fulfilling donor priorities in operationalising the NLMP, the Project has made **measurable substantive progress in the right direction** for better governance, and improved regulatory mechanisms. While this project sought to amend the SLBFE Act, the Ministry has proposed replacing the Act with a Migration Authority Act. Although the stakeholder consultations on this is yet to be planned, SDC's commitment, "to strengthen the rights of migrant workers and to make labour migration safe and more beneficial for human development" is in tandem with implemented Project activities.

The long term country goals of the TYDF and DWCP are also, '**safe skilled migration**'. The Project is clearly committed to that goal, and has taken **significant steps** in that regard especially on the governance of the migration process, legal reviews and legal reforms and the new legislation to replace the SLBFE Act, in attempting to address the persistent shortcomings and inherent legal conflicts within the regulatory system. In the area of protection and empowerment of migrant workers and their families, a number of activities have been taken by the Project towards **capacity building in regulating** recruiting agencies, operational manual for diplomatic missions, re – packaging pre-departure training curricula and reintegration of migrant families. Nevertheless, all stakeholders confirm that the protection issue is complex and is long drawn involving many parties and agencies at different levels that needs evidence based research and data, a plan and coherent strategy/strategies and informed decisions taken with the aim of fulfilling the long term goal. In the area of improving efficiency and effectiveness of grievance handling, in spite of a comprehensive review and analysis produced through this Project and appropriate technical support given, there is **not much visible headway to develop and coordinate, a systematic comprehensive grievance handling mechanism**.

Revising policy coherence and strengthening policy coordination at the micro, meso and macro levels is what the Project is grappling with in order to **minimise the social costs and maximise socio-economic benefits**. The GOSL's current focus is on promoting migrant workers, with emphasis on increasing skilled workers and reducing the outflow of low skilled workers [including women workers as housemaids]³⁵. As very rightly pointed out by Ranaraja, "*the delicate balance between promotion of overseas employment and protection of national workers overseas is a continuous challenge*."³⁶ The ILO has also persistently raised concerns on the issue of protection and rights of migrant workers and formulation of laws consistent to International standards and Instruments. The Philippines protective legislation and underlying principle is very much relevant to the Sri Lankan context. As Ranaraja says, "*The Filipino Act is thus protection based while the SLBFE Act conveys the impression of migrant workers as a commodity, tradeable for greater economic prosperity*." These protection based principles could be extended to any programme of social protection for migrants, their rights and their reintegration. The critical question and the challenge is how will the Project push for strengthening the **protective principles in practice that deliver**

³⁵ See the six point priorities of the GOSL, for expanding overseas employment, Pro Doc p 10..

³⁶ Ranaraja, S Review of National Legislation and Regulations on Migration for Foreign Employment and their Implementation, ILO 2010.

results so to ensure safety, security, equity and dignity of migrant workers? The long term impact of this aspect is still to be seen in the short term.

Many of the views expressed during the evaluation on impacts are enlightening;

At the level on the products - "it is very difficult to say at this time but there are good tangible outcomes for eg, the Ethical Code and the Operational Manual set uniform standards which can be used as a base to frame future interventions"; "the Manual and the Code have to be practiced to improve coordination with employment agencies and sustain the system."

At the level of legal advocacy and awareness - " the proposed Migration Authority Act to address the systemic deficiencies, once it is adopted and operative, stakeholders could use to advocate for concrete actions on behalf of the migrant workers' protection and rights", " we need more concentrated efforts to take the NLMP forward, more than what had been done". "connect work with grassroots level migrant workers, not only re-integration but on grievance handling and redressal."

At the level of regional advocacy - " the NLMP is a good model which can be replicated in other South and South East and Far East Asian sending countries." "ILO should advocate for a Regional Worker's Charter for eg amongst SAARC countries". "The State could develop better inter- State relations and MOUs/agreements that are legally binding."

At the level of institutionalizing and capacity building - "To consolidate the operative mechanisms, we have to build more on the capacity building efforts and skills at all levels," "increase awareness and knowledge of partners and CSOs on migrant worker issues."

At the level of management- " better co-ordination, cultivate common vision and common understanding to get better impacts, build on the inter-ministerial co-operation". "Better policy co-ordination to benefit the migrant workers to access the protection system."

The desk study findings also confirmed the **measure of success** of the Project by drawing best practices, expert inputs and sharing experiences. But to reach the Project objectives further effort is needed on enforcement and redressal mechanisms, and legally binding agreements (inter-state) to ensure and protect rights of migrant workers.

As reiterated elsewhere the principle of **collective ownership** which the ILO professes, through the tripartite consultations (NAC/PAC) and stakeholder consultations, was seen throughout the Project. Some of the partners did not seem to understand the **principle of national ownership**. They had a very narrow perspective on ownership, confining it to the MFEPW or the SLFBE. National ownership should be inclusive rather than the prerogative of any individual agency or institution or non-state actor. In this respect, all the stakeholders and partners have the right to assert their views on the principle of collective ownership, to further advocate the rights of the migrant workers. Finally it is the state that has the obligation to protect and promote these rights on behalf of the workers and its citizens.

It is evident that the Project process and its activities move from the macro to meso to micro and vice-versa and not always in a linear fashion. All the related institutions, agencies and the government Ministries and the migrant workers have a **collective responsibility**, to monitor, to deliver results and effect positive change. Using this lens, the Project has yet to build national ownership though there are signs that the ILO is attempting for more inclusiveness and genuine partnership.

The Project approach is credible and the evaluation findings are proof that the institutional building process has commenced with remarkable achievements during the short time in spite of lags while accommodating new additional activities. In order to upscale the **institutionalising process**, the Project should continue its **efforts at multiple levels** – more work at legal policy, and at the regulatory, mainly monitoring and enforcement, services delivery and access to grievance mechanisms, **empowerment of migrant workers** to assert themselves on **accountability and make informed choices**. The lessons highlighted during the evaluation re institutionalizing is insightful; PAC should be more transparent in its decision-making by involving all stakeholders related to the issue and safeguarding the interests of the migrant workers; capacity building of all stakeholders and partners and those handling the Project activities on gender analysis and social analysis, knowledge and skills, including process monitoring skills and should be more **sensitive when handling on language issues**. The project should maintain the focus on protection, rights and welfare of migrant workers and their families, as the Project was conceived in the name of migrant workers who have a key stake in the process of regulation, enforcement and accountability.

A measure of whether the Project institutionalisation process can be sustained after the project period can only be known if it is tested practically in the field and the competence of the **quality of service delivery** is assessed, and the Project is able to retain staff and persons **equipped with the knowledge and skills** to carry out the tasks to reach the ultimately direct and indirect beneficiaries.

Therefore, given the complexity of the scope of work entailed with strategic interventions in the next phase, the ILO technical support is crucial beyond the given Project time period.

Recommendation - *To upscale the current institutionalising efforts with more focus on strengthening processes that are being currently established; by ensuring accountability and enforcement; and the ILO, MFEPW, SLFBE, ALFEA and partners extending their influence to effective programme delivery and advocacy at all levels. Local, district and provincial levels of activities should be undertaken in this regard, these should be measured and documented to allow prioritization of interventions and enhanced delivery services to the migrant workers.*

6. CONCLUSIONS

The End Evaluation of the Project namely, “**Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy**” undertaken by the ILO confirms that the Project design and its implementation are coherent with the NLMP, the GOSL country goals, the current context on labour migration and migrant workers, the donor priorities and the strategic goals of the ILO. The project aimed to strengthen policy, legal and institutional frameworks of the migration process, to review and enhance the processes for improved governance and protection (improving the training of prospective migrant workers), and to improve efficiency and effectiveness of protection and grievance handling mechanisms by enhancing institutional capacity. Moreover the Project is responsive to the needs of the current problematique and is timely, thus it has to be commended.

The Project has effectively delivered on most key activities planned despite some early delays; it has progressed well towards fulfilling its short term goals. The ILO has a competent staff team to carry out the Project tasks and with sound management mechanisms in place. In this respect, the functional working relationship the team cultivated between the Project team, stakeholders, the national and social partners, and in addition strategic partnerships with key agencies, consultants, researchers, advisors and activists is strong.

Given the complexity of the labour migration subject, the Project’s approach and administrative arrangements and efforts to strengthen policy- governing- regulatory institutional frameworks and grievance handling systems are highly responsive to the needs of the industry and more specifically the migrant workers. Moreover, the Project intervention and its activities have been prioritized by the stakeholders, trade unions, civil society organizations, women’s groups and key Ministries. The technical support and expertise by the ILO, has been of a high quality towards meeting the objectives of the Project especially in building capacity and institutional strengthening, this was relevant to the current context, and was unanimously acknowledged by all stakeholders.

The Project has just completed its second year; therefore it is still early to measure sustainable impacts on strengthening policy, legislation and governance mechanisms and operational systems as a direct result of the activities implemented as it is a substantial task and takes time. The Project’s overall quality of the service delivery mechanisms and capacity building has to be considered in the context of its structural approach, its scope, its interrelatedness and synergy and its outputs. However at this stage, the evaluator could identify key areas which reflect some of the emerging impacts. to be expected. These are **technical support** for regulatory, legislative frameworks that govern labour migration, **improving the capacity** of service providers and agencies across the spectrum building their skills and knowledge and analysis including gender-class understanding, developing **research –information- resource base** to re-strategise and **streamline the grievance handling** system to address migrant workers’ complaints, a **more structured re-integration** interventions to address systemic constraints for migrant workers to access appropriate resources and their empowerment and upscaling **advocacy efforts** with participation of union-union migrant workers, civil society organisations’ solidarity alliances across national and the regions. For this, the Project has to be supported for more than two years, if the same programme momentum is to be sustained while taking stock of the implementation and monitoring hurdles.

Many priorities have been identified during the evaluation and some concerns raised on shifting of focus. The GOSL's priority to promote migrants workers to boost foreign exchange earnings as the shortest possible way for the country to reduce poverty, and upgrade status the country to the 'high end' of middle income economy, has to be balanced against the right to protection of migrant workers. The foremost principle of worker's rights- protection during the entire process of migration and the support structure which the Project commits and respects should drive programming interventions in the future.

State interventions to regulate the market economy, should lead to institutionalising rights to ensure social protection and welfare of migrant workers. In this context related issues of accessibility, enforceability and accountability which the desk reviews and the evaluation findings have affirmed cannot be evaded or ignored to achieve long term goals of security, dignity and worker rights and human rights.

Finally the ILO Project on "Promoting decent work through good governance, protection and empowerment of migrant workers: *Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy*: has made a credible contribution in the efforts to taking the Labour Migration Policy forward. Collaborative, joint planning and monitoring together with other stakeholders in institutionalizing efficient, effective services to reach the vulnerable migrant workers will go a long way to build national ownership.

7. SUMMARY OF RECOMMENDATIONS

The evaluation report has mentioned a series of recommendations as it relates to the specific section or sub sections, to draw attention on issues to be considered for Project implementation and for future interventions. However these could be prioritized in consultation with the ILO, SDC and implementing partners depending on specific and contextual needs.

1 Recommendation - While awareness raising and increasing public visibility were integrated in the Project activities in the original proposal and work plan, these had to be deferred due to new priorities on the proposed new Migration Authority Act and its delay in adoption. It is recommended that these efforts are critical to link public awareness to educate government officers, migrant workers and their families. Parallel to this, setting a plan for monitoring mechanisms to track the process and its efficacy is equally important. [Short term]

Intended users – the Ministry, SLFBE, and the ILO.

2 Recommendation - Training and capacity building of conciliation officers could be also focused on social- gender analysis, problems handling so that they could approach complaints in an effective manner. Tamil Conciliation Officers should be recruited to handle complaints from Tamil speaking people. [Short term]

Intended users – the Ministry, SLFBE, and the ILO

3 Recommendation - The range of reports, reviews and research publications, documentation, training modules and materials, that have been produced during the course of the Project to strengthen, improve policy and regulatory frameworks related to migrant workers issues and support the information base is impressive. Gender analysis, worker rights and focus on vulnerable communities could be further developed through enrichment- qualitative case studies.[Long term]

Intended users – the Ministry, SLFBE, and the ILO

4 Recommendation - Monitoring has to be not only confined to collecting information but should include analysis of information to feed into improved implementation, performance and obtaining of results. The two way information process to the migrant workers from the agency/institution and vice versa has to be built in and part of the planning and designing. The lapse of process monitoring³⁷ has to be addressed by the Project in the next phase. [Short term]

Intended users - the ILO Project team and the SDC.

5.Recommendation - Communication within PAC should be strengthened especially inter agency, as information flows on decisions made outside the PAC affects the Project related policy directions and identifying priorities. There should be increased strong representation of CSOs and Unions for more effective contribution through genuine equal partnership. Also within the PAC, there needs to be an upscaling of their role for close Project monitoring, better communication and involvement on policy advice, directions and support effective advocacy. [Short term]

Intended users - the ILO Project team and Implementing Partners.

³⁷ Process monitoring means continuous monitoring of the process, it has to be differentiated between effect monitoring [short term] and impact monitoring [long term]. Process monitoring is a continuous two way process for eg, what issues have been identified, why, how to follow up, with what methods, collecting relevant information, whose tasks, when to collect data- timing, use of data, analysis and follow up actions and corrective actions.. The non availability of complaint forms in Tamil during our visit was something to ponder about!.

6. Recommendation - The Project scope and the nature of activities were wide and encompassing. The Log frame was cautiously planned to highlight broad indicators. It would be better if future project programme designs incorporate specific qualitative process indicators [including gender issues] in order to maximize the project effects within the time frame. [Short term]

Intended users - the ILO Project team and the SDC

7.Recommendation - It is strongly proposed that the ILO sustain the technical support beyond the current Project phase to address the immediate priorities, policy level issues and systemic - structural challenges that have been identified, and effective regulatory- monitoring mechanisms are established within a realistic time frame. [Short term]

Intended users - the ILO Project team and the SDC

8. Recommendation - It is suggested that a Inter-Ministerial Coordinating Committee could be set up to address communication gaps, build effective relationships, ensure better information flows, and ensure open consultation and collective policy reflection.[Short term/Long term]

Intended users - the ILO Project team and Implementing Partners.

9.Recommendation - The crucial factors and the main challenges are empowerment, access, and enforcement. Pilot testing of operational-grievance handling mechanisms should be conducted, with process monitoring of the value chain of migration to ensure the rights, protection and dignity of migrant workers at the micro, meso and macro levels. The desk reviews and the evaluation confirm this critical need of an Autonomous Body whether in the form of a 'Counseling unit' or an office of 'Ombudsman' which can be used as a stepping stone to document and study access to quality services. [Short term/Long term]

Intended users - the Ministry, SLFBE, and the ILO

10.Recommendation - Availability of awareness raising booklets in both languages and especially the need for material in Tamil which addresses the needs of Tamil speaking workers has to be addressed urgently. To develop conciliation officers' skills, it is crucial to promote exchange of experiences, skills and knowledge of staff in different locations to open channels for feedback, documentation, learning and to build sound practices and procedures. [Short term/Long term]

Intended users - the Ministry, SLFBE, and the ILO

11.Recommendation - The Reintegration project must seek to empower women and build understanding of their social and economic position and condition. Migrant workers has to be approached in a holistic and inclusive way so that the migrant workers can be part of the planning process, It should be understood that financial support and entrepreneurship is only one entry and it will not automatically empower women . [Short term]

Intended users - the Ministry, SLFBE, and the ILO

12.Recommendation- *It is important that all training and capacity building programmes for duty bearers could be enhanced with gender-class analytical skills so that they have a clear gender-class orientation and strategy to address specific needs and vulnerabilities of women migrant workers throughout the chain of migration and understanding of empowerment. Gender qualitative indicators could be included in the process monitoring, in the Project design and the project cycle management. [Short term]*

Intended users – the Ministry, SLFBE, and the ILO.

13.Recommendation - *To upscale the current institutionalising efforts with more focus on strengthening processes that are being currently established; by ensuring accountability and enforcement; and the ILO, MFEPW, SLFBE, ALFEA and partners extending their influence to effective programme delivery and advocacy at all levels. Local, district and provincial levels of activities should be undertaken in this regard, these should be measured and documented to allow prioritization of interventions and enhanced delivery services to the migrant workers. [Short term/Long term]*

Intended users - the ILO Project team and Implementing Partners.

8. LESSONS LEARNT

In assessing the Project progress in achieving the Project objectives and its approach, the evaluator would like to share what are key lessons that would be useful for the next phase.

8.1 MANAGEMENT OF THE PROJECT

Communication - within PAC a recurring issue raised by the evaluation needs to be addressed as a priority. The lesson here is to take extra efforts to strengthen inclusivity and ensure the consultative process by sharing all information related to the Project and find new ways to engage with those partners who have continuously absented themselves from attending PAC meetings and/or others who feel marginalised.

The Project was designed after a process of careful context analysis, this analysis-planning process should inform/guide in prioritizing new activities and shifting priorities. This will certainly have implications on collective responsibility and collective ownership. Monitoring involves a collective responsibility of all the implementing partners, in the same way as is ownership of the process. It would be good to create spaces for reflection on Project strategies before initiating new activities.

Representation of strong worker unions and organizations will make a difference to protect and extend new rights to migrant workers. The project must ensure proper trade union and worker representation that can stand up for workers rights in the face of contextual challenges- nationally and globally.

On the understanding that the implementing partners have a sound experience and knowledge on labour migration process and issues involving migrant workers, it will add value to their knowledge with specific capacity building focussing on gender understanding and social analysis of gender based vulnerabilities to support their effective involvements.

8.2 TECHNICAL CAPACITY OF ILO – COLOMBO AND ILO UNITS

By limiting the scope of the Project, its impacts could be maximised so as to ensure more focused, prioritised and systematic efforts to protect and reach rights of migrant workers. This decision rests also with the MFEPW, the SLFBE and implementing partners.

ILO's expertise could be extended further to upscale institutionalising efforts with strong enforcement and accountability measures, within agencies and institutions involved in rights and protection issues of migrant workers, also adopting more strategic gender interventions.

It was evident through the Project implementation that cross learning and exposure has had good impacts to enhance knowledge of all national partners. This can be continued with the participation of strong worker organisations and civil society partners to share their own experiences and critical reflections on improving service delivery, collective advocacy and strategies in an organised forum for this specific purpose.

8.3 CAPACITY BUILDING OF GOVERNMENT

The process of strengthened institutional capacity building and the importance of specific training on all areas of policy, regulatory and grievance handling have been rightly highlighted through the Project. To take this forward and for longer term impacts, all capacity building efforts and trainings could incorporate process monitoring skills, analytical skills, social analysis and gender analysis for all personnel in management –operational levels in project implementation. The Project has made remarkable strides in the short term towards capacity building but capacity alone cannot deliver unless systemic weaknesses are reformed or transformed to ensure sustainable results.

It is being reiterated that a gender strategy is essential for female migrant workers' upward mobility socially-economically, and it can be ensured only after systemic barriers are identified and addressed to achieve 'real empowerment'.

The running thread in the Project is of access and enforcement mechanisms across the whole spectrum of labour migration from access of rights, to information/data, to access support services, complaints and grievance redressal systems. Concerted efforts of national partners and the key line ministries, through policy, dialogue, and co-ordination, is needed to address these issues urgently and not allow them to recur with adverse results in protection of migrant workers and for service delivery.

The grievance handling mechanisms should be piloted using a migration chain process analysis to measure the delivery of service effectiveness at different levels and at strategic points to confirm that the institution building was smooth and a success. The recruiting agencies have to be supported as they have a key role in improving-monitoring practices, analysing the chain and enforcement of the Code of Ethical Guidelines.

The Tamil language sensitivity within the operational system that the evaluation has pointed out and emphasized, should not be postponed as a matter of policy in order to monitor the procedures for its conformity and 'principled' practice.

Implementation and enforcement of MOUs has always been the bane of bilateral agreements. Much more sustained international effort is needed to make states accountable to comply with the concept of, '*decent and secure jobs*' and meet minimum standards. GOSL has to continue strategic negotiating efforts to ensure better 'bargaining power' and improved conditions for migrant workers for all skilled and unskilled workers.

9. POSSIBLE FUTURE DIRECTIONS

Future Project interventions could be designed to include a few Piloting initiatives, which should be well planned, needs-social analysis based and gender- focused to learn from local initiatives. Some of these could be, a) to explore some of the best practices and approaches in order to adopt what is best and relevant strategy in the object of effective service delivery, b) what best options influence policy and advocacy at the grassroots level.

The process- oriented' interventions are the best 'to maximise the synergies of macro-meso and micro levels without being linear but dynamic. The interventions could focus not only on policy at the macro but focus more at the meso where the capacity building trainings (which the Project did attempt) and which involves implementing institutions and personnel, and at the micro level where the interventions finally touch the core, that is the rights and dignity of migrant workers. Future directions and interventions could be targeted at the meso, where the mis-intepretations, practices, management, knowledge, conflicts and shortcomings prevail. This is not to say that the macro is not important but the interventions can be more tangible if more focus is at the meso and micro levels. Extending the reach and priorities, increasing focus and capacity building at local and sub-national levels towards quality service delivery is a challenge for subsequent Project programming.

At ministerial level, the relevant ministries involved are tasked to establishing Inter- Ministerial coordination to guide and influence the labour migration process positively bearing in mind the overall development objective was to "*... promote an enabling policy and institutional environment that allows migrant workers to secure decent jobs in conditions of freedom, equity, security and human*". This will be seen in efforts to promote effective inter -agency communication, inter -regional co-operation mechanisms, international initiatives fostering learning and exchange, engaging and capitalizing on global inter- regional union solidarity and civil society alliances to advocate for rights of migrant workers in future programming. Hopefully, this range of actors could exert their influence in a responsible and accountable manner to impact on the labour migration process.

10. ANNEXES

ANNEX 1 - TOR FOR THE EVALUATION OF THE LM PROJECT

Terms of Reference

End of Project Evaluation

Title of Project	Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy
TC CODE	SRL/10/08/SDC
Administrative Unit	ILO Colombo
Technical Backstopping Unit	Regional Office for Asia and the Pacific (ROAP), Bangkok
	International Migration Programme (MIGRANT), Asia Pacific Desk; Geneva
Type of Evaluation	End of Project Evaluation
Timing of Evaluation	21 Jan – 20^h February 2013
Project budget	US\$ 681,151
Project duration	15th December 2010 to 14th December 2012 with a no-cost extension from 15th December to 14th March 2012.

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 a mandatory for all projects below US\$ 1 million. The internal evaluations are managed by ILO staff members and technical specialists and back stopping officers 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 LM 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 achievement of the project's 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 reflecting the changes which occurred in the operational and administrative environment since 2010.

The evaluation will be managed by the Senior Migration Specialist in Bangkok.. 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

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. Each year, the number of migrants leaving the country increases. In the last five years approximately 200,000 people have left the shores of the country in search of work. Roughly 2.8% of the country's labour force migrates annually. In 2008 these workers contributed over 316,118 million rupees to the economy making up 7% of the GDP, with remittances being second only to garment exports in foreign exchange earnings.

Sri Lanka's labour migration process has a number of pressing issues which demand attention. In terms of managing the labour migration process, Sri Lanka is yet to have control over the process in order to ensure migration in dignity, security and equity for Sri Lankan citizens. Sri Lanka responds to a demand driven international labour market. As a labour sending country, it's focus on labour migration is determined by the demands of the international labour market that has shaped the profile of the country's migrant labour force. Despite diverse initiatives, both by the State and the non-governmental sector, Sri Lankan migrant workers face a multitude of obstacles at all stages of the migration process; pre-departure, in service and upon return and reintegration. Many of these issues stem from the skill level profile of Sri Lanka's migrant work force where the majority of workers fall within the low skilled (termed unskilled in statistics) and housemaid categories.

There are a number of reasons for the exploitative and abusive situations faced by migrant workers. They are personal, regulatory and structural. The lack of skills that prevents low skilled workers from obtaining higher skilled employment; inadequacies in training as well as the failure to learn from the training provided due to low levels of education, social stresses and mindset; 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. Despite safeguards provided by the State,

migrant workers, especially those in the low skilled category face numerous exploitative and abusive situations in work. These are documented and range from non-payment of salaries, early and forced termination without compensation, exploitative work conditions such as long hours of work, burden of work, lack of rest and leisure to abusive situations including verbal, physical, mental and sexual abuse and confiscation of travel documents.

Project Background

In order to address the challenges in the migration process more comprehensive and in a holistic manner the Government of Sri Lanka (GOSL), in 2008, developed the National Labour Migration Policy for Sri Lanka (NLMP) with the full and active participation of key stakeholders. The ILO was the key facilitator in supporting the drafting and acceptance of the policy. The national policy aims to promote opportunities for all men and women to engage in migration for decent and productive employment in conditions of freedom, equity, security and human dignity. With the acceptance of the national policy in April 2009, the Ministry set in place a plan to implement the policy. ILO was further requested to continue providing support to the Ministry and ILO in turn offered facilitating and advisory support to the Ministry to establish the Tripartite Advisory Committee (TAC) on Labour Migration and its work.

This project is a two year initiative aimed at supporting the commitments and undertakings of the national policy. The overall objective of the project is to contribute to the sustainable economic and social development of Sri Lanka by promoting decent and productive employment opportunities for women and men while safeguarding the rights, freedoms, security and dignity of migrant workers and their families. The project is guided by the provisions of the national policy and seeks to support Sri Lankan stakeholders in its effective implementation.

The project focuses on three strategic areas. These are inter linked issues that contribute to improving the situation of the migrant labour force and the migration process by strengthening policy frameworks, addressing gaps, setting in place processes for implementation, regulation and accountability.

Key Project outcomes are Strengthening policy, legal and institutional processes, Improving the training of prospective migrant workers, Improving efficiency and effectiveness of regulatory, protection and grievance handling mechanisms by strengthening institutional capacity.

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 of migrant workers' protection in the overall migration programme strategy.

The project contributes to:

- Sri Lanka DWCP (2008 – 2012) outcome 2,
- ILO OBM CPOs LKA105
- UNDAF 2008-2012 outcome 1 and 4

The Donor

The project is funded by the Swiss Agency for Development and Cooperation in Sri Lanka . The Swiss Agency for Development and Cooperation (SDC) is Switzerland's International Cooperation Agency within the Federal Department of Foreign Affairs (FDFA). SDC presence in Sri Lanka was established in 2003 with a Field Office in Jaffna and subsequently a Cooperation Office in Colombo. The Swiss cooperation strategy for Sri Lanka, the ***Swiss Medium Term Programme*** was jointly developed by SDC and the Human Security Division, under which Switzerland co-funds, implements and coordinates humanitarian and development projects and extends support to political dialogue and rule of law in partnership with International Agencies, Non Governmental Organizations (NGO) and the Government. SDC has an extensive global migration programme which supports improved governance of labour migration in several countries.

Partners

The project gives high priority to working with ILO's tripartite constituency: government institutions namely the Ministry of Foreign Employment Promotion & Welfare, Sri Lanka Bureau of Foreign Employment (SLBFE) and the Ministry of Labour and Labour Relations, employers including the Employers' Federation of Ceylon (EFC) and Associated Licensed Foreign Employment Agents (ALFEA) and trade unions.

The Ministry of Foreign Employment Promotion & Welfare and SLBFE are key institutions in the project management and implementation. The implementation of the project is carried out under the guidance of Tripartite Advisory committee also known as the Project Advisory Committee which meets every 3 months.

The project also involves 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 women 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.

Project Implementation Strategy

The project is a two year initiative aimed at supporting the commitments and undertakings of the Sri Lanka National Labour Migration Policy. The overall objective of the project is to contribute to the sustainable economic and social development of Sri Lanka by promoting decent and productive employment opportunities for women and men while safeguarding the rights, freedoms, security and dignity of migrant workers and their families. The project is guided by the provisions of the National Policy which is based on the ILO Multilateral Framework, ILO and UN Conventions and takes into account Sri Lanka's National Policy on Decent Work. Gender equality issues and tripartite participation is treated as cross-cutting themes in the programme design and all project activities including migration statistics and policy research.

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, primarily with the tripartite constituents, 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 of end November 2012)

ILO's work in the last two years (2010 to 2012) with support from the SDC, complements the extensive work carried out in previous years by the ILO on promoting the rights of migrant workers.

During evaluation period, ILO worked on three main areas feeding into the National Policy, such as strengthening governance mechanisms, enhancing protection and welfare and facilitating development in the migration process.

The project aimed to strengthen governance through the enhancement of policy, legal and institutional frameworks such as reviewing the proposed new legislation; Sri Lanka Migration Authority Act. The legislation looks at employment migration from the point of view of incoming as well as outgoing migrant workers which expands the scope of the National Policy. The legislation was expected to be presented in Parliament in 2012 to pave the way for comprehensive legal provisions to govern every aspect of the migration process. However the legislation is yet to be presented in Parliament. The project has also made significant efforts towards combating unethical recruitment and to that end developed a Code of Ethical Conduct for Recruitment Agents. Following this, the project worked with the Ministry of Foreign Employment Promotion and Welfare to take its provisions forward.

In terms of protection, welfare and empowerment of migrant workers and their families, project worked towards improving the pre-departure training for unskilled and low-skilled categories of women and men seeking overseas employment through the development of standardized National Vocational Qualification (NVQ) level pre-departure training manuals. It is envisaged that in time, low skilled workers will be upgraded to higher skilled levels thereby minimizing abuse and corruption in migrant employment and creating a more professional workforce with dignity of labour and decent work. The project also worked towards finding gaps within the existing complaints handling mechanism and developed through a participatory process, Operational Guidelines for labour welfare officers at Sri Lankan Diplomatic Missions in labour receiving countries. The strengthening of grievance handling was supplemented by providing training and capacity building for officers of the SLBFE Conciliation Division and developed a 3 year training strategy to provide gender-responsive, effective and timely grievance redressal.

ILO also worked on action oriented research targeting the reintegration of returnee migrant workers in Sri Lanka and worked towards designing and testing a model approach to reintegration through the implementation of the pilot reintegration project in selected areas of Kurunegala and Ampara, which was a previously unplanned activity. The objective was to connect returnee migrant workers and the civil society organizations working with them, with government service providers and to establish a sustainable and productive link to the government stakeholders ensuring their effective economic and social reintegration back to their communities.

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 Foreign Employment Promotion and Welfare and the SLBFE, in its execution and implementation.

In the 1st year of the Project, ILOs project implementation team consisted of a part time technical advisor, a programme assistant located at a project office set up in the premises of the Ministry of Foreign Employment Promotion and Welfare supported by a programme officer attached to the country office in Colombo. When the project was originally designed the mandate was under the former Ministry of Foreign Employment Promotion and Welfare, where a strong Steering Committee was already in place for the implementation of the NLMP under the chairmanship of the Secretary of the Ministry. Hence the need for a full time NPC was not envisaged at the time, as the responsibility for the implementation was vested with the Ministry with technical assistance from ILO and was considered as a continuation of the policy formulation process. With the changing of the mandates of foreign employment portfolio to the Ministry of External Affairs and then to the newly formed Ministry of Foreign Employment Promotion & Welfare the previously planned management arrangement was not possible. Moreover project implementation had to adjust to the structural and administrative changes and there was period of adjustment and confidence building.

During this period it was felt necessary to hire a full time National Project Coordinator (NPC) to manage the project together with a part time technical advisor under the guidance of the Senior Programme Manager of the ILO Country office. The NPC is supported by a Finance & Administrative Assistant of the country office, in preparation of budgets and disbursement of payments and financial reporting when needed.

In terms of project steering at the National level, during the conceptualization of the of the project, ILO envisaged that the established National Advisory Committee on Labour Migration would work closely with the ILO and guide and steer project implementation. However the change of the administration at the Ministry resulted in expansion of the membership and scope and the mandate of the Advisory Committee, and steering of the project based work began to lose focus. Given the above context ILO then proposed that a Project Advisory Committee with a clear Terms of Reference convened by the Secretary, Ministry of Foreign Employment Promotion and Welfare, be established consisting of ILOs social partners and key stakeholders in Labour Migration to provide guidance for the project.

At the regional and international level, the project also draws upon the expertise on standards, employment, gender equality, skills, social protection and social dialogue based in ILOs headquarters in Geneva, Regional Office in Asia and the Pacific, and in the DWT-New Delhi, India. Technical backstopping for the project was provided by the Senior Migration Specialist based in the Regional Office for the Asia and the Pacific (ROAP) and MIGRANT through their Asia desk officer. The project had access to various ILO technical resources including manuals on labour migration, migrant worker standards and protection of men and women migrant workers and publications and research materials from ILO's past and on-going projects on migration. The project drew on the experience, and lessons learnt in several technical cooperation projects in the Asia region.

Participation of Employers' and Workers' and Civil society Organizations

The project cooperated with the national networks of trade unions, migrant associations CSOs and NGOs working to protect the rights of migrant workers.

Workers' and employers' organizations were engaged as implementing partners in the pilot reintegration project together with migrant associations, NGOs working with the migrants in the field, especially for public awareness raising and migrant outreach activities. The tripartite constituents were invited to participate in committees responsible for formulating social protection and welfare policy improvements programmes for migrants and their families.

Non-governmental organizations, including The Action Forum on Migration (ACTFORM), and migrant associations, participated especially in its community-level outreach, training and employment programs.

III. PURPOSE AND OBJECTIVES OF THE EVALUATION

Purpose:

- Assess the achievement of project's objectives;
- Review the original project design and document the changes in project management and within Government administration and its impact on the implementation of the project activities
- Review the project implementation modalities towards long-term and short-term goals as stated in the original project document.
- Identify constraints, failures, achievements and best practices and make recommendations to modify strategies to be reflected in the design of subsequent phases of the LM project.

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

The secondary users will be SDC 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.

The other secondary user will be the Ministry of Foreign Employment Promotion and Welfare and the PAC who will review the findings of the evaluation for their guidance in future projects.

IV. EVALUATION SCOPE

The scope of the evaluation is to verify project implementation from the drafting of the proposal (October 2010) until 30th November 2012. The geographical coverage will include Colombo and Kurunegala.

EVALUATION CRITERIA AND QUESTIONS

It is felt that the evaluation should examine the following:

No.	Criteria	Specific Information
1	<p>Relevant and strategic fit of the intervention</p> <p>ILO Country Strategy (DWCP) and its influence on Project design</p>	<p>Its relevance and justification in relation to the socio-economic aspects of migrant workers.</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>
2	<p>Conceptualization,</p> <p>Logic of project design,</p> <p>Validity of Design of Project / PRODOC and coherence with ILO capacities and values</p>	<p>For what strategic reasons did ILO decide to develop the LM project?</p> <p>What was the nature and type of engagement between ILO and SDC in the pre-design phase?</p> <p>What were the inputs from HQ / Regional Units in relation to strategic context and design</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> <p>How relevant was the contextual analysis during the project design?</p> <p>Were the planned operational /implementation arrangements effective? What changes were made and how did they impact on the overall implementation 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 migration 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>

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 and the SLBFE?</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 welfare and protection?</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>
4	<p>Management effectiveness</p> <p>(the extent to which management capacities and arrangements put in place support the achievement of results)</p>	<p>How effective was the structure of the project management team and management changes made to deal with administrative changes within the Government administration..</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?</p> <p>How well was ILO equipped technically to support the various project actors (consultants, service providers etc).</p> <p>What kind of interventions/activities benefitted most/least from the particular technical and operational knowledge of the ILO project team in Colombo?</p> <p>Type, nature and effectiveness of technical and administrative support at Colombo, New Delhi, Bangkok, and Geneva levels?</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>
9	Impact and sustainability	<p>What impact in terms of the donor priorities has the project made?</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>What mechanisms is the project following to institutionalize the key findings/lessons?</p>
10	Lessons learnt for the next phase	<p>What can be learnt from the past 2 years for the next phase in terms of management of the project, technical capacity of the Colombo team and backstopping by other ILO units; capacity building of Government.</p>

V. METHODOLOGY

The ILO will engage an external 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.

The Consultant is expected to review periodic progress reports to donors, minutes of National Advisory Committee and Project Advisory Committee meetings, Mission reports, seminar and stakeholder consultation reports and meet with ILO staff and partners in Colombo as well as in Kurunegala.

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.

Please add information here on the field visit whether all project sites will be visited by the evaluator or not. If not please provide justification/ criteria for selecting project sites for the visit by the evaluator.

The Evaluator will share the first draft of the findings of the evaluation with the ILO Country office and the project team on the 5th February 2013 to present the preliminary findings for verification. The draft including comments of the ILO country office and the project team will be sent to the Senior Migration Specialist on 10th February 2013 for review. After receiving comments from technical backstopping units in Bangkok the preliminary findings will be presented to the Project Advisory committee for validation.

Following feedback from all parties, the Evaluator will submit the final Evaluation Report to the ILO Country Office for by 20th February 2013 for dissemination.

VI. MAIN DELIVERABLES

The main outputs will be the followings:-

- 1) **An report on Preliminary Findings** : on project activities /outputs to be presented at the Project Advisory Committee
- 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)
- (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)
- (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 finalized. The evaluation manager will finalise the evaluation summary.

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.

VII. MANAGEMENT ARRANGEMENT, WORK PLAN AND TIME FRAME

7.1 Evaluation management and roles of evaluators and stakeholders:

The Evaluation Focal Point in the Colombo Office will finalize the TOR in consultation with the Senior Migration Specialist. 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 external 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 Workplan and time allocation

Time lines: The work on the evaluation to begin by the 21st January 2013 and the first draft of the report to be submitted by 5th February 2013.

Phase	Responsible Person	Tasks /Activities	Days Proposed (W/Days)	Timing from commencement
1	Consultant/ evaluation manager	Brief by evaluation manager Briefing with ILO Colombo Desk Review of project – related documents	4. days	21 January 2012
2	Consultant	• Consultation with project team in Colombo	1 1/2 days	
		• Consultation with project partners and other beneficiaries	5 days	
		• Field visit in selected areas of Kurunegala	1 day	
		• Prepare first draft of report	2 days	10 th February 2012
		• Presentation to PAC	1/2 day	
3	Consultant	• Finalising of report	2 days	
4	Evaluation manger and Evaluation Focal Point	• Circulation of report to key stake holders		25 th February 2012
Total			15 days	

VIII. RESOURCES REQUIRED

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

ANNEX 2 - LIST OF MEETINGS AND FOCUS DISCUSSION GROUPS

Organization	Name & Designation	Meeting date
MFEPW	Mr Nissanka Wijeratne Secretary	8 th February
	Mr Swarnapala Former Additional Secretary	5 th February
SLBFE	Mr Amal Senadhilankara Chairman	8 th February [planned but was not available]
	Mr Mangala Randeniya DGM/Social Development Former DGM Training	8 th February
	Ms Aloka Jayasinghe Asst Manager-Sociology /Reintegration	8 th February
	Mr Senanayake DGM Foreign Relation Former DGM Conciliation	8 th February [planned but was not available]
	Mr. H.M.Sunil Manager Sociology	8 th February [planned but not available]
ALFEA	Mr Aponso President	8 th February
	Mr Mackeen Secretary	8 th February
Ministry of Labour	Mr Upali Wijayaweera Secretary	5 th February
	Ms Padmini Ratnayake Coordinating Secretary to Secretary	5 th February
ILO Project team	Ms Shafinaz Hassendeen Ms Pramo Weerasekera Ms Swaierie Rupasinghe	23rd January
ILO - PO and Technical consultant	Ms Pramo Ms Ramani Jayasundere	30 th January

ILO stakeholders meeting	To share research report on <i>'Reintegration with Home Community: Perspectives of Returnee Migrants in Sri Lanka'</i>	31 st January
ILO staff - National Project Coordinator	Ms Swairee Rupasinghe	6 th February
Trade Union	Mr. Marimuttu CWC Representative	Not contactable
Trade Union	Mr Velayudam President, NTUF	5 th February
ILO	Mr Donglin Li - Director	6 th February
NGO	Ms Viola Perera [ACTFORM]	8 th February
NGO	Mr Andrew Samuel Head of Community Development Services	6 th February
Technical Consultant	Ms Ramani Jayasundere	5 th Feb [Questionnaire and personal interview]
ILO Consultant	Mr L K Ruhunage	5 th February
Field visit in Kurunegala	Mr Sajith Officer in Charge, SLFBE Local Office Ms Niluka – Administrator/Conciliation officer SLFBE Local Office Ms Sumika Perera & Ms Padma Women's Resource Centre Meeting with 16 beneficiaries in Polpithigama Ms Anoma – Migrant Women's Front [MWF]	11 th February

	Meeting with 6 beneficiaries at the MWF office	
Independent Meeting	2 returnees from Kandy	13 th February
Independent Meeting	2 returnees from Colombo	14 th February
Independent Meeting	Representative of Migrant Workers Organization, Baddegama	15 th February
Swiss Development Cooperation	Mr Jean Michel Jordan, Director of Cooperation Mr Benil Thavarasa- Programme Manager	9 th April

ANNEX 3 - TOR OF PAC AND ITS COMPOSITION

ILO Project on Promoting decent work through good governance, protection and empowerment of migrant workers: Ensuring the effective implementation of the Sri Lanka National Labour Migration Policy

PROJECT ADVISORY COMMITTEE

The International Labour Office (ILO) Colombo is currently implementing a project titled “Promoting decent work through good governance, protection and empowerment of migrant workers” which focuses on ensuring the effective implementation of the Sri Lanka National Labour Migration Policy. The two year project (January 2011 to December 2012) is supported by the Swiss Development Cooperation. The project works in close cooperation with the Ministry of Foreign Employment Promotion and Welfare (MFEPW) and the Sri Lanka Bureau of Foreign Employment (SLBFE).

The project objectives stem from the Sri Lanka National Labour Migration Policy and takes into account Sri Lanka’s National Policy on Decent Work. The project focuses on three interlinked strategic areas that impact on the migrant labour force and the migration process; strengthening policy, legal and institutional processes, improving the training of prospective migrant workers and improving efficiency and effectiveness of regulatory, protection and grievance handling mechanisms by strengthening institutional capacity.

The project is implemented under the guidance of and in consultation with the MFEPW and the SLBFE. In accordance with the provisions of the Sri Lanka National Policy on Labour Migration, where a National Advisory Committee provides the policy and management direction to the implementation of the National Policy, ILO reports to and seeks guidance from the National Advisory Committee which is convened by the Secretary, MFEPW.

In addition to the engagement with the MFEPW, the SLBFE and the National Advisory Committee, and in view of closer and practical engagement with all stakeholders in the process of migration in Sri Lanka, the ILO sees it prudent to seek guidance of a Project Advisory Committee which will look into, advise and guide the specific implementation of the ILO project.

The Project Advisory Committee will comprise representatives of ILO’s tripartite constituents and the main tasks of the Project Advisory Committee will be as follows:

- To advise the ILO on the implementation of the project ensuring that project priorities are sensitive to and reflect issues and challenges relating to the labour migration process
- To provide issue and activity specific guidance on project outputs
- To review project progress

The meetings of the Project Advisory Committee will be convened by the ILO and chaired by the Secretary, Ministry of Foreign Employment Promotion and Welfare. Meetings will be held every quarter.

Proposed Members of the Advisory Committee

1. Secretary - Ministry of Foreign Employment Promotion and Welfare (Chairperson)
2. Representative from the Sri Lanka Bureau of Foreign Employment
3. Representative Ministry of External Affairs
4. Representative Ministry of Labour and Labour Relations
5. Representative - Ministry of Vocational and Technical Training or TVEC
6. Representative from the Association of Licensed Foreign Employment Agencies
7. Representative from the National Workers Congress or Ceylon Workers Congress
8. Representative from the Employers Federation of Ceylon
9. Representative from ACTFORM
10. Mr. L.K. Ruhunage, Consultant, ILO
11. Representative from the ILO
12. Representative from the Swiss Development Cooperation

ANNEX 4 - OUTPUTS OF THE LM PROJECT

December 2010-March 2013

Reports and Reviews

1. Desk Review of Existing Pre- Departure Training and Information Material
2. Review of Operational Guidelines, Procedures and Process of Diplomatic Missions in Labour Receiving Countries.
3. Recruitment Practices of Employment Agencies Recruiting Migrant Workers : *A review aimed at improving recruitment regulations and drafting recruitment guidelines – [to be published in February 2013]*
4. Strengthening Grievance and Complaint Handling Mechanisms to Address Migrant Worker Grievances in Sri Lanka: *A Review and Analysis of Mechanisms – [published January 2013]*
5. Review of Impediments and Opportunities for Sri Lanka to ratify the ILO Migration for Employment Convention, 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
6. Regional Best Practices on Recruitment of migrant workers
7. A Training Strategy for Conciliators of the Sri Lanka Bureau of Foreign Employment : *The effective prevention and settlement of migrant worker disputes*
8. Curriculum for Certificate level course for Prospective Labour Welfare Officers to be posted to Sri Lankan Diplomatic Missions in Labour receiving Countries
9. Curricular for Diploma course in Migration Studies – (Developed jointly with the Anti-human trafficking Project)
10. Report with recommendations for a sustainable business model for the Proposed Labour Migration Institute of Sri Lanka

Guidelines

1. Operational Manual for Labour Welfare Sections of Sri Lankan Diplomatic Missions in Labour Receiving Countries – [\[published in January 2013\]](#)
2. Code of Ethical Conduct for Recruitment Agents – [\[to be published in Feb 2013\]](#)
3. Revised NVQ3 standard Pre-Departure Training Manual for low-skilled and semi-skilled workers including male migrant workers – [\[to be published in March 2013\]](#)

Research Studies

Reintegration with Home Community: Perspectives of Returnee Migrants in Sri Lanka – [\[to be published in March 2013\]](#)
