



ශ්‍රී ලංකා මානව හිමිකම් කොමිෂන් සභාව
இலங்கை மனித உரிமைகள் ஆணைக்குழு
HUMAN RIGHTS COMMISSION OF SRI LANKA

මගේ අංකය }
எனது இல. }
My No. }

ඔබේ අංකය }
உமது இல. }
Your No. }

දිනය }
திகதி }
Date }

26th Nov 2020

Hon. Dinesh Gunawardena
Minister of Foreign Affairs
Foreign Ministry
Colombo 01

Dear Hon. Minister,

Migrant Workers Stranded Overseas due to COVID – 19: Restrictions to Return to Sri Lanka

We write with reference to numerous complaints the Human Rights Commission of Sri Lanka (“Commission”) received from Sri Lankan migrants (and their families) stranded overseas due to travel restrictions imposed by the Government to prevent the spread of COVID-19.

The Commission commends all efforts made by the Government of Sri Lanka to curb the spread of COVID-19 and recognizes the special need to restrict certain rights in the interests of public health and public order during this health emergency. However, as stipulated under Section 10 of Act No. 21 of 1996, the Commission is duty bound to inquire into complaints and make recommendations to the Government to ensure that administrative practices are in accordance with our constitution and international human rights norms and standards.

In this regard, the Commission wishes to emphasize that under Article 14 (1) (i) of the Constitution, every citizen has a right to return to Sri Lanka. This is similar to Sri Lanka’s treaty obligations.

Article 8 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families recognises all migrant workers and family members have the right to enter and remain in their State of origin at any time. Article 67 requires State Parties to adopt measures for their orderly return when they decide to return or their residence or employment expires or when their stay is irregular. The Commission wishes to highlight that being a party to the Migrant Workers’ Convention and served on the UN Committee on Migrant Workers since its inception, it is incumbent on the Government to take necessary measures in a timely manner to guarantee the right of Sri Lankan migrants and their families to return to Sri Lanka.

Article 12 of the International Covenant on Civil and Political Rights (“ICCPR”), provides that “no one shall be arbitrarily deprived of the right to enter his own country”. The Commission notes that the complainants state that they have paid the airfare, subjected themselves to PCR tests, and complied with all the requirements and guidelines issued to them. However, although they have been promised that they would be repatriated to Sri Lanka in early November, they are still held in respective countries without the basic amenities to survive. Further, many have either had their visas canceled or visas have expired, thereby converting them into illegal immigrants. They also complain that they have not had assistance from the Government during this ordeal.

The Commission urges the Government to take immediate action to secure safe return of migrants and their families, in fulfillment of its human rights obligations.

Honourable Minister, as you are aware, Central Bank of Sri Lanka stated that Sri Lanka’s current economic situation is being stabilized by workers’ remittances (30% increase in August 2020, from August 2019). Given the impact of the pandemic on worldwide migration, this is a commendable effort by our fellow citizens who have been the back bone of our foreign exchange earning capacity, sometimes exceeding foreign income from investments, exports and our more traditional exports. Their services to our economy and country cannot be ignored and deserves the strongest support in their hour of need. UN Migrant Workers Committee already appealed to governments to ensure an orderly, safe, and dignified return for the migrant workers to their home countries. We also appeal to you take immediate steps to repatriate them.

The Commission wishes to emphasize that nothing should be done contrary to health guidelines and procedures to be followed to mitigate the spread of COVID-19. The Commission recommends all migrants to be subject to all the necessary medical tests and quarantine procedures upon their arrival to protect the health interests of the general public and maintain public order.

Thanking You,



Ramani Muttettuwagama

Commissioner in charge of Inquiries and Investigations.

Human Rights Commission of Sri Lanka

CC:

1. Hon. Piyankara Jayaratne, the State Minister of Foreign Employment Promotions & Market Diversification.
2. Admiral Prof. Jayanath Colombage
Foreign Secretary