



United Nations
Sri Lanka

SRI LANKAN MIGRANT DOMESTIC WORKERS

THE IMPACT OF SRI LANKAN POLICIES ON WORKERS' RIGHT TO FREELY ACCESS EMPLOYMENT

A STUDY FOR THE UNITED NATIONS COUNTRY TEAM IN SRI LANKA

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Foreword

Sri Lanka has, since the late 1970s, been a country of origin for low skilled labour migrants. According to the 2012 Annual Statistics of the Sri Lanka Bureau of Foreign Employment, approximately 1.8 million Sri Lankans are working abroad of which 51% are men and 49% are women. Of the share of female migrants, a total of 42% migrated as domestic workers. Migrant worker remittances are the key foreign exchange earning source for Sri Lanka, amounting to 8% of the country's GDP in 2013 (USD 7 billion), and a source of economic development for nearly one-third of the country's population. Given the significance of the migrant worker's contribution to the country, the Government of Sri Lanka has an extensive regulatory framework governing migration to ensure the safety, protection and well-being of migrant workers.

The United Nations in Sri Lanka commissioned this study to examine the range of policies, action plans and circulars in place to ensure the protection and welfare of migrant workers and their families. As such, the report serves to contribute to a better understanding of the impact of these policy instruments on workers' right to freely access employment of their choice. The report also provides an overview of what measures are in place to create income generating opportunities for women in Sri Lanka and the availability of child care support mechanisms which could contribute to changing the push factors that lead to labour migration.

I would like to thank Dr. Ramani Jayasundere, Dr. Asha Abeyasekera and Ms. Kumari Idamegama, the Consultants who conducted this study, for undertaking the research and analysis contained in this Report. Their work provides an invaluable contribution to the understanding of the impact of national policies on migrant domestic workers and their families which will undoubtedly offer useful insights to policy makers and other stakeholders.

I would also like to thank the UN Gender Theme Group and the Office of the UN Resident Coordinator in Sri Lanka for their support throughout this research study and the finalization of this Report. Last but not least, my sincere gratitude to the Royal Norwegian Embassy in Colombo for financially supporting this research.



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UNFPA Representative and
Chair of the UN Gender Theme Group in Sri Lanka

Abbreviations

FBR	Family Background Report
FGD	Focus Group Discussion
GN	Grama Niladhari
ILO	International Labour Organisation
KII	Key Informant Interview
MDO	Migration Development Officer
MFE	Ministry of Foreign Employment
MFEPW	Ministry of Foreign Employment, Promotion and Welfare (former Ministry)
National Policy	National Labour Migration Policy for Sri Lanka (2008)
NGO	Non-Government Organisation
SLBFE	Sri Lanka Bureau of Foreign Employment
SMS	Short Message Service (text message)
UN	United Nations
UNDAF	United Nations Development Assistance Framework

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Executive Summary

The migration of women as domestic workers is a controversial issue in Sri Lanka mired in discourse surrounding women's right to employment and freedom of movement conflicting with stereotyped and patriarchal notions of women's role in the family, and of motherhood.

Every year, over a hundred thousand women migrate for employment, the majority as domestic workers. The contribution of these workers to the national economy is invaluable and the Government works towards preparing, promoting and protecting these workers. However, rising opposition against women migrating as domestic workers based on reports of negative impacts on the children and families of women domestic workers has led to a number of policies and practices to stem the migration of women to the domestic work sector.

In Sri Lanka, the labour migration process is governed primarily by the Sri Lanka National Labour Migration Policy which recognizes gender equality in principle as well as the reality of women's participation in the migrant labour force, in low skilled, vulnerable conditions. The National Policy further recognizes the Government's duty towards the welfare and protection of families including children of women migrant workers. While the National Policy accepts the right of women to work in any occupation as migrant workers, it provides for protectionist measures to ensure a better trained workforce to migrate to safe and dignified work conditions.

In 2013 and 2014 the Government translated the protective measures of the National Policy to adopting two Circulars that mandated a compulsory Family Background Report be completed by all women seeking overseas migrant employment in the domestic sector. The Family Background Report aimed at ensuring informed decision making focusing primarily on the care and protection of children of female domestic workers.

The result of this little thought of arbitrary measure has been the denial of the right of many Sri Lankan women to migrate as domestic workers.

The Circulars have resulted in complex and mixed reactions. While there is overwhelming acceptance of the Circular as being "good" and "safeguarding children and the family", there is also discussion on the discriminatory nature of the Circular that goes against the Constitutional commitments to gender equality and right to employment enjoyed by all women and men in Sri Lanka.

This study examines the Sri Lanka National Labour Migration Policy and Circular that institutionalizes the Family Background Report in relation to their impact on migrant workers who fall under the domestic domain, from the perspective of women's right to freely access employment. The study highlights a number of complex issues ranging from the level of knowledge and awareness, approval as well as criticism of the Policy and Circular, and the impact of gender insensitive and patriarchal discourse on a woman's roles and responsibilities in Sri Lanka. The study further highlights methodological challenges of researching 'female migrant workers'.

The study makes a series of recommendations that will bring about immediate, midterm as well as long term results. These recommendations fall within four main categories; to remedy gaps in knowledge and information base; to revise and update the National Labour Migration Policy and abolish the Family Background Report; to provide alternatives for women who wish to consider alternatives; and to listen to the voices of female migrant domestic workers.

Introduction

The process of overseas migration for employment by citizens of Sri Lanka is governed by the main policy document: the Sri Lanka National Labour Migration Policy (National Policy). The National Policy was publicised in April 2009 with Cabinet approval.

In July 2013, the Ministry of Foreign Employment Promotion and Welfare issued two Circulars—the first to Licensed Foreign Employment Agents¹, followed by a Circular to Divisional Secretaries²—pertaining to the employment of women as domestic workers in foreign countries. The Circulars, effective January 2014, instructed that a Family Background Report (FBR) be completed by all women seeking overseas migrant employment in the domestic sector. The FBR aimed at ensuring informed decision making focusing primarily on the care and protection of children of female domestic workers. The FBR set out several provisions for this as outlined below:

- To prevent the endorsement of women with children under five years of age from migrating for domestic work.
- To endorse the migration of women with children over five years of age only if satisfactory arrangements for the care and protection of her children are made by the migrant worker.
- To set in place the maximum age of 55 years for females migrating as domestic workers for the first time.
- To set in place minimum age limits for the migration of female domestic workers at 25 years to Saudi Arabia, 23 years to other Middle Eastern countries, and 21 years to other countries.
- To establish a chain of approval involving diverse government officers (Grama Niladharis, Public Health Officials, the Migration Development Officers at the Divisional Secretariat and the Divisional Secretary), employment agents, the guardian appointed to look after the children (if it is not the husband), and the husband of the migrant worker to endorse migrant employment of female domestic workers with the final authorisation with the Migration Development Officer at the Divisional Secretariat approved by the Divisional Secretary.

In the first year of its operation, the requirement of an FBR for women to leave for migrant domestic employment has been enforced strictly. The results of this are manifold. This study aims to explore the FBR set within the wider policy, policy implementation and regulatory background of the migration process in the country as well as within the gendered processes that impact on women.

In commissioning this study the United Nations aims at the following objectives:

- To inform the UN Country Team, including the Gender Theme Group and the UNDAF Pillar groups, and the development sector on the critical issues to be considered.
- To facilitate evidence based discussion and identify/recommend appropriate interventions to address critical issues, and in turn mainstream gender equality into UN programmes more effectively.
- To build a stronger engagement on gender based issues with civil society and other key stakeholders.

This exploration conducted in November 2014, and in January to February 2015 straddles two Governments and thus two guiding documents that set out the mandate and focus of each Government: the Mahinda Chinthanaya of the previous Government and the Compassionate Government / A Stable Country pledge of the current Government.

¹ Circular No 13/2013 and Circular No 19/2013

² Circular MFE/RAD/1/3 of 12.2013 effective 15 January 2014

This includes the provision in the 100 Day Programme of the Government that pledges to ensure the protection of families of migrant workers through a special Family Protection Programme.

Thus this study aims broadly to explore and understand the effects of internal policies on female migrant domestic workers from a gender equality perspective.

Background

Migrant labour is Sri Lanka's main contributor to the national economy. Sri Lanka recognises the value of its out-bound migrant labour population and there are diverse policy commitments and mechanisms in place to regulate and protect the migrant worker population. This includes the Ministry of Foreign Employment (MFE), the Sri Lanka Bureau of Foreign Employment (SLBFE), and the National Labour Migration Policy adopted by Cabinet in 2009.

Migrant workers continue to be the highest avenue of foreign revenue earnings for the country. In 2013 migrant workers earned Rupees 827,689 million. During the six month period from January to June 2014 (as per the latest official statistics available), earnings increased by 10.6 percent and amounted to Rupees 589,137 million. One of the significant features of Sri Lanka's migrant worker population is that 34 per cent of the migrant workforce comprises women in low-skilled work in the domestic sector. 40 per cent of the migrant workforce comprises women and 82.5 per cent of this female workforce is categorised as "housemaids" and "House Keeping Assistants".³

In a newspaper interview in March 2015⁴, the Deputy Director and Media Spokesman of the SLBFE notes a "significant drop" currently in the departure of female domestic migrant workers showing a reduction of 6.4 percent in 2014 compared to departures in 2013. Quoting the latest statistics, the Deputy Director and Media Spokesman states that in 2013, 118,061 women migrated as domestic workers which reduced by 7,569 in 2014 to 110,492. He further notes that the number of women who attended the pre-departure training programme conducted by the SLBFE for all housemaids before leaving the country has also reduced by 34 per cent in 2014. The Deputy Director and Media Spokesman attributes this reduction to the several programmes launched by the Government "to discourage women from seeking overseas employment" due to the "many social issues" that arise due to women migrating for employment.

In terms of numbers, the equal participation of women in the migrant labour force stands in contrast to the low participation of women in the national labour force in Sri Lanka. The national labour force participation in Sri Lanka is characterized by the high participation of males. Women constitute approximately half of the number of males in the work force. Despite a gradual increase in women's participation in formal work, female unemployment rates remain almost double that of male unemployment. These characteristics are not reflected in women's participation in migrant labour. However, the skewed nature of female labour participation within Sri Lanka where larger numbers of women are employed in low skilled, low-wage work is equally reflected in women's participation in the migrant labour force.

The feminization of the migrant labour force and its changing trend is a unique character in Sri Lanka's migrant labour force. In the late 1990s, 75 per cent of Sri Lanka's migrant labour force was women. By 2008, the number began to fall below 50 per cent due to policies and procedures that promoted male migration over female, and skilled migration over low-skilled work. This policy push increased the migration of males. While the annual departure numbers of women workers remained largely the same (except in 2014 when the number reduced by 6.4 percent), the numbers of male workers migrating increased, reducing the percentage of female migrant workers.

There are myriad international instruments and national policy documents that govern

3 Ministry of Foreign Employment Promotion & Welfare. (2014). *Annual Performance Report 2014*.

[Translated from Sinhala] Retrieved from: <http://goo.gl/NPb2Pv>

4 The Island. 20 March 2015. *Significant Drop in Housemaids Going Abroad*. Retrieved from <http://goo.gl/3SQfEq>

migrant labour in Sri Lanka. The ratification of the International Convention on the Protection of All Migrant Workers and Their Families in 1996 provided the normative framework to base national migration legislation and practice. Despite Sri Lanka not ratifying other international conventions, primarily ILO Conventions No. 97 and 143, there is discourse on the need for labour rights protection afforded to workers in the migratory process aimed at advocating for the ratification of the ILO Conventions. Prior to the ratification of migration specific international instruments, Sri Lanka ratified the Convention on the Elimination of All Forms of Discrimination Against Women, and subsequent drafting of the Sri Lanka Women's Charter recognises women's right to employment.

The National Action Plan for Decent Work has recognized the importance of labour migration for the economy, and the vulnerability of workers who migrate under risky and unsafe conditions is a major issue despite all safeguards introduced. The National Human Rights Action Plan and the National Plan of Action on Women both recognise female migrant workers as a specific vulnerable category.

In 2008 the then Ministry of Foreign Employment Promotion and Welfare (currently the Ministry of Foreign Employment) drafted the first ever Sri Lanka National Labour Migration Policy. The Policy received Cabinet approval in April 2009 and has been implemented since, governing the process and approaches associated with labour migration in Sri Lanka.

The National Policy aims at three main objectives. The first was on governance and regulation of migration described as *"better governance and regulation of labour migration based on consultative processes with social partners and civil society in the formulation of migration policy"*. The second objective focused on protecting and empowering migrant workers and was described as *"providing effective protection and services to migrant workers and their families left behind"*. The third objective looked at linking migration and development, *"mobilizing development contributions of labour migration in terms of remittances, reintegration of returning migrant workers, circulation policies and linkages with transnational communities"*.

Overall, 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. The Policy seeks to do so through policies, laws, regulations, services and facilities for migrant workers and their families. Recognising that the low skill levels of migrant workers lead to exploitative situations, the Policy lays emphasis on the development of skills as a main and effective means of protection for migrant workers and their families. While being a gender sensitive policy taking into consideration fully the role of women in the process of migration, the National Policy further carries a special focus on women workers.

On page 7 of the National Policy, it makes a commitment as follows: *"The State affirms the fundamental equality of women and men before the law and the significant role of women in nation-building. Recognizing the contribution of Sri Lankan women migrant workers and their particular vulnerabilities, the State shall apply gender sensitive criteria in the formulation and implementation of policies and programmes affecting migrant workers and the composition of bodies tasked for the welfare and empowerment of migrant workers. The policies and programmes will aim towards the empowerment of migrant workers in exercising the right to informed decision-making and the full enjoyment of all rights, privileges and benefits of migration"*.

From 2010, with the acceptance of the National Labour Migration Policy, the State has actively promoted male migration in order to stem women from migrating for domestic work. The rationale behind this move is to reduce female migration for domestic work due to the vulnerability the work places women in. As a result, numbers of male migrant workers has increased, reducing the percentages of female domestic worker migration from the overall statistics of migrant departures. But the number of female departures for domestic work remains the same.

In 2013, the State produced several Circulars (Circulars No 13/2013, 19/2013 and 15/1/2014) requiring female domestic workers to provide background information on the care of children left behind. This Circular required filling in a Family Background Report (FBR) as a mandatory pre-departure requirement which had to be completed to the satisfaction of the State in order for a female domestic worker to migrate for employment. The FBR is not a requirement for male migrant workers even if such workers leave behind young children. In response to this Circular, the State put in place a management system at Divisional level to monitor the family situation of female domestic workers prior to departure. There are perceived pros and cons regarding the FBR, but the discourse surrounding the FBR does not appear to take into consideration women's inalienable right to employment or the gendered discourse surrounding women's stereotyped role as taking the primary responsibility for family welfare.

The FBR contravenes the constitutional provisions on equality in terms of employment. Further, the State is currently considering bringing forth a National Family Policy which centres on the sanctity and protection of the family unit. The FBR further contravenes the provisions of the said Family Policy in considering the mother as the primary structure in family unity, thereby placing the onus on the woman and disregarding the role and contribution of the father to family unity.

In addition, the State is expected to produce a Reintegration Policy as a sub-policy of the National Labour Migration Policy. It is important to examine gender equality within this Reintegration Sub-Policy to ascertain the focus on male and female low skilled workers, primarily women domestic worker returnees.

Despite wide spread policy commitment on focusing specifically on women migrant workers and resultant attention on female migrant workers, policy implementation and resultant regulations and processes have not adopted a rights-focused approach to women's right to employment and movement. The numerous processes and approaches stemming from the National Policy on governance mechanisms, protection and empowerment of migrant workers and their families, and linking migration with development have not adopted a women's equality approach. In contrast, it has taken a protective undertone that has denied women the right to equal opportunities in migrant employment, and brought about some discriminatory provisions woven around gender stereotyped patriarchal attitudes that do not consider women's equality and empowerment, and impinge on women's equal access to employment, decision making and freedom of movement.

On the invitation of the Government of Sri Lanka, the UN Special Rapporteur on the Human Rights of Migrants visited Sri Lanka in May 2014. The UN Special Rapporteur met with representatives of the Government, the United Nations Country Team, the Human Rights Commission, the diplomatic community, recruitment agencies, civil society

organizations, academics, families of migrants and returned migrants, and made a series of recommendations.⁵

In his mission report, the UN Special Rapporteur highlights the Family Background Report as being discriminatory towards women migrating as domestic workers. He writes, “I regret this discrimination against Sri Lankan women in relation to the right to migrate. The fact that they have small children, or that many domestic workers suffer abuse, exploitation and other human rights violations- including the tragic execution of Rizana Nafeek, cannot be used as a reason to deny them the right to leave their country, provided for in the International Covenant on Civil and Political Rights, ratified by Sri Lanka. Women’s rights organizations in Sri Lanka are protesting against the Circular of January 2014, which they claim leads to irregular migration. I have also been informed that, due to forged documents and corrupt officials, the age limits and Circular are not properly implemented anyway. While the Sri Lankan Government’s intentions behind these restrictions seem to be good, aiming to protect these women and their children, restrictions on women’s right to leave their country is not the right way to achieve such objectives. In fact, I was told that many women migrate in order to escape from family issues, including domestic violence. I urge the Government to focus on other means, such as creating more income-generating opportunities for women in Sri Lanka, including in rural areas, diversifying child-care support measures, and enhancing gender equality and men’s participation in their children’s upbringing”.

The UN Special Rapporteur strongly recommends that the Circular mandating the Family Background Report be repealed to respect women’s right to employment and freedom of movement.

Methodology

The focus of this study is to examine the gendered impact of migration-related policies and related practices on domestic workers and their families. The aims of the study are to provide an overview of the gender dimensions of the policy environment affecting migrant workers in Sri Lanka, and to understand in-depth the gendered impact of policy and related practices on women migrating as domestic workers.

The study included a number of selected Sri Lankan policies, regulations, approaches and practices, and took a gendered perspective in exploring the impact of these policies and regulations on both women and men. The conceptual and theoretical approach centred on gender equality and women's empowerment.

The exploration comprised the following:

- An analysis of Sri Lanka's commitments to women's equality including women's right to employment in relation to migrant employment.
- A focus on women migrant workers in the domestic sphere (working as housemaids), the characteristics, pertinent issues and discourse around domestic sector migrant employment, the role of migrant women domestic workers, and the impact of such employment (positive and negative) on women.
- An exploration of intentions, practices and perceptions of policy and policy implementation, the current discourse on the protection of the family unit including the welfare of children, the roles of spouses and care givers, informal coping mechanisms, and a discussion on alternative work and income generation for those that are denied an opportunity to migrate for employment due to restrictions brought on by policies and regulations.
- A study of the narratives on policy expectations, practical measures and the reality of the lives of migrant workers and their families.

The study was framed by two main exploratory research questions:

1. In what ways do Sri Lankan policies and regulations and their practice related to migrant workers impact on gender equality?
2. In what ways do these policies, regulations and their practice impact on women's empowerment?
 - In what ways do these policies, regulations and their practice impact on women's right to access employment?
 - In what ways do these policies and regulations and their practice impact on women's gendered roles in Sri Lankan society?

Methodologically, the study comprised three parts:

1. A review of Sri Lankan policies and regulations that apply to female migrant workers who fall under the domestic domain (migrant domestic workers). The main tool for this was a Desk Review.
2. An analysis, through primary data, of the gendered impact of these policies on the rights of workers to freely access employment. The main tools for this were Key Informant Interviews, Focus Group Discussions, and In-depth Interviews.

3. The in-depth study of the main policy document that impacts on women migrant workers seeking employment as domestic workers. The main tool here was a case study of the Family Background Report.

(A detailed Note on Methodology is attached as Annex 1)

Sample

The study included a purposive sample of sites. The following districts were chosen based on district based departure populations of female domestic workers⁶:

Kurunegala District: In 2012, 13,572 workers departed for employment in the 'Housemaid' category, making Kurunegala the highest district in the country as per numbers migrating as female domestic workers. Kurunegala District, like Colombo, is the location for a high number of Foreign Employment Agencies and is home to primarily Sinhala and Muslim populations.

Batticaloa District: In 2012, 5,894 workers departed for employment in the 'Housemaid' category. Batticaloa District has the highest departures in the Eastern Province. It is home to Tamil and Muslim populations.

Galle District: In 2012, 5,731 workers departed for employment in the 'Housemaid' category. Galle District has the highest departures in the Southern Province. It is home to primarily Sinhala populations with small populations of Tamil and Muslim communities.

Colombo District: In 2012, 10,560 workers departed for employment in the 'Housemaid' category. Colombo District has one of the highest incidence of departures and has the highest departures in the Western Province. Colombo District is the location for a high number of Foreign Employment Agencies and is home to all ethnic groups.

Textual Analysis of Policy Documents

Introduction

The ‘dysfunctional’ families of poor women migrating overseas for employment are at the heart of an impassioned debate about ‘family breakdown’ in Sri Lanka. The absence of the mother, it is argued, leads to the neglect of children, resulting in school drop-out, early marriage, and vulnerability to sexual abuse. Moreover, it is said that husbands of migrant women are prone to alcoholism and extra-marital relationships, making the female migrant’s family even more susceptible to disintegration. Ever since the liberalisation of the economy in 1979, overseas employment has been a principal strategy by which the urban and rural poor aim to exit the poverty that they have been unable to overcome through economic activity within Sri Lanka. A significant feature of Sri Lanka’s migrant worker population is that 49 per cent of the approximately one million workforce are women working in low-skilled occupations mainly as ‘house-maids’—domestic workers employed mainly by households in Middle-Eastern countries.

In response to the moral panic about the vulnerability of families of female migrants, a Government Circular was passed in 2013, stipulating that women submit a ‘Family Background Report’ to the local government authority. The Circular bans women with children under the age of five from migrating, and requires migrant-hopefuls to nominate a substitute caregiver for all children being left behind. (As an upper age limit is not mentioned in the circular, according to the 1990 Child Rights Convention [CRC], ‘children’ can be interpreted as persons under the age of 18). Moreover, the Circular requires migrant-hopefuls to obtain the written permission of a ‘guardian’, i.e., the husband or father, endorsing her plan to migrate overseas for work.

The ‘family breakdown’ debate has also resulted in the drafting of a ‘Family Policy’ whose overall goal is ‘to strengthen family bonds and protect the family from fragility’. The policy identifies the rise in overseas migration by women and female labour force participation as one of the principal causes for the ‘weakening of family solidarity’. These developments clearly indicate the currency of a powerful discourse on the ideology of ‘the Sri Lankan family’. This imagines the nuclear family as monolithic with the mother as primary care-giver and father as head-of-household, and ignores the existence of diverse family forms, as well as kinship networks on which women and men rely on a daily basis for child-care and family survival. Furthermore, the paternalistic tenor of these policies clearly disregards gender equality. More critically, in privileging the wellbeing of children and families over women’s access to employment, it contravenes women’s rights. What’s more, in targeting poor women migrants, the policies are not merely classist in its discourse; the class implications of implementing these policies are highly problematic.

Research Methodology

This section of the report focuses on the desk-review of existing Sri Lankan policies that specifically apply to migrant workers who seek employment as domestic workers. The textual analysis of policy documents is framed by the following research questions:

1. What are the existing state policies relating to overseas migration and migrant workers?
2. From what perspective have these policies been formulated?
 - i. Gender-blind? Gender neutral? Or Gender-biased?
 - ii. Is the gender-bias explicit or implicit?

3. What ideological frameworks inform these policies?

The objectives of the desk review were to:

- understand the policy environment and policy discourse impacting on migrant workers going as domestic workers
- illustrate the gender dimensions of policies
- locate the policy discourse and related practices within a rights framework

The following policy documents were selected for analysis:

	Name of Policy	Date	Local Language Title	Language
1	National Labour Migration Policy for Sri Lanka	October 2008		
2	SLBFE Circular on Family Background Report to all Licensed Foreign Employment Agencies	27 July 2013	රැකියා නියෝජන ආයතන මගින් ගෘහපලිකාවක් / ගෘහසේවිකාවක්විගමනික ශ්‍රමිකයන්ගේ පවුලේ විස්තර සහ බාරකාරිත්වය පිළිබඳ දේශීය රැකියා නියෝජන විසින් ලබා දෙන සහතිකය	English covering letter; Sinhala/Tamil Report Form
3	Ministry of Foreign Employment Promotion and Welfare Circular on Family Background Report to all Secretaries of Local Government Councils (Pradeshiya Sabha)	December 2013		Sinhala letter; Sinhala/Tamil Report Form
4	Family Background Certificate (excerpt)	ND	ගෘහසේවිකාවක් ලෙසවිදේශ ගතවන විගමනික ශ්‍රමිකයන්ගේ පවුලේ විස්තර සහ බාරකාරිත්වය පිළිබඳ දේශීය රැකියා නියෝජන විසින් ලබා දෙන සහතිකය	Sinhala

Feminist Analysis of Policy

Ever since the United Nations recognised the importance of incorporating women into international development in the mid-1970s in response to the second-wave of the women's movement and the scholarship of feminist academics, the development discourse has been infused with the concepts of 'gender' and 'gender equality', as well as 'women's rights' and 'women's empowerment'. More recently, however, there has been a critique by feminist academics that feminist theories often lose their feminist content when they are institutionalized—i.e., translated into policy and practice—and that feminist concepts are sometimes deployed in ways that neither benefit nor empower women (cf. Pearson and Jackson 1998). In trying to deconstruct how feminist theories and concepts are (re)-interpreted in policy, the following questions were used to interrogate the policy documents under review through a feminist lens:

1. How are 'women' conceptualised?
 - i. Are women seen as 'instrumental' to development? Or are their intrinsic worth acknowledged?
 - ii. What roles of women are recognised and valued?
2. How are the social institutions of 'family' and 'household' conceptualised?
3. Does the policy commit conceptual errors in its understanding of women's subordination and promotion of women's empowerment?
 - i. Does it assume that women's poverty is a result of under-development, not a result of subordination?
 - ii. Does it reduce all forms of disadvantage women experience as stemming from the circumstances of poverty?
 - iii. Does it assume that the eradication of poverty will lead to women's empowerment?

National Labour Migration Policy for Sri Lanka (2008)²

Ideological Framework - Principles and Values

The *National Labour Migration Policy for Sri Lanka (2008)* is explicit in its articulation of the underlying principles that inform the policy's formulation and vision for implementation. 'Human Rights' is the overarching framework within which the tenets of labour rights, good governance, protection and empowerment of migrant women and their families, and equality are deployed. The policy document is structured into three main sections and each section invokes a specific ideological framework as critical to effective policy implementation.

- **Section One - Governance of the Migration Process**

The principle of 'good governance' is recognised as vital to regulating the labour migration process and is seen as critical to the efficacy of institutions. The principle of 'good governance' is also emphasised as essential to the formulation and implementation of all policies, laws, and regulations pertaining to migration.

- **Section Two - Protection and Empowerment of Migrant Workers and their Families**

The principle of 'empowerment' is interestingly paired with 'protection' to emphasise the State as primarily responsible for protecting migrant workers and their families in all three stages of the migration process—pre-departure, in-service, and return and reintegration. As much of the research on migrant women indicates the vulnerability of domestic workers to various forms of exploitation, the pairing of 'empowerment' with 'protection' suggests that meaningful empowerment can only be realised if these vulnerabilities are reduced through purposeful interventions by the State.

- **Section Three –Linking Migration and Development Processes**

The principle of 'equality' is underscored in recognising the contribution migrant workers make to the country's employment, generation of income, economic growth, and development. In acknowledging how migrant workers contribute to "investments, transfer of technology and skills, human capital formation, enhancement of social capital, promotion of trade and business links and good governance" (p.VI), migrant workers are seen as equal citizens of the country.

The overarching framework of 'human rights' and the underlying principles of labour rights, good governance, empowerment and protection, and equality are elaborated on in certain sections of the *National Labour Migration Policy for Sri Lanka (2008)*.

- **Combining 'Human Rights' with 'Labour Rights'**

- In the 'Introduction', the policy document affirms that one of the three goals of the *National Labour Migration Policy for Sri Lanka (2008)* is "to work towards the fulfillment and protection of all human and labour rights of migrant workers" (p.1).

- This is reiterated in the 'Introduction' where the initiative to formulate a comprehensive labour migration policy is said to be framed within "the framework of principles of decent work, dignity of labour and the protection of all human rights and freedoms of migrant workers and their families" (p.2).

- The combining of the language of international human rights with the language of labour rights is reflected in the 'Preface', written by the then Minister of Foreign Employment Promotion and Welfare. He asserts that the policy is an articulation of the State's

'commitment to ensuring a labour migration process that adheres 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' (p.1).

- **Equality explicated as Gender Equality**

In the 'National Policy Statement on Labour Migration' the hitherto gender neutral language that was used to underscore the principle of 'equality' is expanded to include 'gender equality' (p.7). Gender equality is elaborated as follows:

- Recognizing the contribution of women migrant workers and the significant role women play in nation-building
- The fundamental equality of women and men before the law
- Recognising women's particular vulnerabilities and the commitment to apply "gender sensitive criteria in the formulation and implementation of policies and programmes affecting migrant workers and the composition of bodies tasked for the welfare and empowerment of migrant workers" (p.7)
- The empowerment of migrant workers "in exercising the right to informed decision-making and the full enjoyment of all rights, privileges and benefits of migration" (p.7).

The Conceptualisation of the Citizen

The National Labour Migration Policy for Sri Lanka (2008) conceptualises persons, namely the migrant, in two ways. Throughout the policy document, the repetition of the phrase ‘migrant workers and their families’ conceptualises the person as ‘relational’ rather than ‘individual’. Such a conceptualisation recognises that migrants are embedded in kinship relations and the decision to migrate, as well as the consequences of migration (both positive and negative), is borne not only by the individual migrant, but also by the person’s family. An understanding of the relational dimensions of migrants’ lives is critical if the State is to be effective in their policy and programmatic interventions.

There is, however, the danger of imagining the family and household as always unified. The model of the unified household can be a convenient policy tool through which policy resources are directed to social units and this can often happen at the expense of individual rights and needs (Kandiyoti 1998:135). At the same time, the policy stresses the individual rights of migrants. There is, however, a tension between these two ideas of personhood—as relational and as individual—in the policy environment because it presents the problem of prioritisation for the State: is the State to privilege the rights of individuals or the wellbeing of families?

The overall framing of the National Labour Migration Policy for Sri Lanka (2008) is equivocal in resolving this dilemma. On the one hand, the need for a policy on labour migration and the allocation of resources to migrants and their families are justified from an instrumental point of view: migration is important to Sri Lanka’s economy because overseas migrants are responsible for a substantial inflow of remittances. On the other hand, the policy strives hard to acknowledge the intrinsic worth of migrants by stressing the importance of upholding their rights—specifically their right to productive and decent employment and the right to movement—and the State’s commitment to human rights in general through the ratification of international conventions.

Low-skilled Workers – Gender and Class Dimensions of Conceptualising Vulnerability and Disadvantage

The National Labour Migration Policy for Sri Lanka (2008) endorses the State’s vision to increase skilled migration and “reducing the outflow of low-skilled workers (including women workers who are employed as housemaids)” (p.1). The policy attributes ‘low-skilled’ as the root cause of vulnerability and disadvantage faced by overseas migrants. It asserts that:

“Evidence shows that low-skilled workers face violations of human rights, including labour rights, harassment and abuse at the work place more than skilled workers and professionals, due to diverse vulnerabilities resulting from lack of adequate education and training, language skills and capacity to conform to work demands.” (p.10)

It must be noted that the policy is careful in framing the issue of vulnerability as resulting from ‘low-skilled’ rather than ‘poverty’, although such an inference is obvious as poverty is linked to low-skills. Hence, there is an assumption that low-skills (and poverty) are the result of under-development, not a result of subordination, especially when it concerns women. An explicitly anti-poverty policy such as skills-training, therefore, cannot be expected to necessarily improve the status and position of women without a more rigorous “gender analysis, which transcends class divisions and material definitions of deprivation” (Jackson 1998:39).

Moreover, 'low-skilled workers' (or poor migrants) are associated with the inability to make rational decisions:

"The absence of an environment that promotes informed decision-making on migration for employment creates personal and social problems for workers. Some citizens, especially in the low-skilled category, may choose to migrate without due consideration of its adverse implications for personal and family interests, and rights of spouses, children, extended families and the migrant workers themselves" (p.20).

The policy is careful to emphasise the structural dimensions of the lack of access to information when it states that "this is largely due to the lack of reliable and widely accessible information about migrating for employment and the difficulty for vulnerable populations to access available information and support services" (p.20). Nevertheless, the discomfiture with poor people's decision making is present in the policy. There are several assumptions being made here: that being 'low-skilled' prevents migrants from adequately assessing the opportunity costs of migration and fully comprehending the significance of the decision on the wellbeing of the self, children, and family. Although in-depth sociological analysis of the motivation to migrate may be limited, nevertheless the current literature on migration indicates that the impetus to migrate is never an impulsive decision but is the result of individual and collective deliberation (Kottegoda 2004).

Low-skilled migrants are also conceptualised as vulnerable to psychological issues and are deemed to be less resilient when it comes to coping with changing life circumstances:

"Migrant workers, *particularly in the low-skilled category*, suffer from psychological issues due to the isolation, cultural shock and alienation, which can make them vulnerable to diverse problems, such as emotional and sexual exploitation, and lower productivity. Migrant workers, *particularly in the low-skilled category*, are largely unaware of the need for psychological preparation for employment overseas. In order to prepare workers for this, prospective migrant workers must receive adequate psychological preparation for migration" (p.20 emphasis added).

Low-skilled migration is imagined as a psychologically stressful (even traumatic) event. Hence, in stipulating the minimum age at 21, there is an assumption that migrants must be more physiologically and psychologically developed to cope with the stress of migration. In addition to functioning and resilience, the policy also stresses the importance of literacy to rational decision making. Higher levels of literacy enable migrants to be more aware of risks and weigh the costs and benefits of migration in a more informed manner.

The gender dimensions of 'vulnerability' underline the tension between 'protection' and 'empowerment' in section II of the Policy. The policy affirms that the State has a "primary responsibility" towards safeguarding the rights of its citizens by protecting migrant workers and their families. Protection of the State is imperative because the State "recognises the *vulnerability* of migrant workers, men and women, to discrimination, exploitation and abuse. The State recognizes that this is *particularly so* in employment that is categorized as *low-skilled, especially women workers* and inadequately regulated sectors of employment" (*emphasis added*). The rhetoric of victimhood that dominates the literature on migrant

women often mask the stories of resilience in not just surviving, but successfully managing the migration experience that contribute to women's (and men's) empowerment (Abeyasekera 2010).

Although the section is titled 'Protection and Empowerment', the main focus of the section is on protection. The lack of discussion on empowerment - how migration contributes to empowerment and the reluctance to admit that migration can be a positive experience for some people - reduces the inclusion of the term to an afterthought. The commitment of the State to protect its citizens must be lauded, and it must be acknowledged that the empowerment of people must be supported through laws and policies designed to safeguard their rights and protect them from exploitation. The pairing of 'empowerment' with protection, however, gives the impression that the empowerment of women (and men) is possible *only* when the State can provide adequate protection. There is no recognition that, in coping with the challenges of migration, women (and men) experience empowerment even when measures to protect them are deficient. This is clearly demonstrated in the way vulnerabilities, especially of low-skilled workers, are listed and measures to protect them are discussed. The paternalistic discourse of protection disregards the capabilities of individuals who have the power to overcome difficult circumstances to forge a 'good life' for themselves.

The Family Background Report Circulars (2013)⁸

The policy decision by the Sri Lanka Foreign Employment Bureau to implement the Family Background Report—a clearance certificate “for domestic sector female workers preventing unqualified domestic housekeepers going abroad”—came into effect on 15th July 2013.

The Circular effectively:

- Bans women with children under the age of five from migrating overseas;
- Requires all women with children (no upper age-limit stipulated) to “guarantee the protection of children” by nominating a substitute caregiver; and
- Establishes different minimum age requirements for specific regions (Saudi Arabia-25 years; Other Middle-East Countries – 23 years; Other Countries - 21 years).

The first Circular was issued by the Sri Lanka Foreign Employment Bureau on 07th June 2013 to all licensed foreign employment agencies. The Circular stipulates the submission of the Family Background Report as a mandatory pre-requisite for all women hoping to migrate overseas for domestic work. A second Circular was issued by the Ministry of Foreign Employment Promotion and Welfare in December 2013⁹ to all Secretaries of the Provincial Councils detailing the requirements of the Family Background Report, and informing them that the policy that had come into effect on 15th July 2013 has been replaced by the new Circular (no: MFE/RAD/1/3) with effect from 15th January 2014.

Rationale for Intervention

The Circular states that “it [has been] observed that considerable number of female domestic housekeepers leaving the country without informing the actual state of affairs at home in Sri Lanka or their illnesses which cannot be detected through medical investigation.” The rationale begs the questions: who should women be informing about their “actual state of affairs at home?” To whom are they accountable? The rationale for introducing the Family Background Report profiles the women migrants in a negative and degrading light: it implies that migrant-hopefuls practice deception when reporting on their personal life and their health and are, in general, untrustworthy. The Circular suggests that because this group of women often disregard their accountability to family and kin when making the decision to migrate overseas for domestic work, the State must intervene to ensure that women fulfil their familial duties and are held accountable to their families. The rationale immediately obliterates any boundary that may have existed between the ‘personal/private’ and the ‘public’ domain of women’s lives, and allows the State to scrutinise ‘family affairs’ and ultimately regulate the family.

The protection of children is the primary rationale for the intervention of the State. The Circular asserts that in the event of a mother migrating overseas for domestic work, “it is difficult to guarantee the safety and protection of the child”. In addition, the Circular declares that the family faces “difficulties and hardship” when a mother migrates for work, and that “many social problems” are a consequence of women’s migration. Such a declaration completely disregards the structural issue of urban and rural poverty and also the various socio-cultural factors that contribute to social problems such as alcoholism, suicide, violence against women, child abuse, and abandonment. It ignores social science literature that claims that the material consequences of poverty, as well as women’s experience of disadvantage and deprivation are the main reasons for their migration (*cf.* Ehrenreich and Hochschild 2003; Gamburd 2000; Kottegoda 2004). The Circular turns research evidence on-its-head and blames social problems on poor women’s migration for domestic work.

⁸ See Annex 2

⁹ A specific day is not indicated in the letter.

The portrayal of migrant women as irresponsible and devious, and as the principal cause of family breakdown and social problems violates the fundamental principle of dignity that the National Labour Migration Policy for Sri Lanka (2008) upholds in its Policy Statement: “The State shall ensure that no policy, law or regulation will compromise or violate the dignity and fundamental rights and freedoms of Sri Lankan citizens and specifically migrant workers” (p.7). More fundamentally, by regulating women, and not men, the policy places the responsibility of childcare in particular and the wellbeing of the family squarely on the woman’s shoulders, and disregards the role of the father and the consequences the absence of the father has on the wellbeing of children and families.

The State as the Regulator of Women

The patriarchal familial ideology that justifies such scrutiny and regulation by the State is evident in the stipulations of the Family Background Report. In deeming women as deceitful and irresponsible, it calls into question women’s ability to make informed decisions. Hence, the policy wrests a woman’s sense of responsibility towards her familial duties and obligations by placing a ‘guardian’, several actors of the State, and finally the private overseas employment agency to monitor and evaluate the enactment of her caregiver role. The Family Background Report (2013) requires:

- Declaration of marital status
- Declaration of the number of children with dates of birth
- The name and signature of a ‘guardian’
- Nomination of a caregiver: his/her name and address
- Nominated caregiver’s kinship relationship to migrant
- Status of nominated caregiver’s health status
- Proof of nominated caregiver’s attendance on ‘Family Day’ and declaration of consent to fulfil the primary caregiver’s role for the entire duration of the mother’s absence
- The following signatures verifying the information provided:
 - Grama Niladhari
 - Family Health Worker
 - Migration Development Officer
 - Divisional Secretary

Power Relations

The Family Background Report deliberately places a woman in a web of unequal power relations. She is required to obtain the signature of a ‘guardian’—which places her father or, in most cases, her husband, as her protector who must grant her permission to migrate overseas for domestic work. The policy disregards the principle of gender equality enshrined in the National Policy on Labour Migration (2008) and ignores how husbands and wives arrive at decisions through a process of discussion, negotiation, and bargaining (Ferdinando 2010; Kandiyoti 1988; 1998; Osella 2012). The migrant-hopeful is then required to nominate a substitute caregiver and obtain his/her signature declaring that he/she commits to the role for the entire duration of the mother’s absence from home. On the one hand, such a stipulation reinforces the familial ideology of ‘mother as primary care-giver and father as head-of-household’. Such a limited and static understanding of family roles makes no provision for the father to play the role of the caregiver in the mother’s absence. Moreover, the need to nominate a substitute caregiver ignores the existence of kinship networks

on which women and men rely on a daily basis for child-care and family survival. The complex and unspoken bonds of kinship that bind people in a web of duty and obligation is formalised placing the woman in a disadvantaged position of the 'favour seeker'. Overall, the imposition of regulation on a woman's decision making process ignores the research that illuminates how the decision to migrate is almost always made in a relational context where the collective interest of the family is often emphasised over individual desires and personal wellbeing (Gamburd 2000; ILO 2005; Kottegoda 2004; Risseeuw 1988; Waxler-Morrison 2004).

The authority of the State to regulate a woman's right to movement and the right to seek productive employment is unequivocally communicated through the mandatory signatures of several officials, namely the SLBFE officer in attendance at 'Family Day', the Grama Niladhari (Local Government Officer), and the Community Development Officer. What is interesting is the way in which the State, while exercising its authority over migrant-hopefuls, places the ultimate burden of responsibility of enforcing the policy on the foreign employment agency by threatening to revoke their license if they do not comply. Migrant-hopefuls are almost always at the mercy of employment agencies who take advantage of their aspirations by exploiting them in multiple ways, mainly through the exhortation of fees and through the control of information of employment opportunities (Abeyasekera 2010). By making employment agencies responsible for the 'clearance certificate', the State has opened up another avenue through which women can be exploited by them.

Discrimination based on Class

The Family Background Report Circular (2013) is not applicable to *all* women migrating overseas for work. It specifically targets women who migrate overseas for domestic labour. Hence, the target group that comes under the purview of the policy are poor women who fall under the 'unskilled worker' category. Women who migrate overseas under the following categories are not subject to the policy: 'skilled' (e.g., seamstresses, design makers, embroiders); 'clerical and related' (e.g., accountants, beauticians, clerks, computer operators); 'mid-level positions' (e.g., nurses, teachers); and 'professionals' (e.g., doctors, managers) (SLBFE 2005). The Family Background Report Circular (2013) is unequivocally classist in the way it blatantly discriminates against poor women, which has grave implications. The Circular suggests that:

- *Poor women* are irresponsible (and devious); they often do not prioritise the protection of their children and the welfare of their families; hence the State must intervene to ensure that these women fulfil their duties and obligations to their families. Whereas women from a middle or upper-class background who migrate overseas for work are capable of protecting their children and the wellbeing of their families.
- *Poor families*, therefore, are the exclusive receptacle of a range of social ills from child abuse to alcoholism to marital breakdown, whereas families from a middle or upper-class background are more stable and hardly experience such social problems. Hence, the middle-class family is idealised.
- The *children of poor women* are more vulnerable and suffer more keenly the absence of the mother, whereas the children from middle or upper-class families are more resilient and are able to cope with such a situation.

- The kinship networks and family ties of poor families are weak and hence substitute caregivers must be identified and approved by the State in the event of migration, whereas these networks and ties are stronger in middle or upper-class families and can be relied on for care giving without State intervention.

Conclusion

The *National Labour Migration Policy for Sri Lanka* (2008) makes a formal commitment to upholding human rights within which the tenets of labour rights, the empowerment of migrant women and their families, and equality are stressed. It explicitly places faith in law and policy to ensure “freedom, equity, security and human dignity [for] migrant workers and their families” (p.IV). However, as demonstrated by the textual analysis of the *Family Background Report Circular* (2013) such a commitment is violated by the Circular.

The social science literature on poor Sri Lankan women migrating overseas as domestic helpers has tended to focus on risk factors as well as the socio-economic costs and benefits of migration to the migrant and her family. By concentrating on vulnerability, the literature infers the disintegration of the family without an adequate consideration of how the institutions of kinship and family are transforming in response to social change (Dias and Jayasundere 2004; Gamburd 2000; Kottegoda 2004; Waxler-Morrison 2004). The lack of research on family change in Sri Lanka partly explains this lack in the analysis. In fact, not since the classic village-based ethnographies detailing kinship in the mid-twentieth-century has there been substantive research on family and kinship in Sri Lanka.¹⁰ Moreover, much of the sociological literature on family change in South Asia focuses on the structural changes in the institution, with little attention to changes in family relationships in periods of transition. Scholars studying ethnic minorities as well as LGBT communities in Europe and North America point to the increasing heterogeneity in family forms beyond biological and conjugal bonds (Bengston 2001; Stacey 1993). Studies also indicate the increasing importance of multi-generational relationships, especially with female kin, in fulfilling family functions and maintaining family solidarity in the USA (Bengston 2001; Ellingson and Sotirin 2010; Milardo 2010; Widmer 2010). Recent studies on family change in India indicate that while there is a structural breakdown of the extended family, ‘functional jointness’ persists with joint families continuing as adaptive extended families (D’Cruz and Bharat 2001).

Hence, without an understanding of how family structures and functions and kinship relations are changing, we are left with an inadequate analysis of how families are balancing collective and individual interests in the face of migration that creates the conditions for ill-informed policy decisions. Moreover, policy makers must also be mindful of how gender and class inequalities are reproduced through the family. At the same time, despite the rich body of anthropological literature on people’s changing expectations of marriage and family, scholars have not adequately explored how changing family forms are in fact being accommodated and experienced by individuals. Analysing how individuals and families are making meaning of their choices and circumstances is critical if we are to understand more deeply the production of modern subjectivities.

¹⁰ The exception is Sidharthan Maunaguru’s [2009; 2010] research on marriage in Tamil transnational families.

An Analysis of Findings

Awareness and Knowledge

The level of awareness about the National Labour Migration Policy and the Family Background Report (FBR) shows a marked difference among migrant workers and Government and non-government service providers. While the National Policy is not known among most with the exception of non-government service providers, the level of information on the National Policy is minimum even among those who have 'heard' about the National Policy. Despite acceptance of the National Policy at the Ministerial level, the Policy is seen as a conceptual document that has little influence over or relevance to policy implementation at ground level. The reasoning and history behind the National Policy is vague with comments such as *"the National Policy was brought in as a protective measure after Rizana's case"*, common among service providers. The gender sensitivities of the National Policy, especially its commitment to gender equality and recognition (albeit limited) of women's freedom of movement and right to employment, are not reflected in the discourse on women migrating as domestic workers, and the inconsistency between policy commitments and the FBR are not reflected in discussion.

In terms of the FBR, there is wide awareness about the FBR among Government service providers, primarily the Development Officers-Migration (MDOs) and Grama Niladharis. MDOs are provided with a training on the FBR and their role as the final authority in approving the FBR for any female domestic worker leaving the country for domestic work.

The Migration Development Officers (MDOs) interviewed in the Kurunegala district, for example, asserted that the FBR is mandatory because it guarantees the *"safety, security and protection of migrant women's children [...] below the age of five and even teenaged children."* The MDOs stated that until the FBR was introduced they *"had very little sense of what 'child protection' meant, and its social and administrative implications."* A Grama Niladhari from the Batticaloa district stated that the objective of the FBR was to *"ensure the safety and security of married women migrant workers' children before they leave the country, and also to make sure that women get their husbands' consent to go overseas for employment."* That the protection of children in particular and the wellbeing of the family in general were the principal aims of the FBR were echoed by the Grama Niladharis (GNs) interviewed in the Kurunegala and Batticaloa districts.

NGO service providers are also aware of the FBR, but the level of information regarding its contents and procedure differs. The FBR is described as *"a document that stops women with children under five from migrating for work"*, a document *"to stop women with health conditions from migrating on domestic work"*, and a document that reinforces *"a woman's duty to look after family"*.

Employment agents and sub-agents specifically have no awareness about the National Policy, but are fully aware of the FBR and its implications on their role in facilitating the migration of domestic workers. Agents are vocal about not being able to send females domestic workers for employment without the FBR being approved by a series of officials whose signatures are required on the document.

Overall the National Policy does not appear to play a role in the work carried out by service providers or in the decision making process of migrant workers themselves, and the FBR has overshadowed the National Policy completely.

Those involved in the migration process are more vocal and articulate when commenting on the FBR than on the National Policy. There is a possibility that the ease with which they discuss the FBR—which draws from the common discourse on the role of women, more particularly mothers—in contrast to the discourse of gender equality and women’s rights enshrined in the National Policy that recognises a woman’s freedom and her right to decision making about employment and movement, is an indication of service providers in all sectors subscribing to the dominant ideological discourse. On the other hand, discussions about the FBR overshadowing the National Policy may be due to the lack of access to information. Whether its ideology or the lack of information that is influencing the discourse amongst service providers is a critical question that must be considered when reflecting on the efficacy of policy.

The Political Motivation and Rationale Behind the National Policy and the FBR

The National Policy was initiated in 2008 by the then Ministry of Foreign Employment Promotion and Welfare (now the Ministry of Foreign Employment) to make a uniform policy statement and commitment on labour migration in the country. The first ever policy document on the labour migration process, the National Policy, was drafted through a process that brought together a range of stakeholders to commit and contribute to formulating a national policy that aimed to be owned by all actors in the process. The convening of Government institutions, migrant workers, employment agencies, trade unions, civil society organizations and concerned international agencies working in the country resulted in a policy document that responds to the needs, concerns and demands of all involved. The Policy was accepted unanimously by the Cabinet in April 2009 and gained wide recognition. All actors have joined together to ensure its implementation by establishing a National Advisory Committee comprising all those who were part of the drafting process, and an Inter-Ministerial Coordinating Committee that ensured a coordinated implementation of the Policy. The Policy focused extensively on gender equality and highlighted the role and situation of female domestic workers, including provisions on their protection and empowerment.

The FBR, on the other hand, was institutionalized through a process that was confined to the Ministry of Foreign Employment Promotion and Welfare and the Sri Lanka Bureau of Foreign Employment (SLBFE). The reasoning behind the FBR was conceptualized by the Ministry and the SLBFE, and the procedural aspects did not include in it discussion among other stakeholders and service providers. The Circulars that formalized the FBR were issued without consultation by the Ministry and SLBFE. When the FBR became publicly known after its adoption, the Circular was challenged through a formal court case.

Publicised in 2012, the 2011 Annual Performance Report of the Ministry makes a statement that is a precursor to the FBR that was institutionalised in 2013. The Report states “even though a large outflow of unskilled male and domestic female workers contributed to earn the much needed foreign exchange to our country, this also had a negative impact on the broad image of Sri Lanka as a country sending mostly house maids and unskilled workers. Apart from the many problems faced by few of the female domestic workers, another detrimental aspect of the migration of large number of mothers with young children was the psychosocial impact on the children left behind. These issues have been identified by

the government as needing priority attention by taking counter measures for the protection of children left behind and to increase the outflow of professional, technical, middle management and skilled manpower so that Sri Lanka can harness the true potential of its intelligent and educated human resource, thus reducing dependence on the earnings of female domestic workers.” (MFEPW Performance 2011, SLBFE)

In 2013, the Ministry and the SLBFE promulgated the Circular that mandated the compulsory FBR for female domestic workers. The aim of the FBR was *“to minimise any harm that might be caused to the children of women migrating as domestic workers”*. The rationale stemmed from reports of neglect and abuse of children in families where the mother had migrated for employment as domestic workers, and not on a comprehensive evidence base that looked at the reasons behind the abuse and neglect of children. The rationale unquestioningly accepted the singular role and responsibility of the mother in providing the protection and care of children and did not consider the role of fathers. It further did not consider the long years of the migration of extensive numbers of mothers as domestic workers, and the positive impacts on families and children where fathers and extended families had provided for their wellbeing without State intervention or with minimum State intervention.

In September 2013, the FBR Circular was challenged by an independent citizen for its inconsistency with the Constitutional right of women to employment. However, the Supreme Court, in deciding on this petition that challenged the Circular, determined that the Circular was not in violation of fundamental rights.

It is unclear where and when the exact link between neglect and abuse of children and breakdown of families to mothers migrating for domestic work was made. The fact that in the past two and a half decades, research has focused narrowly on the negative impacts of mothers migrating as domestic workers on children and families, without setting the exploration in a wider context of exploring broad reasons for child neglect and abuse and the disintegration of some family units, could be one reason. While the adverse impact of mothers migrating on children and families cannot be ruled out due to lack of evidence-based research, these impacts or social ills, cannot on the one hand be solely attributed to the migration of females domestic workers (as opposed to other occupations) or, on the other, even to the absence of a mother.

In Sri Lanka, it appears that the social ills of child neglect and abuse, marital tension and breakdown, and substance abuse as well as the material conditions of poverty have led to a moral panic about the ‘disintegration of the Sri Lankan family’.

One of the results of the fear and anxiety about social change and its impact on the structure and function of families as well as kinship relations has resulted in blaming women (primarily mothers and wives) migrating as domestic workers.

One of the responses to this has been to disregard the principle of gender equality enshrined in the Constitution as well as the National Labour Migration Policy (2008), and introduce a State managed mechanism (the Family Background Report Circular of 2013) that discriminates against a particular group of women - women migrating overseas for domestic labour.

The purpose of the Family Background Report Circular (2013) is defined widely and is to

safeguard children, and prevent “various” hardships and social problems caused by the migration of females as domestic workers. The purpose is problematic from a multitude of angles and reasons; one of the crucial being its patriarchal nature that ignores gender equality and contravenes the commitments to gender equality enshrined in the Constitution of Sri Lanka, laws and policies including the National Labour Migration Policy. The paternalistic intention of the Circular reinforces the traditional roles and responsibilities of women in Sri Lanka as the primary caregivers of children and moral guardians of the family, despite clear changes in women’s and men’s roles in society in both private and public spheres. More importantly the Circular keeps women within and pushes women back into their traditional situation of being in the secondary position in society, with men as their guardians and the State as the protector of their traditional status.

Positive Response to FBR and the Perception that Migration of Women Under Any Circumstances Must be Stopped

There is a subtle difference in the reactions to the FBR between Government and non-government service providers working at district and divisional levels, and migrant workers and non-government organisations working more at district and national level (and thus taking a more conceptual gender equality approach to analysing the process of labour migration).

There is overwhelming approval of the FBR in its role in safeguarding not only children but also in securing and maintaining the role and responsibilities of the mother as the primary guardian of children and the family. The policy is seen as a strong and incisive intervention from the State to prevent, on a general level, domestic labour from migrating overseas for work, and specifically and more significantly, women with children migrating overseas as domestic workers.

“Children under 5 years need the mother’s love”, “mothers have to protect their children” and “it is the duty of the mother to the family to make sure the children are loved and protected” are commonly expressed views across Government service providers and most non-government service providers working at district, divisional and community level. Government officials (Migration Development Officers and Grama Niladharis) are of the view that the FBR provides protection for women aiming at migrating as domestic workers but do not enlarge on how this protection is provided, except to say that women migrant workers can now make informed decisions regarding migration. However, the views expressed on how the FBR protects children are detailed.

Grama Niladharis are uniformly vocal about the FBR having a positive impact. They are broadly disapproving of women migrating for any type of work but more vociferous about the ill effects of women migrating as domestic workers. *“The FBR makes women more responsible and ultimately protects children”*. One Grama Niladhari was of the view that the FBR should apply to all citizens migrating on work including men.

Employment agents and sub-agents are also of the view that the FBR is a good initiative, but many state that due to the delays and complex procedure of getting approval from different Government officials, agents are reducing the number of female domestic workers they facilitate leaving for employment. When questioned as to whether there are other means by which female domestic workers can migrate surpassing the FBR, agents and sub-agents are

emphatic that there are no other ways. However respondents at Focus Group Discussions (FGDs), and interviews with service providers including Migration Development Officers and Grama Niladharis have repeatedly mentioned (at times with names and locations) that a number of women have left for migrant domestic work without the FBR. Instances where women have migrated despite the FBR being rejected were also mentioned by Migration Development Officers.

As discussed in the section on Policy Documents, if the FBR is not duly implemented and a woman with children migrates overseas without the permission of her so-called guardian and without making ‘formal’ arrangements for childcare, then punitive measures are applied on the sending foreign employment agent in the form of revoking their license. Hence, agents were very careful about presenting themselves as supportive of the FBR. In the Kurunegala district, a job agency had been black-listed and its license revoked when it was found out that a woman had migrated by falsifying the FBR. The female owner of the agency was indignant that she had been penalised when it was the Grama Niladhari who had assisted in falsifying the document.

“I only placed her in a Gulf job. But ultimately they put the whole blame on me and blacklisted my agency. Already the SLBFE has conducted an investigation into the matter, where it has come to light that the Grama Niladhari’s recommendation in the FBR in question was not a valid one. So now I hope they will take my agency off their blacklist.”

The discomfiture with women migrating overseas for work is not limited to State officials, but one that is shared by women’s organisations working with migrant women. Many organisations thought the introduction of the FBR was “a good thing” even though it was targeted exclusively at women, and not male migrants with families.

“There is nothing negative about the FBR.” – Civil society service provider of safe migration information, Galle

The positive response to the FBR by State officials is underpinned by a strong sense that migration of women overseas for domestic work has negative consequences on society and is detrimental to the family, especially children, and must be stopped. It is significant that the underlying causes for migration—poverty and the lack of viable employment opportunities in Sri Lanka, as well as domestic violence in some cases—were recognised during the discussions with Grama Niladharis, Women Development Officers and Migration Development Officers. In Kurunegala, for example, the Migration Development Officer acknowledged that *“there are no alternative jobs to speak of in [this] area [...] All the garment factories are in Colombo and garment jobs, of course, are poorly paid [...] If a Gulf-returnee starts a small business, marketing her products is difficult [...] and local domestic work is not so attractive to women because such work is also poorly paid.”*

These sentiments were reflected by a Migration Development Officer in the Batticaloa district: *“Other than going to a Gulf country for domestic work, there are no other job options open for women in Sri Lanka [...] Also, domestic work within Sri Lanka is neither encouraged nor promoted.”*

It is not that there is no discourse around the reasons as to why women opt to migrate as domestic workers. There is understanding that women who seek migrant employment as domestic workers do not have many options in Sri Lanka. There is also acceptance that

women bear the hardships of poverty largely due to their husbands not providing for them, *“women migrate because husbands do not do their duty and provide for the family and look after the family. Often family responsibilities are on women; not on men”*- Grama Niladhari in the Galle district.

There is also an understanding that women are forced to go for migrant employment due to *“various forms of helplessness caused by poverty and debt”*. Yet this recognition of people’s material conditions of poverty is undermined by contempt for migration. Government service providers also add that *“women go because of habit, because it is a fashion”* (Grama Niladhari) and note that because of the migration of mothers, children *“go astray”, “become drug addicts”,* and *“cause fathers to neglect children when mothers are absent”*. One Grama Niladhari takes an example in Galle and explains that despite offering many alternatives, one woman opted to migrate as a domestic worker. *“I arranged for her to receive Samurdhi benefits, provided other help by way of basic goods and help but she still went”*.

Many women in Sri Lanka believe that their only option, when faced with financial difficulties, is to leave the country as a migrant domestic worker.

The State sponsored *Divineguma* programme, which assisted people with self-employment initiatives, was seen by many officials as ineffective in generating an adequate income for women to support their families. The *Rataviruwo* programme—specifically targeted at supporting migrant returnees with building their own houses—was yet to be introduced in some areas in the Kurunegala district, while in others some loans had already been disbursed. With the change of the Government in January 2015, there is skepticism as to whether the *Rataviruwo* programme, which was launched by the then Minister of Foreign Employment Promotion and Welfare, would be continued.

However, regardless of the lack of viable opportunities for employment within Sri Lanka, precisely because the *impetus* to migrate has emerged in response to deprivation, the *act* of migrating overseas for work is perceived as an imprudent decision that exacerbates, not mitigates, what they interpret as the conditions of poverty. A Grama Niladhari in Kurunegala, for example, spoke about the problem of school drop-outs in his area. Although the number was as low as 13, he attributed the issue to female migration, specifically the absence of the mother. *“The husband of migrant worker to-be would bring a paternal aunt of his children and say that she would act as a guardian for the children, during the absence of their mother and I, as the Grama Niladhari, would recommend this aunt to the Divisional Secretary as a guardian. But in reality, what happens is this aunt will not look after the children once the man’s wife has migrated. In these circumstances, the man would start drinking like a fish, neglecting his children.”*

A Women Development Officer from the Kurunegala district spoke about how quite often the complaints they receive in their office about children are usually those belonging to migrant women’s families. A Migration Development Officer in Kurunegala asserted that there was research evidence to show that children’s education improved significantly when the father has emigrated for work, *“leaving the mother to run the family.”* The perception that fathers were incapable of caring for children was a sentiment echoed by many officials. Hence, many of them strongly felt that rather than *regulating* women’s migration by introducing policies such as the FBR that seek to ensure the protection of children and families, the migration of women for domestic work must be stopped altogether. A Grama Niladhari

from the Kurunegala district stated that *“migrant workers venture out with lots of hopes, dreams and aspirations, but it’s hard to realise them all. In my division, there are only a handful of Gulf returnees who could be said to have achieved some sort of economic success. Nowadays, even in the villages, families don’t have more than two children. So, I for one, would prefer if immigration for work were stopped”*.

The feeling that migrating overseas for work, although undertaken with the hope of alleviating the conditions of poverty, was an unsuccessful venture was reflected by women’s organisations in the Batticaloa district. The deep discomfiture with women migrants and, more critically, the tendency to regard low-skilled female migration as the ‘scapegoat’ of all social ills was echoed by another Grama Niladhari, *“there aren’t any successful migrant workers to speak of in this area. Therefore, worker migration should be discouraged. They indeed contribute in no small measure to the rapid erosion of social and moral values that underpin our society.”*

In addition to the repercussions on children and families, migration is seen as a negative experience for migrants who are subject to exploitation and even cruelty. Almost all officials spoke about the non-payment of promised wages, long working hours, and the sexual and others forms of harassment women faced in their workplaces. More importantly, migration was seen as failing to resolve the issues of poverty that women sought to alleviate by migrating overseas. Some Migration Development Officers spoke quite passionately about how *“most migrant workers are not economically successful. They can’t even afford to buy or build a house for themselves with what they earn during their employment period [...] It is this money that drives most women to migrate. But usually what happens is this money is collected by their husbands and some of them spend it to drink and, sometimes, womanize too, once the wives have gone.”*

Many families of migrant workers and returnees themselves are not aware of the National Policy but have heard of the FBR. Yet their understanding of the FBR is vague. Some describe it as a protective mechanism for children while some describe the FBR as a document that explains the *“status of the home of the migrant worker”*. When described, one returnee stated that it is a good measure as *“children under 5 need their mother’s love”* while another lamented that her children were affected negatively due to her absence (the son suffers from a mental illness and the daughter does not speak to her) and that she wished there was an FBR at the time she migrated.

Contradictions and Difficulties with FBR

Despite the overwhelming approval, the FBR and its implementation is riddled with confusions caused by misinterpretation, lack of clarity of objective, intention and purpose, as well as many practical challenges. From implementation difficulties to irregular migration to resulting in criminal offences, the gaps and challenges are many. Yet those gaps and challenges are simple in contrast to the ‘real’ impact of the FBR in discriminating against women and creating a State sanctioned authoritative environment to discriminate, stereotype and marginalise a selected group of women from low-income backgrounds in the country.

In terms of practical difficulties, State officials and service providers themselves highlight a range of gaps and difficulties.

- **Difficulties faced in assessing and ensuring guardianship of children**

The non-negotiable nature of the FBR for women with children under five years or for women over 55 years to migrate as domestic workers has created in MDOs and, to a lesser extent, in Grama Niladharis, a determination to establish the 'real' family situation of women waiting to migrate for domestic work. Migration Development Officers find their role difficult at times due to reasons such as women concealing the fact that they have children under five years, nominating persons who are not relatives as guardians, and providing other false information at every stage of the cumbersome process.

Migration Development Officers highlight difficulties faced in fulfilling their role as officials responsible for 'investigating' into and gathering information about children of women who wish to migrate as domestic workers. Migration Development Officers take their role very seriously and take on wide powers of investigation including visiting and inspecting homes. *"In one situation where a woman said she did not have any children, I inspected her house thoroughly and found a few children's clothing items. She had hidden any evidence of having a child under 5 years but not been able to hide everything which enabled me to refuse authorisation for her to leave as a domestic worker"* - Migration Development Officer, Galle district.

According to the FBR, if the father of a child over 5 years will not take care of the child left behind, there must be a person named as the guardian who will take care of the child. The FBR does not specify who this person is and a man or a woman can be nominated as guardian. However, the nature of relationship between the guardian and the migrant woman is required by the FBR.

Most Migration Development Officers interpret the provision of a 'guardian' as having to be a relative of the migrant worker or her husband. There is no specification of the sex of the guardian but a female is generally preferred over a male, in keeping with the pre-FBR experience of families where the mother has migrated leaving behind children. In only one instance has guardianship been given to a State-run Children's Home. Prior to the FBR, young children had been entrusted to Church-run Homes as well as State-run Children's Homes.

In some instances where guardianship has been established and approval granted with the migrant worker permitted to leave for domestic work, the result has not been positive, revealing one of the main (and grave) loopholes in the process caused primarily by the gender specific provision of requiring only female domestic migrant workers to complete the FBR. Migration Development Officers as well as community organisations reported instances where husbands—who have been accepted as the guardian—subsequently migrate for work leaving young children behind. In that instance, there is no regulation requiring the husband to ensure the children are looked after. On paper, the children would appear to be left behind with a guardian, in reality, however, the care of children falls back on the traditional system of the extended family.

There is a practice that is revealed by NGOs that as money is paid to women migrating as domestic workers prior to departure, this money is then used by the husband to secure migrant employment for himself.

- **Procedural difficulties and confusions**

In different locations, there are differences in the implementation of the FBR due to lack of uniform interpretations and instructions.

One such difference is in the signatures of officials required for the FBR. Despite the Family Health Worker's signature being required on the FBR, in some locations mid-wives are not required to sign the FBR while in others they are. In certain plantation communities in the Galle district, the FBR has to be signed by the Superintendent of the Plantation.

Migration Development Officers complain that there is no time specified within which a prospective migrant worker must get the FBR signed which appears to hamper with informed decision making. *"Many women decide to migrate, approach an recruitment agent, get the ticket and the visa and then start work on getting the FBR completed"* - Migration Development Officer, Galle district. Instances such as these can lead to irregular migration or irregular activities.

In terms of single women wishing to migrate as domestic workers, there is no specific procedure spelt out in the FBR, except when the woman has been married and her husband has left her. In such a case, the Grama Niladhari must sign the FBR stating that the woman's husband has left her. This specific provision in the FBR pertaining to women whose husbands have left them carries the assumption that single women, divorced women and widows with children need not produce an FBR to migrate as domestic workers.

Further, there are procedural confusions even when unmarried women, who are under 55 years and without young children, migrate. In one instance, a 27 year old woman was requested to obtain the permission of her parents to migrate as a domestic worker.

Further, FBRs submitted by women with differently-abled children over five years of age are always rejected even if there is a guardian willing to be appointed as the guardian as required by the FBR.

- **Undue influences and pressures to circumvent policy regulations and processes**

Migration Development Officers, Grama Niladharis, migrant workers as well as NGOs make complaints about undue influences on Migration Development Officers by politicians, and at times SLBFE officials, to sign FBRs of women who cannot provide acceptable guardians for their young children or for women who are over 55 years of age but in sound health. There are also allegations of bribery by different State officials who are required to sign the FBR at different stages. However, these stories are anecdotal and unsubstantiated. Yet the allegations were made by several both State and non-state informants.

An official of an NGO working on safe migration in Batticaloa revealed that the FBR has resulted in sub-agents taking migrant workers to other districts for the preparation of the necessary documents to obtain the FBR clearance certificate. The temporary change of residence enables women to falsify their family circumstances. Sub-agents also mobilise their networks to ensure that State officials grant these women their certificates without too much investigation into the veracity of their residence information.

There are times these irregular procedures and undue influences constitute crimes where sub-agents have helped women forge birth certificates to show them to be under 55 on their first instance of migration. Signatures are alleged to be forged on FBRs and there are stories of even the SMS alert, that the Migration Development Officers sends the SLBFE stating whether an FBR is approved or not, being false.

In response to misrepresentations of age, husbands and the existence of children, Migration Development Officers have begun to insist that migrant-hopefuls produce their marriage certificates and national identity cards as proof. It is noteworthy that this is not stipulated in the FBR Circular, but has been introduced in response to the perceived threat of deception.

- **Incentives**

There are many instances where the pre-departure monetary payments made to women migrating as domestic workers are used by sub-agents and agents to obtain signatures of their husbands.

- **Windows for irregular migration**

Creating wide open avenues for irregular migration is one main gap highlighted by State and NGO service providers, migrant worker returnees as well as their families.

In order to by-pass the FBR, it is said that women in substantial numbers were migrating on 'Visit' or 'Tourist' visas to destination countries, which are expected to be (and are often) converted to work visas by employers of agents. The visas are arranged by recruitment agents but at the time of the women leaving Sri Lanka, there is no guarantee of a work visa which creates an extremely insecure situation for the migrant woman's own personal safety and security.

There are also reports of agents sending women as cleaners but in reality for employment as domestic workers, as 'Cleaners' are not expected to fill out an FBR. This practice results in women leaving as domestic workers with no training (offered by the SLBFE), incorrect registration and incorrect contracts which are therefore invalid.

Wider Implications on the Right to Employment and Freedom of Movement

Most state officials were unselfconscious in their acknowledgement that the FBR is only for women migrating as domestic workers, and not for women migrating for any other forms of employment and not for men migrating to unskilled or low-skilled forms of employment, similar to domestic work. This unquestioning acceptance is seen in all locations, with certain Migration Development Officers in the Batticaloa district acknowledging that the FBR discriminated against women and undermined gender equality. They felt that the FBR should be made applicable to husbands and fathers as well, but did not elaborate further.

The support of paternalistic policies to regulate women in order to protect children and families, and also society in general, was reflected in the attitudes of State officials who were supportive of the FBR being applied to unmarried women above the age of 18. In such a case, the FBR had to be signed by the woman's guardian, even though according to Sri Lanka's Constitution a person reaches adult status at the age of 18 and are no longer under the guardianship of parents. This is because, according to the FBR Circular (2013), the minimum age for migrating overseas for work was 21.

However, State officials did discuss how in the event of a woman who was separated or divorced, the implementation of the FBR posed considerable challenges. A few Migration Development Officers in the Kurunegala district pointed out that *“if a woman is separated from her husband, it is difficult to issue her a FBR, unless she can prove that the separation has been legally determined.”* They went on to discuss how they are reluctant to issue an FBR without legal proof of the separation even though *“sometimes the SLBFE Head Office exerts pressure on Migration Development Officers to approve such women’s FBRs.”* A Grama Niladhari from the Kurunegala district discussed how, if a migrant-hopeful is *“separated from her husband and the grandmother refuses to take on the guardianship of the children, or if that woman alternates between two different residences, then approval of her FBR would take a long time.”*

Overt opposition

Despite overwhelming approval of the FBR, there are pockets of opposition or critical discussion on the FBR, largely among NGOs and other organisations that work at district or national level, taking a wider women’s rights approach to their work on migrant worker issues and working with a strong rights-based framework. The opposition stems mainly from the infringement caused by the FBR on women’s right to employment as well as women’s right to movement by seeking employment in foreign lands. The criticism is also on the fact that the FBR does not apply to men seeking migrant employment in low-skilled areas of work similar to domestic work (such as employment as drivers and gardeners in the domestic sphere), that it reinforces women’s roles as mothers and the primary carers and protectors of children, and also because there is no recognition of the role of fathers in the family unit including in the care and protection of children.

Caring for children and making the right decision prior to the FBR

In introducing the Circular that established the FBR, there is an assumption being made that prior to the FBR, women did not engage in a consultative decision-making process with husbands and families about the consequences of her absence, and were paying inadequate attention to ensuring that their children were cared for and protected resulting in the widespread abuse and neglect of children.

Kottegoda (2006) writes that the decision to migrate is not taken lightly by women, and in the majority of cases the prospect of leaving is discussed with the spouse and adult family members and their help is sought to find overseas employment. Kottegoda writes that for married women the process of decision-making begins with discussions with their spouses. Often, the initial reaction of spouses is one of reluctance to assume household and family responsibilities. Kottegoda further states that, in general, women’s endeavours are supported by their families, most commonly by her own and also by the extended family including her in-laws.

Yapa as far back as 1995, wrote that in the process of deciding to migrate, *“the extended family of the migrant worker played an equally important role as that of the immediate family of the migrant. The migrant worker depends heavily on the family networks for emotional support and care of children. The family has an interest in the migration of one of its members and hence lends a helping hand to the migrant to overcome constraints of child care.”* (as quoted in Kottegoda 2006).

Literature points out that the care of children was usually taken over by the mother or parents of the migrant woman. *“In some cases, care-givers were the parents of the spouse, his unmarried younger sister or her own sister. In some cases, children were left in the care of close relatives of the woman”* (Fernando 1989).

Returnee migrants speak about successful arrangements to take care of their children making the difference in their successful overseas employment. In most instances, the care givers have been female relatives, mothers and mothers-in-law of the migrant workers, or sisters. However in the majority of instances the female care-givers has been supported by the husband of the migrant worker.

“I left my three year old with my husband and his mother moved into our home to look after him. I migrated four times from the time he was three years and when I came back to settle down he was 13 years old and doing well in school. Today he does a good job, is financially stable and looks after my husband and me.” - Returnee from Colombo.

“I migrated leaving behind three children under 6 years, leaving my younger sister and mother to help my husband look after them. When I came back after three years my youngest was calling my sister “Amma” [Mother] but he quickly got close to me. After I came back I had another child. All four children are educated and married now and the foundation was laid by my work abroad”. - Returnee from Colombo.

There are also stories where fathers have successfully taken care of children in the absence of the mother working as a migrant domestic worker. *“I took care of my son from age 4 to 12 while his mother earned for us in Lebanon. She used to come home for a few months at a time but had to go back several times to make sure we built a house and bought a vehicle”.* Another story is related of a father who looked after two daughters (of 14 and 5 years) and a son (8 years) during the two year absence of his wife. These stories, if one looks for them, are numerous too.

Narratives like these are many, interspersed with stories where children have not studied well, been neglected and on one instance, become mentally disturbed and in another sexually abused by an uncle. Cases of school drop-outs and child neglect are not exclusive to women migrants’ families, but are social problems that extend beyond migrant families, and, more critically, beyond even poor families. The absence of the mother has also not been established as the primary cause for these issues related to children. That some children from low, middle, and high income families are vulnerable to abuse and neglect is noted in the research without adequate evidence of the specific causes.

It is not that all arrangements have been successful and have had a positive impact on children prior to the FBR. However, there is no concrete data to compare between success stories and instances where children of migrant mothers have been neglected or abused or gone astray. There is an understanding that child care arrangements sometimes fail, as they do in situations where the mother is working in Sri Lanka, or is sick and incapable of looking after children, or where children are neglected and even abused when the mother is present at home all the time. While it is too soon to research the impact of the FBR on children left behind by female domestic workers, these stories all point to that fact that institutionalising child care arrangements of migrant domestic workers through the FBR will not prove to be a foolproof method for safeguarding Sri Lanka’s children.

Alternatives

The exploration of alternatives for women to consider as an option for not migrating as domestic workers confirms anecdotal discussions that there are not many viable alternatives for the profile of women seeking work as migrant domestic workers. This is confirmed by returnee migrant domestic workers, families of migrant workers, and Government and NGO service providers.

Exploring the possibility of domestic work within Sri Lanka brings the uniform response, by Government and NGO service providers and a few returnees and family members of migrant workers, that domestic work in the country is not recognised and is therefore low-paid, informal, and rife with irregularities such as lack of contracts and stipulation of a time period. There is also a strong feeling that working as a “housemaid” within Sri Lanka carries a stigma that it is lowly work, which is not respected.

Many returnees, however, are not aware of opportunities that exist in Sri Lanka to work as ‘housemaids’ while some (primarily in Colombo) have been working as housemaids in Sri Lanka since their return from migrant domestic work and find it satisfactory.

Returnees and families of migrant workers do not express other views on alternatives to migrant domestic work. Government and NGO service providers working at community level, however, do have suggestions for alternatives, but these do not seem well thought out alternatives but mere parroting of stereotyped options thought suitable for women to engage in without leaving their families for migrant domestic work. These options include self-employment activities, working in tea packing factories, in the coir industry, and garment manufacturing factories.

Further, there is a sense among returnees and their families that self-employment projects for women are not implemented effectively for women, who consider migrant domestic work, to provide them with an income similar to what they would earn as migrant workers. Thus, the discussion is around income and not about alternatives enabling a woman to stay at home and care for their families and children.

The creation of pockets of power

The FBR Circular (2013), unlike the National Labour Migration Policy for Sri Lanka (2009), assigned specific roles and responsibilities to State officials in the form of validating the migrant-hopeful’s family details through house visits and interviews. Hence, their role in the implementation of the policy was clear and also gave the Migration Development Officers, and Women Development Officers, especially a sense of self-importance. There was a strong sense that they were responsible for the protection of children and the wellbeing of families and that these responsibilities must be taken seriously by ensuring that the FBR is meticulously implemented. A head of a women’s organisation in Batticaloa observed that with the introduction of the FBR, *“the gap between the SLBFE and migrants has significantly reduced.”* The clear instructions of the FBR and the legal implications of the policy, according to her, *“made the forging of documents nearly impossible.”*

Migration Development Officers and Women Development Officers often saw themselves as the moral guardians of children and families. There is, therefore, significant variation in the way the FBR is interpreted. In Kattankudy in the Batticaloa district, for example, the Migration

Development Officers discussed how before sanctioning a FBR of a migrant-hopeful, they methodically checked the birth certificates of the woman's children, guardianship details, and the Grama Niladhari certificate for its accuracy and authenticity. Even though the FBR Circular bans women with children less than five years of age from migrating, the Migration Development Officers in Kattankudy, Batticaloa district did not grant the FBR certificate to women with teenaged daughters. They argued that *"we cannot grant the guardianship even to their father, since only a woman can responsibly take on the guardianship of [teenaged girls]."* An MDO from the Batticaloa district admitted that they did not grant the FBR certificate if they found that a *"brother-in-law of a prospective female migrant worker happened to live in her home"* if the migrant-hopeful had a teenaged daughter. In fact, she admitted that the guardianship of a girl child is never given to her father. The extension of the FBR to include the extra protection of teenaged girls was confirmed by a Grama Niladhari in the Batticaloa district who listed his duties as *"ensuring women with children under five and teenaged girls do not migrate."*

The ad-hoc interpretation of the FBR gives limitless power to the Migration Development Officers. Officials of a women's organisation spoke about how if a Migration Development Officer deemed that the *"wall around [the migrant-hopeful's] water well was not high enough"* and posed a threat to her children's safety, the FBR certificate was denied. There seems to be a judgemental, perhaps even vindictive, element in the implementation of the FBR. For example, in the Batticaloa district a woman with a child of 2½ years had migrated overseas prior to the introduction of the FBR and had now returned. The Women Development Officer was adamant that this woman will not be issued a FBR clearance certificate under any circumstance.

The responsibilities of implementing the FBR goes beyond the issuing (or denial) of a certificate permitting a woman to migrate overseas for work. The Grama Niladhari and the Migration Development Officer are also responsible for monitoring the progress of children who have been left behind by checking their progress in school and how well the guardian is fulfilling his/her duties by monitoring the children's situation at home. There are no guidelines for how such monitoring should take place and hence it is at the discretion of the individual Grama Niladhari or Migration Development Officer. The general lack of sympathy for women migrating overseas for work means that such monitoring is undertaken from a highly moralistic standpoint with the intention of proving that the consequences of migration are generally negative to children's wellbeing.

A Grama Niladhari in the Batticaloa district stated that the monitoring of migrant women's children has been assigned to Samurdhi Development Officers and Economic Development Officers, thereby expanding the number of officials policing the migrant women's families.

It is amply evident that the FBR has created little pockets of power at different levels in the administrative thread that manages the migration process. This thread of State and NGO service providers, working within the broad mandate of the National Policy to protect and empower migrant workers and their families, have been transformed into authorities with the administrative power to decide on whether a woman should migrate as a domestic worker or not. The most powerful among State officials in the process is the Migration Development Officer in whose hand the ultimate authority for approval rests. Less power, but power all the same, is with the identified (Grama Niladhari, Public Health Worker,

employment agent) as well as unidentified officials (Estate Superintendent, Police) whose signature is required to verify various aspects of the female migrant domestic worker's life, primarily the care of her children. The strongest power lies with the husband of the migrant worker, without whose signature the Migration Development Officer will not even consider an FBR, unless the migrant worker's husband has left her and the Grama Niladhari confirms such. Outside the process, a large number of NGOs working with migrant workers silently encourage these pockets of power by unconditionally approving the FBR.

Migration Development Officers are proud of their role as decision makers for women who wish to migrate as domestic workers. Many mention the success of their work by the numbers they have prevented from leaving as domestic workers. They identify many women (sometimes by name) whose FBR has been rejected by them but have managed to leave the country as domestic workers through irregular means, but are yet confident of the 'service' they perform. When questioned about a woman's right to employment and freedom of movement as enjoyed by men, they unanimously mention a mother's primary duty to her children and family, and that it is up to them (the Migration Development Officers) to ensure that this duty is performed and the 'children are safe'. *"Who would look after these poor children if not for us"*, mentioned two Migration Development Officers (male and female) from Galle.

Grama Niladharis are of the same position exercising more power than that given to them by the FBR. According to the FBR, a Grama Niladhari has only to verify the residence and civil status of a woman wishing to migrate as a domestic worker. However, in practice, Grama Niladharis have taken on the role of ensuring the care and protection of children, relationships between husband and wife, and the role of the State official that must stop migration of women (and men in certain locations). *"Before the FBR came into being, we did not know when a woman migrated until she actually leaves the country. But the FBR provides an opportunity for us to know before she leaves and I try to change her mind every time"* - A Grama Niladhari in Galle. *"The FBR is good, it controls women who are thinking of leaving as domestic workers"* - A women's NGO in Colombo.

Divide in Civil Society Organisations

Civil society organisations have been involved in the process of migration for employment as far back as the early 1980s. Civil society organisations were actively involved in the design and drafting of the National Labour Migration Policy and take on diverse roles in the process, such as lobbying and advocating for the rights of migrant workers to be free to choose whatever migrant employment they wish, advocating for the human rights of migrant workers, advocating for the protection from abuse and harassment, fighting specific cases of abuse and harassment, providing safe migration information to communities, providing welfare services, and being involved in a range of other roles and activities intrinsic to ensuring the right to employment and freedom of movement for all citizens, as well as safe, decent and dignified employment for all migrant workers.

The FBR has created two types of civil society organisations that work on migrant worker rights. One category continues to recognise and promote women's unconditional and uncompromised right to employment in any form of work and the freedom of movement for women. This type of organisation vehemently condemns the FBR as directly infringing on

women's rights and discriminating against women. The other type of civil society organisation views the FBR as beneficial and good. These organisations comment from the standpoint of safeguarding children and family unity, and not from the view point of women's right to employment and freedom of movement. It is the view of these organisations that women's right to employment is in relation to her role as a mother and wife, woven around a woman's role in the family, and the primary family member responsible for family unity, care and protection of her children.

Rights vs Protection

The discourse surrounding the approval of the FBR does not appear to take into account the positive aspects of the migration of female domestic workers over the past four decades and more. Only one Grama Niladhari among all State service providers and NGOs that approve the FBR mentioned that *"90% of the families of women who migrate as domestic workers are successful"*. Naturally this Grama Niladhari's view will be based on the Grama Niladhari Division that he works in, but other officials do not appear to spare time or effort to consider successes or women's ability to make the right choices.

Those, largely NGOs at district and national level, who analyse the situation critically from a rights perspective, who see the FBR as discriminating against a particular segment of women, are aware and accepting of the empowering aspects of women's migration as domestic workers and the benefits to children and families, especially where the husband and father have taken on the roles and responsibilities expected of women and mothers.

Kottegoda, Jayasundere, Perera and Atapattu (2013) researching thirty women returnee domestic workers find that duties and obligations towards children are a priority for the migrating mothers, and that these obligations and duties are expressed by the desire to see children educated and married. The study found that many returnees speak proudly of their children receiving education. Returnees are proud of sons and daughters who have found employment in the Government sector or have their own businesses. There is similar pride when mainly daughters, as well as sons, get married after their education. One woman speaks of returning after the first time working abroad and 'setting' her eldest daughter in marriage. *"After the second time, I got the son married. After the third time, I got my youngest daughter married"*.

There is a real sense of empowerment and pride among returnee women about their children's successes as well as their contribution to their families in terms of material gains, increased recognition and respect in society, and the ability to move to a higher social class in the community. There is also a strength and resilience among women who have faced negative situations at home such as one returnee who speaks sadly of how the husband did not look after the children's basic needs. *"They did not have enough to eat even when I was sending money home. But it is his fault, not mine, and I will not take the blame for that. In that sense, I have no real regrets"*.

Kottegoda, Jayasundere, Perera and Atapattu (2013) state that returnees show a deep sense of personal satisfaction in their role as 'the ones who made it possible for the family to rise out of abject poverty'. There is also a visible sense of contentment when returnees speak of children being educated, being married with dowry, and of their contribution to social obligations like weddings and funerals, and providing for medical assistance in times

of sickness. These stem from the woman's identity as being a part of a family (nuclear and extended), the sense of recognition given to these migrant workers, and the ownership women feel in their family's progress.

The study finds that one of the strongest views among returnees is that there was success where the husband took on the expected roles and responsibilities of the wife and mother during the absence of the migrant worker. It is commonly expressed that a supportive husband makes the difference in making good with earnings from migrant domestic workers. Here, positive stories are of husbands who have taken on the role of homemaker and carer of children, most along with their own roles as income earner, while others are shown to have become fulltime home makers. Thereby, husbands have accepted their position of secondary income earner in relation to the earnings of their wives, and have prioritised the role of home maker and carer of children. This role reversal of men taking on the traditional roles that women performed prior to migration is seen as key to maximizing the benefits of women's migration for employment. In certain situations where women migrants have entrusted the care of their children to female members of their extended family, or to their husband's extended family, children have been cared for. In these situations, husbands of these families are entrusted with the management of earnings. While some have managed the remittances effectively by spending on children, building houses and some even saving a portion of the remittances, others have not always managed the remittances well. The incidence of squandering earnings by husbands is common. In the situations where husbands have not taken responsibility for home-making and care-giving, in the absence of the wife, negative impacts are visible.

Conclusions

This study examines Sri Lankan policies which apply to migrant workers who fall under the domestic domain and their impact on the right of workers to freely access employment, and focuses primarily on the Sri Lanka National Labour Migration Policy (National Policy) and the Sri Lanka Bureau of Foreign Employment Circular that institutionalises the Family Background Report (FBR) for female domestic workers. Responses and views of Government institutions in the labour migration process, NGOs, migrant worker returnees and families of migrant workers bring up a series of issues, relating to these policies and regulations and their impact on women's right to employment and freedom of movement, that warrant serious consideration, and further subject specific research.

Exploring the **knowledge and information base** surrounding the National Policy and the FBR, it is clear that there is more awareness as well as more clarity regarding the rationale and objective of the FBR than the National Policy. The National Policy is largely not known among most, except among a few NGOs working mostly at district and national level. It is also largely not known among agents and sub-agents. The awareness about the FBR is from a procedural perspective and not an analytical one that recognises gender inequality or discrimination of a particular segment of women.

The level of information on the National Policy is minimal even among those who have 'heard' about the National Policy. Among those who 'know' about the National Policy, there is acceptance but the Policy is seen as a conceptual document that does not influence implementation at ground level. The perceived rationale behind the National Policy is different among different groups. The gender sensitivities of the National Policy, especially its commitment to gender equality and recognition of women's freedom of movement and right to employment, are not reflected in the discourse on women migrating as domestic workers.

The level of awareness is high about the FBR among Government officials, SLBFE, Migration Development Officers, Grama Niladharis, agents and sub-agents, and migrant workers and their families. Migration Development Officers have internalised their role as the final authority in approving the FBR for any female domestic worker leaving the country for domestic work. The level of awareness is diverse and generally lower among NGOs.

Protection of children is seen as the principle aim of the FBR by all who are aware of the FBR. In some instances, the aim is expanded to include "to promote better decision making" among women migrating as domestic workers.

However, the inconsistency between the National Policy and the FBR in terms of gender equality are not reflected in the discussion.

Looking at the **political motivation and rationale** behind the National Policy and the FBR, the process in which the documents were designed and accepted is important. The National Policy was drafted with the participation of all stakeholders in the migration process. It makes a uniform policy statement and commitment on labour migration in the country. The FBR was institutionalized through a process that was confined to the Ministry of Foreign Employment Promotion and Welfare and the Sri Lanka Bureau of Foreign Employment. The aim of the FBR is "to safeguard children, and prevent 'various' hardships and social problems caused by the migration of females as domestic workers". The rationale stemmed from reports of neglect and abuse of children in families where the mother had migrated for

employment as domestic workers, and not on a comprehensive evidence base that looked at the reasons behind the abuse and neglect of children.

The rationale unquestioningly accepts the primary role and responsibility of the mother in providing the protection and care of children and did not consider the role of fathers. It did not consider the long years of migration of extensive numbers of mothers as domestic workers, and the positive impacts on families and children where fathers and extended families had provided for their wellbeing without State intervention or with minimum State intervention.

There is **overwhelming approval of the FBR** in its role in safeguarding not only children but also in securing and maintaining the role and responsibilities of the mother as the primary guardian of children and the family. The FBR is seen as a strong and incisive intervention from the State to prevent, on a general level, domestic labour from migrating overseas for work, and specifically and more significantly, women with children migrating overseas as domestic workers.

There is a subtle difference in the reactions to the FBR between government and non-government services providers working at district and divisional levels, and non-government organisations working more at district and national level (and thus taking a more conceptual gender equality approach to analysing the process of labour migration).

There is discussion around the reasons as to why women opt to migrate as domestic workers. But this recognition does not extend to supporting women's right to migrate as domestic workers. Or to the lack of viable opportunities for employment within Sri Lanka.

Despite approval there are **contradictions and enforcement difficulties** that are identified and articulated surrounding the FBR. While the FBR as a whole discriminates against women, there are additional clauses in the document that further exacerbates this, such as the prohibition for women to migrate as domestic workers where such women have children under the age of 5, and where such women are over 55 years of age and migrating for the first time as domestic workers.

The chain of approval in the FBR further relegates women seeking to migrate as domestic workers into a category which is perceived to be incapable of independent decision making, irresponsible regarding the welfare and protection of children, and those who reject acceptance of their roles as mothers and wives. Thus, there is an intricate chain of approval to be sought from different layers of Government officials, culminating with the approval of the husband of the woman seeking employment. This paternalistic view interpreted as 'protection' provides institutional acceptance and State endorsement by embedding the FBR in the patriarchal culture of society.

The non-negotiable nature of the FBR, for women with children under five years or for women over 55 years to migrate as domestic workers, has created within Government officials (especially the Migration Development Officers and Grama Niladharis) a determination to establish the family reality behind women who wish to migrate for domestic work. This determination is driven by a strong sense of disapproval of women migrating for employment as a whole, and women migrating for domestic work in particular, which leads to efforts to ensure that the FBR is often not approved.

Despite the overwhelming approval, the FBR and its implementation is riddled with confusions caused by misinterpretation, lack of clarity of objective, intention and purpose as well as many practical challenges. From implementation difficulties to irregular migration to resulting in criminal offences, the gaps and challenges are many.

These gaps and challenges include, among others, difficulties faced in assessing and ensuring guardianship of children, interpreting the guardian as having to be a relative (often female) in instances where the husband of migrant domestic worker does not take responsibility for children, the subsequent migration of fathers after accepting guardianship, difficulties faced in assessing and ensuring age of migrant workers, and difficulties in assessing the health status of workers.

The procedural difficulties and confusions include issues that the FBR is implemented differently in different locations. There are differences in the implementation of the FBR due to lack of uniform interpretations and instructions. There are inconsistencies in the signatures of Government officials that are required in different locations; there are difficulties in the failure to mention the time in which the FBR has to be completed which defeats the purpose of informed and knowledgeable decision making by migrant workers. There is also a lack of recognition of single women, divorced women, and widows with children migrating as domestic workers, leaving these cases to the interpretation of Government officials as to what measures and approvals are required for such women.

Procedural problems and confusions regarding the implementation of the FBR in a practical sense, without considering the greater implications on women's right to employment, also pose a number of issues about promoting irregular migration and criminal offences. There are uninvestigated complaints of undue pressure and influence within the Government system to approve the FBR when adequate conditions are not met and of bribery, thereby further fuelling irregular and therefore insecure and hazardous migration.

Yet, these gaps and challenges are simpler in contrast to the 'real' impact of the FBR in discriminating against women and creating a State sanctioned authoritative environment to discriminate, stereotype and marginalise a selected group of women in the country.

Most State officials are unselfconscious in their acknowledgement that the FBR is only for women migrating as domestic workers, and not for women migrating for any other forms of employment, and not for men migrating to unskilled or low-skilled forms of employment similar to domestic work. Although a few feel that the FBR should be made applicable to husbands and fathers as well, these thoughts are not elaborated upon or considered serious enough to lobby for change.

There are pockets of **overt opposition** and critical discussion about the FBR largely among NGOs and other organisations that work at district or national level taking a wider women's rights approach to their work on migrant worker issues. These relate to the inequality of the FBR applying only to women domestic workers, to reinforcing of women's roles, responsibilities and duties as mothers, carers and protectors of children, and the non-recognition of the role of fathers, as well as the lack of valuing or recognition of the contribution of fathers and kinship networks in safeguarding the rights of children of migrant mothers.

Thus the FBR has resulted in **creating little pockets of power** where Government officials, especially Migration Development Officers, have taken upon themselves the power of moral authority to decide whether a woman should be allowed to migrate as a domestic worker or not. These pockets of power are further strengthened with the accepted and much endorsed discourse on a mother's role as the primary protector of her children and of a woman's role in the family as home-maker and carer. This defies all commitments to women's equality enshrined not only in the Constitution but also in the National Labour Migration Policy. What exacerbates this is the weaving of protection into the discourse that in reality denies the equal right to employment and movement for a particular segment of women in society.

The FBR and the discourse surrounding the role of the woman in the family and the migrant employment of women (particularly as domestic workers) has divided civil society working on issues of migrant employment and rights of migrant workers. Two camps have been subtly created with those adhering to principles of gender equality and the right of a woman to employment and freedom of movement on one side, and those upholding social protection at all costs including through the discrimination of women on the other. Some civil society organizations' stand appears ambiguous, with such organizations promoting and providing information on safe migration and support in decision making to the very people they are attempting to prevent from migrating for employment. Whether this is a result of donor-led programming, professionalizing of the civil society sector that limits thought on how development should be done, or if it is an ingraining of the common stereotyped discourse around women in society into the ethos of such organizations, has to be researched further.

With this exploration arises the need to revisit the **interpretations of motherhood** and the roles and responsibilities of mothers and fathers, and men and women in employment, movement and contribution to the family. Women are viewed not as independent individuals but as an integral part of the family unit. This profile is generally positive and appreciated by women but not to the extent of undermining a woman's individual right to decision making, employment, movement and other individual freedoms enshrined in the Constitution, international and national commitments in conventions and other instruments as well as in the laws of the country. Yet stereotyped attitudes and perceptions unbacked by concrete evidence appear to hem women into restrictive positions in the guise of being a treasured part of the family unit. There are many instances where interpretations of "responsible", "proper" and "good" mothers, of the expected role of such women, a non-recognition of the changing roles of women and men in current society, the reinforcing of male provider and female nurturer/caregiver, and a lack of recognition of the sense of empowerment, high self-esteem and dignity experienced by migrant domestic workers, have been used to covertly and overtly discourage, by authoritative means, women from migrating as domestic workers.

It is not possible to make informed comment on this through this exploration but it is possible to raise this issue that impacts directly on women's independence and individuality and advocate for further exploration.

Concept of motherhood

The emphasising of ‘motherhood’ is not new in Sri Lanka. In comparison, ‘fatherhood’ does not carry the same value when spoken in relation to love for children, protection for children and the duty to keep the family together. There is no space to question this emphasis other than in a negative way where women are perceived to deviate or detour from the accepted definition of motherhood with negative results. This prevails at every level of society primarily among those (both male and female the educated, the policy makers, the decision makers) who are perceived as or have internalised themselves as keepers of these traditions.

Women in Sri Lanka have often been identified as being a part of the family more than as individuals in their own right. In the absence of discrimination and violence, women themselves have not objected to this identity and find a sense of value in this identity that sits comfortably within the multifaceted socio-cultural environments in the country.

This study did not provide time or scope to intricately examine the definitions and perpetuation of the definition of motherhood that places more responsibility on women with children. However, the researchers’ previous work on migrant labour and limited key informant interviews raises the need to further explore this.

It is unclear how the current definitions of motherhood have become ingrained at all levels of society. Whether it is socialisation itself or if it is contextual to women becoming more and more active in the public sphere (education, economy, decision making as well as in areas such as responses to gender based violence), has to be studied further.

There appears to be an internalisation within different levels of decision makers in the migration process a responsibility to uphold the discourse of the value placed on motherhood. This over-rides any discourse of women’s rights to employment and freedom of movement, even for the wellbeing of the family. More importantly it removes any discourse on fatherhood – the value, the role and responsibilities, the contribution of fathers to the wellbeing of children, and the role of keeping families together other than from a perspective of economically providing for the family. This appears to silence the voice of migrant workers themselves who do not focus solely on the roles and responsibilities of motherhood but see the value of migrant work as an important contribution that mothers can make to the wellbeing of the family.

Arising from questions about the genuine commitment to preventing women migrating for domestic work, due to insecure work conditions, abuse and harassment and other issues that can directly harm the individual woman, is the lack of strategic focus, let alone thought, and discussion on **alternatives for women** who wish to migrate as domestic workers. There is only superficial proposing of stereotyped alternatives with the availability of such being minimal. These suggestions are also not informed by the reasons that women choose to migrate, be it poverty, debt, a need to create better lives for their children, or fleeing violence. Alternatives are often summarily dismissed with statements such as *“when the woman’s mind is set to migrate, alternatives do not matter to them”*.

Impact of “social class” on discourse

There is a definite divide in terms of social class between migrant workers who migrate or seek employment as domestic workers, and all others in the process of migration including Government officials and NGOs at community, divisional, district and national level. This is signified by different levels of education where migrant workers are largely less educated than the service providers. It is further signified by the social status of migrant workers and service providers with migrant workers often identified as being from “vulnerable families” or “the vulnerable segment of society”, and service providers with more power in terms of social networks, links, reputation and respect as well as access to resources such as collective organisation, financial resources and links to decision makers and those with more power in society.

The tone of some sections of the National Policy and the entirety of the FBR reflects this divide as does the implementation of the FBR. This gets translated into the perceived notions that women who seek migrant domestic work, due to largely poverty, are irresponsible (and sometimes devious) and do not prioritise the protection of their children and the welfare their families; that families of these workers are the exclusive receptacle of a range of social ills from child abuse to alcoholism to marital breakdown; and that children of this segment of women in society are more vulnerable and suffer more keenly the absence of the mother; and that the kinship networks and family ties of *poor families* are weak, and hence substitute caregivers must be identified and approved by the State. These are stereotyped incorrect assumptions that have no research or evidence backing, and form the fundamental foundation for the discrimination caused by the FBR.

It is this same discourse that promotes skilled work over low-skilled domestic work, the anti-poverty welfare measures made available for workers in the low-skilled sector, and creates stifling “protective” frameworks for women migrating as domestic workers.

This discourse is created and fuelled by the dominant voice that looks in from the outside and silences the voices, strength and resilience of the migrant domestic sector workers and their families. The dominant voice in this discourse is from those outside the real migration process. Currently it has taken on the tone of keepers of morals. The distinction between those who do not have to consider themselves needing to migrate for domestic work and those who actually do is distinct here.

In addition, there is tension created in the dichotomy in State commitment on promotion and protection. Overtly, there is an articulated long-term focus to prevent women migrating as low-skilled workers primarily to domestic sector work and measures set in place, such as the FBR, to ensure minimising of women migrating for domestic work. At the same time, there is the free outflow of women into migrant domestic work supported by mechanisms such as registration, insurances, welfare schemes for their children, systems for addressing grievances particular of this sector of workers and incentive payments of high amounts of money to migrating domestic workers, that clearly shows a promotion on the part of the State. The State takes on two conflicting roles of the enabler of empowerment of this particular segment of women in society as well as the protector of and decision maker for them. This hides any recognition of the women’s ability to facilitate their own empowerment and the recognition of women’s own independent sense of empowerment.

The assumptions that underlie the promotion of the State as the protector of women migrating as domestic workers are largely based on an incomplete evidence base. There is research used to show and bring about an understanding that the migration of the mothers as domestic workers is the cause of neglect, abuse and other ills that children face and an understanding that the migration of the woman causes breakdown of family unity. There is misplaced recognition that the nuclear family is predominant over the strong extended family networks that still exist in Sri Lanka. This, coupled with the lack of objective research on causes of neglect and abuse of children as well as on family breakdown through comparative analysis between families and children of female migrant domestic workers and 'other' families, fuels this assumption. This raised the question of whether the FBR stems from this incomplete evidence base.

Exploring the gender implications of policies and regulations pertaining to female migrant domestic workers raises a **methodology conflict** for this research team. A question arises in this study whether there is sufficient focus on the politics that surround social issues and discourse around the socially accepted. The validity of "researching from outside" is raised in questioning that researchers from outside are not provided with the real views of respondents which may not and do not fit into the dominant discourse that places a moral responsibility of motherhood. This raises three fundamental questions that are recognised as limitations of this exploration.

- i. Do people feel morally inadequate to express views that stray from the dominant discourse and popular stereotypes about the woman's place in the family?
- ii. Is there pressure to articulate socially accepted discourse on motherhood and the woman's role in the family unit?
- iii. Do respondents feel morally inadequate to express views that stray from the dominant discourse and popular stereotypes about women and the woman's place in the family?

To remedy this one would need a long-term anthropological study.

It is the final conclusion in this limited exploration that there is a fundamental mismatch between women's right to employment, freedom of movement and gender equality, and policies and procedures that govern the migration of female domestic workers in Sri Lanka.

The FBR is particular is flawed in its patriarchal nature that ignores gender equality and contravenes the commitments to gender equality enshrined in the Constitution of Sri Lanka, laws and policies including the National Labour Migration Policy. The paternalistic intention that reinforces the traditional roles and responsibilities of women in Sri Lanka as the primary caregivers of children and moral guardians of the family, despite clear changes in women's and men's roles in society in both private and public spheres, and procedures and processes as well as perceptions and interpretations, keep women within and push women back into their traditional situation of being in the secondary position in society, with men as their guardians and the State as the protector of their traditional status.

Recommendations

This exploration suggests four main recommendations that add to the multitude of recommendations contained in previous research. Each recommendation is divided into two timelines for implementation: immediate leading to achievement at midterm, and immediate leading to achievement long term.

1. To remedy gaps in knowledge and information base

Immediate and Mid Term:

- Provide a clear understanding, with a gender equality interpretation based on an approach that recognises rights over protection, of the National Labour Migration Policy and the Family Background Report to all stakeholders in the process of labour migration including State officials, NGOs, migrant workers and their families and communities at large, using effective tools including media and modern communication methods.

Immediate leading to Long Term:

- Strengthen the evidence base on the causes of neglect and abuse of children and of family breakdown, through objective research that enables comparative analysis and evidence based findings, conclusions and recommendations.
- Create mechanisms to encourage and strengthen academic discourse on women's right to employment, notions of family, mother-hood and fatherhood, and use such discourse to support decision making and practical measures that impact on all aspects of the process of migration. This can be a focus of the Migration Research Institute proposed by the National Labour Migration Policy which is yet to be established.

2. Revise and update the National Labour Migration Policy and abolish the Family Background Report

Immediate and Mid Term:

- Taking into serious consideration the gaps, constraints and discriminatory and adverse results of the FBR, abolish the Family Background Report and create researched, evidence-based strategic mechanisms to provide support to female and male migrant workers and their families, who seek and ask for support and protection.

Immediate leading to Long Term:

- Review and revise the National Labour Migration Policy to update all provisions enshrined in the Policy and to incorporate a more gender sensitive approach from a rights-based perspective.

3. Provide alternatives for women who wish to consider alternatives

Immediate and Mid Term:

- Create strategic and viable alternatives for women who wish to seek alternatives within Sri Lanka and not be forced to opt to migrate as domestic workers.

Immediate leading to Long Term:

- Professionalise domestic work in Sri Lanka as an alternative for migrant domestic work with equal focus, legal and procedural recognition, resource allocation, complaints redressal mechanisms, and monitoring and supervision mechanisms.

4. Listen to the voices of female migrant domestic workers

Immediate, Mid Term and Long Term:

- To remedy the disconnect that exists in researching from the 'outside' and creating discourse predominated by decision makers, implementers and service providers who are not migrant workers, create space for research that is primarily carried out by migrant workers and their families through capacity building, mentoring and resource allocation.

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Annexes

1. Note on Methodology
2. Family Background Report Circular of 2013
3. Interview and Discussion Guides
4. Interviews and Focus Group Discussions

Note on Methodology

This study on *“An examination of Sri Lankan policies which apply to migrant workers who fall under the domestic domain and their impact on the right of workers to freely access employment”* was designed and developed by the authors to examine the gendered impact of migration-related policies and related practices on domestic workers and their families. The aims of the study were to provide an **overview** of the gender dimensions of the policy environment affecting migrant workers in Sri Lanka, and to understand **in-depth** the gendered impact of policy and related practices on women migrating as domestic workers.

The study studied a number of selected Sri Lankan policies, regulations, approaches and practices, and took a gendered perspective in exploring the impact of these policies and regulations on both women and men. The conceptual and theoretical approach centred on gender equality and women’s empowerment.

The exploration comprised the following:

- An analysis of Sri Lanka’s commitments to women’s equality including women’s right to employment in relation to migrant employment.
- A focus on women migrant workers in the domestic sphere (working as housemaids), the characteristics, pertinent issues and discourse around domestic sector migrant employment, the role of migrant women domestic workers and the impact of such employment (positive and negative) on women.
- An exploration of intentions, practices and perceptions of policy and policy implementation, the current discourse on the protection of the family unit including the welfare of children, the roles of spouses and care givers, informal coping mechanisms, and a discussion on alternative work and income generation for those that are denied an opportunity to migrate for employment due to restrictions brought on by policies and regulations.
- A study of the narratives on policy expectations, practical measures and the reality of the lives of migrant workers and their families.

The study was framed by two main exploratory research questions:

1. In what ways do Sri Lankan policies and regulations and their practice related to migrant workers impact on gender equality?
2. In what ways do these policies, regulations and their practice impact on women’s empowerment?
3. In what ways do these policies, regulations and their practice impact on women’s right to access employment?
4. In what ways do these policies and regulations and their practice impact on women’s gendered roles in Sri Lankan society?

Methodologically, the study comprised three parts:

1. A review of Sri Lankan policies and regulations that apply to female migrant workers who fall under the domestic domain (domestic migrant workers).
Tool: Desk Review
2. An analysis, through primary data, of the gendered impact of these policies on the rights of workers to freely access employment.
Tools: Key Informant Interviews, Focus Group Discussions, In-depth Interviews
3. The in depth study of the main policy document that impacts on women migrant workers seeking employment as domestic workers
Tool: Case study of the Family Background Report

A review of Sri Lankan policies and regulations that apply to female migrant workers who fall under the domestic domain (domestic migrant workers).

Tool: Desk Review

The Desk Review was of Sri Lankan policies and regulations that apply to migrant workers who fall under the domestic domain, primarily:

- The National Labour Migration Policy
- Circulars on the Family Background Report

The objectives of the desk review were:

- To understand the policy environment and policy discourse impacting on migrant workers going as domestic workers
- To illustrate the gender dimensions of policies
- To locate the policy discourse and related practices within a rights framework

An analysis, through primary data, of the gendered impact of these policies on the rights of workers to freely access employment.

Tools: Key Informant Interviews, Focus Group Discussions, In-depth Interviews

- Key Informant Interviews

Key Informant Interviews (KIIs) provided information from the experiences and perceptions of key persons including policy makers, policy implementers, academics, and rights activists to understand the rationale and reasoning, political impetus and motivations for the formulation of policy and regulations and their impact. KIIs with service providers provided an understanding of the perceived rationale and impact of policies and regulations.

- Focus Group Discussions

Focus Group Discussions (FGDs) were held with migrant worker returnees (female and male returnees, and those intending to migrate) and families of migrant workers on the impact of policies and regulations on the lives of women. The selection on FGD participants was purposive and participants were reached through community based organisations that the authors had prior professional relationships with.

- In-depth Interviews

In-depth interviews were conducted with key stakeholders in the relevant ministries, local level government officials, the Sri Lankan Bureau of Foreign Employment, employment agencies, and migrant worker associations.

The in-depth study of the main policy document that impacts on women migrant workers seeking employment as domestic workers.

Tool: Case study of the Family Background Report

The impact of the 'Family Background Report' Circulars was studied to assess how policies impact on women's right to access employment. The case study used as a 'test-case' to gain an in-depth understanding of how a policy with an explicit gender bias impacts on women's right to access employment. The research study aimed to illuminate the general policy environment relating to low-skilled women migrant workers by focusing on the specific case of the 'Family Background Report' circular.

The case-study approach focused on one or few instances of a particular phenomenon with a view to providing an in-depth account of events, relationships, experiences, and processes occurring in that particular instance (Denscombe 2010). A case-study approach allowed for a detailed look at the interconnections and interrelations between relationships and processes.

A case-study approach was considered most suitable for this study for two main reasons: it is a small-scale research study with a limited time-frame; and the purpose of the study was to gain a nuanced understanding of the policy environment affecting the rights of migrant women workers in the domestic sector. It was also appropriate because it was an exploratory study intending to understand the key issues affecting women migrating for domestic work gendered and the impact of policy on the rights of women's to access employment.

The 'Family Background Report' Circular was selected as the case-study for several reasons:

- It is the most recent policy circular impacting on women migrants with an explicit gender-bias.
- It is an example of a protectionist policy and demonstrates a recent trend in policy discourse in privileging the best interest of the child over the rights of the woman.
- It exemplifies the way in which policy responds to the moral panic about 'family breakdown', the ideology of 'the family' and popular discourse on a mother's duties and responsibilities and a woman's place in society.
- The 'Family Background Report' is an example of how discussions around ideal families and mothering have a critical class dimension wherein policies have a differential impact on women from different socio-economic groups.

The objectives of the case study were to:

- Identify common migration related practices that are gender specific or have a gendered impact
- Understand the gendered impact of policy on migration practices

The exploration sought answers to the following questions:

1. What is the political motivation and rationale for implementing the 'Family Background Policy'?
2. How has the policy been received at different policy-making and implementation levels? (Knowledge of and attitudes towards the policy)
3. How has the policy been received by the different stakeholders and groups involved in the overseas migration process?
4. How is the policy being implemented? (Interpretation)
5. How do migrants manoeuvre and negotiate the policy when trying to migrate?
6. What is the impact of the policy on migrant-hopefuls and their families?
 - i. How has the policy impacted on the aspirations of migrant-hopefuls and their families?
 - ii. Socio-economic difficulties?

Experience of authors

The study was further strengthened by the authors' previous research and experience in working on migrant worker issues in Sri Lanka.

Family Background Report Circular of 2013



විදේශ රැකියා ප්‍රවර්ධන හා සුබසාධන අමාත්‍යාංශය
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Ministry of Foreign Employment Promotion & Welfare
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 5වන කුළුණ, 12වන මහල, මහ බැංකු ජනාධිපති මාවත, අංක 30, ජනාධිපති මාවත, කොළඹ-01, ශ්‍රී ලංකාව
 Tower -5, Level 12, Central Bank Building, No 30, Janadhipathi Mawatha, Colombo 01, Sri Lanka



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සියළුම ප්‍රාදේශීය ලේකම් වරුන් වෙත

ගෘහස්ථ රැකියා සඳහා විදේශගත වන කාර්තාවන්ගේ පවුල් පසුබිම පිළිබඳ වාර්තාව ලබාගැනීම

ගෘහස්ථ රැකියා සඳහා විදේශගත වන කාර්තාවන්ගේ දරුවන්ගේ ආරක්ෂාව තහවුරු නොවන අවස්ථා වලදී ගෘහස්ථ රැකියා සඳහා කාර්තාවන් විදේශ ගතවීමෙන් ඇතිවන විවිධ දුෂ්කරතා සහ සමාජමය ගැටළු වැළැක්වීමේ අරමුණින් ගෘහස්ථ රැකියා සඳහා විදේශ ගතවන කාර්තාවන් සම්බන්ධව හා ඔවුන්ගේ පවුල් පරිසරය පිළිබඳව වාර්තාවක් ලබා ගැනීම මෙම අමාත්‍යාංශය මගින් 2013.07.15 දින සිට ක්‍රියාත්මක කරනු ලබයි.

ඒ අනුව ගෘහස්ථ රැකියා සඳහා විදේශගත වන කාර්තාවන්ගේ පවුල් පසුබිම පිළිබඳව වාර්තාව ලබාගැනීම පිළිබඳව ඔබ වෙත යොමු කරන ලද අංක MFE/MWWD/01/01 හා 2013.06.18 දිනැති චක්‍රලේඛය සහ MFE/MWWD/01/02 හා 2013.07.26 දිනැති චක්‍රලේඛවලට 2014 ජනවාරි 15 වැනිදා සිට ක්‍රියාත්මක වන පරිදි පහත සඳහන් චක්‍රලේඛය නිකුත් කරනු ලැබේ.

ගෘහස්ථ රැකියා සඳහා විදේශගත වන කාර්තාවන්ගේ පවුල් පසුබිම වාර්තාව ලබාදීමේදී පහත සඳහන් කරුණු පිළිබඳව අවධානය යොමු කළ යුතුය.

1. මෙම වාර්තාවට අදාළ ආකෘති පත්‍ර 2ක් ඇති අතර ඉන් එක් ආකෘති පත්‍රයක් රැකියා නියෝජිත ආයතනයකින් ගෘහස්ථ රැකියාවකට විදේශගත වන කාර්තාවන් හටද (ඇමුණුම 1) අනෙක් ආකෘති පත්‍රය ස්වයං මාර්ගයෙන් ගෘහස්ථ රැකියා සඳහා විදේශගත වන අය හටද (ඇමුණුම 2) අදාළ වේ. (ආකෘති පත්‍ර මුද්‍රණය කිරීමේදී එකම කඩදාසියේ දෙපැත්ත භාවිතා කරන්න.)
2. පවුල් පසුබිම වාර්තාව සකස් කිරීමේදී අවුරුදු 5ට අඩු දරුවන් සිටින මව්වරුන් විදේශගත වීම නිර්දේශ නොකළ යුතු අතර අවු. 5ට වැඩි දරුවන් සඳහා නිසි ආරක්ෂාවක් හැපයෙන බවට සැඟිමකට පත්විය හැකිනම් පමණක් නිර්දේශ කළ යුතුය. (මෙය අමාත්‍ය මණ්ඩල පත්‍රිකා 07/0321/333/001 සඳහා 2007 මාර්තු 07 වැනිදා අමාත්‍ය මණ්ඩලය දෙන ලද අනුමැතියට අනුකූල වීමට අවශ්‍ය පියවරකි.)
3. පළමු වතාවට ගෘහස්ථ විදේශ රැකියා සඳහා යන අයට නිර්දේශ කරන ලැබූ විෂය අවු. 55කි. අවම වශය පහත සඳහන් පරිදි රටවල් අනුව වෙනස් වේ.
 - සෞදි අරාබිය සඳහා - වයස අවු. 25
 - අනෙකුත් මැද පෙරදිග රටවල් - වයස අවු 23
 - වෙනත් රටවල් - වයස අවු 21
4. මෙම වාර්තාව පිළිබඳව අදාළ සංවර්ධන නිලධාරියා විසින් SMS මගින් ශ්‍රී ලංකා විදේශ සේවා නිලධාරීන් කාර්යාලයේදී දුරකතන අංක 071-9334040 ට වාර්තා කළ යුතුය. ඒ සඳහා පහත ක්‍රියා පිළිවෙල අනුගමනය කළ යුතුය.
 - අදාළ කැනැන්තාගේ පවුල් පසුබිම වාර්තාවට FBR මුලට යොදා ඇල ඉරකට පසුව ජාතික හැඳුනුම්පත් අංකයද තවත් ඇල ඉරකට පසුව ගමන් බලපත්‍ර අංකයද type කර නැවත ඇල ඉරක්

යොදා නිර්දේශ කළ හැකිනම් R හෝ නිර්දේශ කළ නොහැකි නම් NR ලෙසද සඳහන් කර ඉහත දුරකථන අංකයට එවීමට කටයුතු කරන්න.

උදා:- FBR/823204450V/N2942590/R (නිර්දේශිත නම්)

FBR/823204450V/N2942590/NR (නිර්දේශ නොකරන්නේ නම්)

- විදේශ සේවා නියුක්ති කාර්යාංශය ලබා දුන් මොබිටෙල් සිම් කාඩ්පත සඳහා ඇති පහසුකම් ඇමුණුම 4 ලෙස මේ සමඟ අමුණා ඇත.(user balance information – “yes” type කර 4545 ට send කරන්න.)
- මෙම අමාත්‍යාංශය යටතේ නිලධාරීන් නොමැති ප්‍රාදේශීය ලේකම් කාර්යාලවල මෙම අමාත්‍යාංශයේ රාජකාරි කිරීමට හුදුසු වෙනත් නිලධාරීන් සිටින නම් ඉහත පහසුකම් ලබාදීම සඳහා නම් යෝජනා කර එවන මෙන් දන්වා සිටිමි.

1. සංවර්ධන නිලධාරීන් විසින් නිකුත් කරන සෑම පවුල් පසුබිම පිළිබඳ වාර්තාවකටම අදාළ ප්‍රාදේශීය ලේකම් කාර්යාලයට අයත් සමාංකය සමඟ අනුක්‍රමික අංකයක් යොදා අදාළ කොරකුරු ඇතුළත් ලේඛනයක් එවන්නට ගෙන යායුතුය.
2. මෙම අමාත්‍යාංශයට අනුයුක්ත සංවර්ධන නිලධාරීන්ට මෙම නිර්දේශ ලබාදීම සඳහා ක්ෂේත්‍ර පරීක්ෂා කිරීම සිදුකිරීම අපහසු අවස්ථා වලදී (ප්‍රමාණවත් නිලධාරීන් සංඛ්‍යාවක් නොමැති නම් හෝ ආවරණය කළ යුතු ප්‍රමාණය අධික නම්) ප්‍රාදේශීය ලේකම් කාර්යාල සඳහා ගම් මට්ටමින් ආර්ථික සංවර්ධන අමාත්‍යාංශයට අනුයුක්ත කර ඇති සංවර්ධන නිලධාරීන් මගින් අදාළ නිර්දේශය ලබා ගැනීමට කටයුතු කළ යුතුය (මටද පිටපතක් සහිතව ආර්ථික සංවර්ධන අමාත්‍යාංශයේ ලේකම් විසින් සියලුම දිස්ත්‍රික් ලේකම් වරුන්ට යොමුකරන ලද 2013.08.15 දිනැති ලිපිය (පිටපතක් ඇමුණා ඇත) මගින් මේ පිළිබඳව දන්වා ඇත).
3. නිර්දේශ නොවන අය සඳහා නිර්දේශ නොකිරීමට හේතු සහිතව ඇමුණුම 3 හි දක්වා ඇති ආකෘතිය අනුව වාර්තාව අදාළ කාර්යාලවල නිකුත් කරන්න.
4. අමාත්‍යාංශයට අයත් අදාළ සංවර්ධන නිලධාරීන් විසින් ලබා දුන් වාර්තාවක් නොමැතිව ගෘහස්ථ රැකියා සඳහා කාර්යාලවත් විදේශගත වීම ලියාපදිංචි නොකිරීමට තීරණය කර ඇත.

සංවර්ධන නිලධාරීන් විසින් ඉඩකරනු ලබන ක්ෂේත්‍ර රාජකාරි සඳහා මගේ අංක MFE/RAD/4/1/1 හා 2013.09.24 දිනැති ලිපිය මගින් රු.1500ක උපරිමයකට යටත්ව ගමන් වියදම් දීමනාවක් ගෙවීමට තීරණය කර ඇති අතර එම ගමන් වියදම් දීමනාව ගෙවන ආකාරය මගේ අංක MFE/RAD/4/1/3 හා 2013.10.21 දිනැති ලිපිය මගින් සියලුම ප්‍රාදේශීය ලේකම්වරුන්ට දැනුම් දී ඇත.

පහත සඳහන් කරුණු පිළිබඳවද ඔබගේ අවධානය යොමු කරවමි.

- විදේශගත වීමට අපේක්ෂා කරන කාර්යාලවත්ගේ හැඳුන්වීම සහ ගමන් බලපත්‍රය පරීක්ෂා කිරීම අවශ්‍යවේ. ගමන් බලපත්‍රය නොමැති නම් අදාළ රැකියා නියෝජිත විසින් සහතික කරන ලද පිටපත ප්‍රමාණවත් වෙයි.
- පවුල් පසුබිම වාර්තාව සඳහා ග්‍රාම නිලධාරී විසින් පදිංචිය සනාථ කිරීම සහ සිවිල් තත්වය පිළිබඳ කොරකුරු ලබා දීම අවශ්‍යවේ. විදේශ ගතව සිටි ලංකාවට පැමිණ නැවත විදේශගත වන අයගේ නම් ජන්ද හිමි නාම ලේඛනයේ නොමැති නම් එවැනි අවස්ථා වලදී එම කාර්යාලවත්ගේ දෙමව්පියන්ගේ හෝ ස්වාමි පුරුෂයාගේ පදිංචිය, ඇගේ පෙර ලියාපදිංචිය සහ අනෙකුත් අදාළ කරුණු සලකා බලා පදිංචිය සහ සිවිල් තත්වය සහතික කිරීමට කටයුතු කරන්න.
- විදේශගතවන කාර්යාලවත්ගේ දරුවන්ගේ වයස සහ භාරකාරීත්වය පිළිබඳව පවුල් සෞඛ්‍ය නිලධාරීන්ගෙන් විමසා තහවුරු කරගත යුතුය.
- ස්වාමි පුරුෂයා හැරගොස් ඇති කාර්යාලවත් විදේශ රැකියා සඳහා යාමේදී ඒ බව සඳහන් කර ග්‍රාම නිලධාරී මගින් ප්‍රකාශයක් ලබා ගත යුතුය. එවැනි ප්‍රකාශයක් ඇති විට ස්වාමි පුරුෂයාගේ කැමැත්ත අවශ්‍ය නැත.

> විදේශගතවන කාර්යාලයේ දැරුවත්ගේ භාරකාරීත්වය දරණ පුද්ගලයා වෙතත් ප්‍රාදේශීය ලේකම් කාර්යාලයකට අගත් නම් එම ප්‍රාදේශීය ලේකම් කාර්යාලයේ අපල සංවර්ධන නිලධාරියාගෙන් දැරුවත්ගේ භාරකාරීත්වය පිළිබඳ චාරිකාවක් ලබාගෙන විදේශගත වීමට නිර්දේශ කළයුතුය.

ඉහත සඳහන් කරුණු පිළිබඳව මෙම අමාත්‍යාංශයට අනුමැත්ත සංවර්ධන නිලධාරීන්, ඉම නිලධාරීන් සහ අනෙකුත් අදාළ නිලධාරීන් දැනුවත් කරන ලෙසද ඔවුන්ගේ රාජකාරී කටයුතු අධීක්ෂණය කරන පුලුසු කාරුණිකව ඉල්ලමි. මෙ සඳහා ඔබ විසින් ලබා දෙන සහයෝගය ඉතා අගය ජනාව සලකමි.

මෙම චක්‍රලේඛය සහ ඇමුණුම මෙම අමාත්‍යාංශ වෙබ් අඩවිය වන www.foreignemploymin.gov.lk හිද පළකොට ඇතිබව සඳහන් කරමි.

නියෝග්‍ය ඒක එන් විලේරත්න
ලේකම්
විදේශ රැකියා ප්‍රවර්ධන හා සුබසාධන අමාත්‍යාංශය

- පිටපත්:
1. ලේකම් - රාජ්‍ය පරිපාලන හා ස්වදේශ කටයුතු අමාත්‍යාංශය : දැ.ගැ.ස.
 2. ලේකම් - ආර්ථික සංවර්ධන අමාත්‍යාංශය : දැ.ගැ.ස.
 3. ලේකම් - ළමා සංවර්ධන හා කාර්යාල කටයුතු අමාත්‍යාංශය : දැ.ගැ.ස.
 4. ලේකම් - සෞඛ්‍ය අමාත්‍යාංශය : දැ.ගැ.ස.
 5. සියළු දිස්ත්‍රික් ලේකම්වරුන් : දැ.ගැ.ස, සහ අ.ක.ස
 6. පරිවහන ආයතන සංවර්ධන හා ළමා ආරක්ෂණ දෙපාර්තමේන්තුව : දැ.ගැ.ස.
 7. අධ්‍යක්ෂ - පවුල් සෞඛ්‍ය කාර්යාලය : දැ.ගැ.ස. සහ අ.ක.ස
 8. පළාත් පරිවහන ආයතන සංවර්ධන : දැ.ගැ.ස.
 9. සභාපති - ළමා ආරක්ෂණ අධිකාරිය : දැ.ගැ.ස.
 10. සභාපති - ශ්‍රී ලංකා විදේශ සේවා නියුක්ති කාර්යාංශය : දැ.ගැ.ස. සහ අ.ක.ස
 11. සාමාන්‍යාධිකාරී - ශ්‍රී ලංකා විදේශ සේවා නියුක්ති කාර්යාංශය : දැ.ගැ.ස. සහ අ.ක.ස
 12. නියෝජ්‍ය සාමාන්‍යාධිකාරී (සමාජ සංවර්ධන) - ශ්‍රී ලං වි ශේ නි කාර්යාංශය : දැ.ගැ.ස. සහ අ.ක.ස

பலிசே விசைர் னா னார்காணீவெ திர்தேடி னானகிரீவெ பிசிடெ லார்காவி

வீட்டுப்பணியாளர்களாக வெளிநாட்டுக்கு செல்லும் பெண்களின் குடும்ப தகவல் மற்றும் பாதுகாவலர்கள் தொடர்பாக பெறப்பட்ட தகவல்களை சிபாரிசு செய்யாமலிருப்பது பற்றிய அறிக்கை

1. பிஃசிக ஓமிகைசை னை/ வெளிநாட்டுக்கு செல்லும் பெண்ணின் பெயர்
2. னைன் லெபது னைகை/ கடுவுச் சீட்டு இல சாசிக
கூழூசிக னைகை/அடையாள அட்டை இல.....
3. சீசீர லூசிகை/நிரந்தர முகவரி
4. டிசீதிகை/மாவட்டம் டகிகைவெ கை ரெ/வேலைக்கு செல்லும் நாடு.....
5. பூசெடிசை லெகை காரகை/ பிரதேச செயலாளர் பிரிவு
6. சைலிசை வெசை/பொலிஸ் பிரிவு
7. ஓமிகை கிரெஓரீ கைவெகை/ கிராம சேவகர் பிரிவு
8. பிஓமிகை ஓமிகை விவாகை வெ வெளிநாட்டுக்கு செல்லும் பணியாளர் திருமணமாவலரா
9. பிஓமிகை ஓமிகை விவாகை கை விவாகைகைசை னை/ வெளிநாட்டுக்கு செல்லும் பணியாளர் திருமணமாவலரையின் கணவனின் பெயர்
10. கடிசை னைசைவகை டூகூசிக சூகூ லை விவாகைசை னை/அவசர நிலமையின் போது தகவல் தெரியப்படுத்த வேண்டியவரின் பெயர்.....

பூசெடிசை லெகை காரகை டூகூசிக கை கூசிக பிசெடி டகிகை பூவீரவெ டூகூகைசை கைவெகை கைவெகை கிரெஓரீசை விசைன் ஓகை கை கடுகை கைகைவி பிசெடி டகிகைகை கை கடுகை கிர்தேடி னானகிரீவெ கை/ பிரதேச செயலகத்திற்கு நியமிக்கப்பட்டுள்ள வெளிநாட்டு வேலைவாய்ப்பு அமைச்சின் அபிவிருத்தி உத்தியோகத்தர் மேலே குறிப்பிட்ட பெண்களை வெளிநாட்டு வேலைவாய்ப்புக்கு சிபாரிசு செய்வதற்கான அல்லது நிராகரிப்பதற்கான காரணம்

.....

பிசெடி டகிகை பூவீரவெ னா பூகைவெ டூகூகைசை கைவெகை கைவெகை கிரெஓரீசை/ கிரெஓரீசைசை கை கை டூகூகை/இலங்கை வேலைவாய்ப்பு மேம்பாட்டு மற்றும் நலன்புரி அமைச்சின் அபிவிருத்தி உத்தியோகத்தரின் பெயரும் கையொப்பமும்

ஓகை கடுகூ கிரெஓரீ கை கைகை கை. / மேலே குறிப்பிடப்பட்டவை சரியென உறுதிப்படுத்திக்கிறேன்.

.....
 பூசெடிசை லெகைசை டூகூகை னா கிரெஓரீ/பிரதேச செயலாளரின் கையொப்பமும் இறப்பர் முத்திரையும்

Interview and Discussion Guides

The Study was guided by a list of key research questions that were used to lead discussions and interviews. The following research questions were expanded and new questions added during the course of the exploration.

Specific questions for FGDs

- Do you know about the National Policy?
- If yes, what do its provisions mean to women migrant workers leaving for domestic work?
- What do you expect from the Government with regard to going for migrant work?
- Are your expectations met? Explain yes or no answers.
- What do you expect from NGOs with regard to going for migrant work?
- Are your expectations met? Explain yes or no answers.
- What do you expect from employment agents with regard to going for migrant work?
- Are your expectations met? Explain yes or no answers.
- What do you expect from sub agents with regard to going for migrant work?
- Are your expectations met? Explain yes or no answers.

- Do you know about the FBR?
- What are your views on it?
- What are the positives of it?
- What are the negatives of it?
- Do you know of people who have gone recently without the FBR?
- How did they manage that?
- How did you ensure care of children before the FBR?
- If you could not go for migrant work, what could you do in Sri Lanka as an alternative?
- Would you consider going into domestic work in Sri Lanka?
- If yes, why?
- What would be the positives of it compared to migrant work?
- What would be the negatives of it compared to migrant work?
- If no, why?
- Record any other issues that come up.

Specific questions for Development Officers/Grama Niladharis

- Do you know about the National Policy?
- If yes, what do its provisions mean to women migrant workers leaving for domestic work?
- Do you know about the FBR?
- What was the objective of the FBR?
- What are the practical difficulties in filling an FBR?
- What are your views on it?
- What are the positives of it?
- What are the negatives of it?
- Do you know of people who have gone recently without the FBR?
- How did they manage that?
- How did they ensure care of children before the FBR?
- If they could not go for migrant work, what could they do in Sri Lanka as an alternative?
- Do you see going into domestic work in Sri Lanka as an alternative?
- If yes, why?
- What would be the positives of it compared to migrant work?
- What would be the negatives of it compared to migrant work?
- If no, why?
- Record any other issues that come up.

Specific questions for NGOs and service providers

- Do you know about the National Policy?
- If yes, what do its provisions mean to women migrant workers leaving for domestic work?
- Do you know about the FBR?
- What are your views on it?
- What are the positives of it?
- What are the negatives of it?
- Do you know of people who have gone recently without the FBR?
- How did they manage that?
- How did they ensure care of children before the FBR?
- If they could not go for migrant work, what could they do in Sri Lanka as an alternative?
- Do you see going into domestic work in Sri Lanka as an alternative?
- If yes, why?
- What would be the positives of it compared to migrant work?
- What would be the negatives of it compared to migrant work?
- If no, why?
- Record any other issues that come up.

Specific questions for employment agencies and sub-agents

- Do you know about the National Policy?
- If yes, what do its provisions mean to women migrant workers leaving for domestic work?
- Do you know about the FBR?
- What are your views on it?
- What are the positives of it?
- What are the negatives of it?
- Do you know of people who have gone recently without the FBR?
- How did they manage that?
- How did they ensure care of children before the FBR?
- If they could not go for migrant work, what could they do in Sri Lanka as an alternative?
- Do you see going into domestic work in Sri Lanka as an alternative?
- If yes, why?
- What would be the positives of it compared to migrant work?
- What would be the negatives of it compared to migrant work?
- If no, why?
- Record any other issues that come up.

Interviews and Focus Group Discussions

The following interviews and discussions were conducted in the study locations of Galle, Batticaloa, Kurunegala, and Colombo:

- Migration Development Officers
- Grama Niladharis
- Women Development Officers
- Samurdhi Officers
- SLBFE officials (in the districts of Galle, Batticaloa, Kurunegala and Colombo)
- Employment Agents
- Sub-agents
- Migrant worker returnees
- Families of migrant workers currently in employment
- NGO service providers at national, district, and divisional level
- Community based organisations
- Women's rights activities
- Academics

Authors

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