

RESEARCH ARTICLE

Gendered state: ‘Governmentality’ and the labour migration policy of Sri Lanka

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Abstract: Governments’ use of their authority to control the behaviour of the citizens through ‘mechanisms of management’ such as education, laws, rules, and regulations is discussed widely in Michael Foucault’s concept of ‘governmentality’. Built on this standing, this paper intends to investigate how the government of Sri Lanka uses different policy initiatives over time to control the behaviour of a categorized group of its citizens i.e., unskilled female migrant workers. The research analyses the labour migration policies implemented by successive governments of Sri Lanka since late 1970s to post COVID-19 period to examine this statement. It argues that the government re-produces traditional gender norms through laws and regulations to regulate the movements of unskilled female migrant workers aiming to achieve its policy interests. The paper also discusses how the most recent labour migration policy controls women’s right to migration by interpreting the aspects of ‘Family Background Report’. This study adopts a combined method; while reviewing secondary data i.e., laws, regulations, and existing literature on related areas be the main source of data for the study, findings will be complemented by empirical data collected through structured interviews with government officials. This research concludes by revealing how the government of Sri Lanka has utilized its ‘mechanisms of management’ to control the right to work of a selected segment of females by applying its authority. It further explains how these laws and regulations have been changed over time to cater the policy interests of the succeeding governments.

Keywords: Governmentality, Migration Policy, gender norms, unskilled female domestic workers, Family Background Report.

INTRODUCTION

In the modern state structure, the government often assumes an apex position and uses this position to shape and reshape the conduct of the people under its authority through a range of calculated interventions. Some of the intervening mechanisms are direct, such as rules and regulations and some are indirect, which include *inter alia* educating desires/aspirations, configuring habits and re-enforcing beliefs of the population (Li, 2007). The core focus of these interventions, as Foucault underlined in his concept of ‘governmentality’, is mainly to reach the government endorsed goals of securing “welfare of the population and to improving its condition” (Burchell *et al.*, 1991: p. 100). Governments often utilize the operational practice of classification of individuals, which is mostly done based on socioeconomic norms and demarcations such as race, religion, profession, income level, ethnicity etc. (Huff, n.d.), and selectively make disciplinary interventions to achieve their larger goals.

In June 2013, the government of Sri Lanka (GoSL) changed its labour migration policy through a series of circulars (starting from circular 13/2013) issued by the government’s specialized agency on labour migration, the Sri Lanka Bureau of Foreign Employment. These circulars included a set of restrictions targeting the females who are migrating under the ‘unskilled’ i.e., domestic and care worker category. The new regulations imposed a mandatory prerequisite of producing a ‘Family Background Report’ and obtaining the government’s approval to migrate for the females who migrate under this category.

The regulation was only applicable to the female workers who migrate to Gulf countries at the initial stage, but later expanded to all female unskilled migrant workers irrespective of their country of destination. Despite heavy criticism leveled by scholars, human rights activists, and UN officials, who interpreted the new circulars as a violation of women’s right to work, the government continued to emphasize the importance and the necessity of implementing these regulations as they were intended to ensure social stability, by highlighting the protection

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of under-aged children and family members of the migrating females (Sri Lanka, Ministry of Foreign Employment Promotion and Welfare, 2008).

This article aims to discern the above action of the government as an instance of using its power over a classified group, i.e., unskilled female migrant workers to control their behaviour by using its 'mechanisms of management'. Within this context, this study attempts to answer the research question as to how government intervened in individual decision-making (to control their behaviour) of a classified group of people to reach the interest/s of the state. The author will take theoretical backing from Michael Foucault's concept of governmentality for this analysis.

The arguments of this paper are twofold: first, it is argued that the government has strategically utilised its 'mechanisms of management' to regulate the behaviour of unskilled female migrant workers which were largely shaped by the economic interests (or financial priorities) of the state. The policy changes of successive governments in the past four decades are examined for this purpose. Then, it is argued that the government executes this social control by re-establishing gender norms in society, particularly by highlighting appealing terms such as the 'role of mother' for the wellbeing of the family.

Even though many studies have investigated different aspects of the new labour migration law implemented by the GoSL, there are no researches conducted to examine this phenomenon as an instance of controlling the behaviour of its citizens, i.e., the migrant women. This paper intends to fill this research gap and contribute to the literature by revealing how the concept of 'governmentality' could explain the conduct of migration policies formulated and executed by the GoSL as a means of controlling the behaviour of female labour migrants.

This paper is divided into three sections. The first section provides an introduction to the development of female labour migration in Sri Lanka. The second section elucidates the first argument of this paper: how the succeeding governments since late 1970s have changed their migration policies to control potential female migrant's behaviour to cater the interests of the state, which is more revenue-driven than that of social welfare. The author examines the 'thinking' of the government which is explicated as 'rationales for intervention' where both formal and informal measures were applied. The third section in detail discusses the gendered impact of this process, particularly on the labour migration policy. This section is focused on the government's thinking on gender and how the power has been manipulated to implant gender norms in society to control a certain group.

Theoretical framework

Foucault, in his analysis of the development of the state system, politics, and power relations since the feudal period, provides an interpretation of the exerting power by the governments over its citizens. To him, governments assume responsibility for the life process of the citizens under their rule and for that purpose, they utilize "methods of power and knowledge to control and modify them" (Foucault, 1978: p. 142). Foucault uses the term 'governmentality' or how 'one conducts the conduct of people' to seek the government's rationality in engaging in this process. According to him, the ultimate goal of any government is to ensure and secure the "welfare of the population, the improvement of its condition, the increase of its wealth, longevity, health, et cetera" (Burchell *et al.*, 1991: p. 100).

The term 'governmentality' combines the two concepts 'government' and 'rationality'. According to Foucault, the term 'government' stands for the conduct or shaping of people's behaviour (through detailed supervision) with the expectation of leading them towards 'self-governance'. In technical terms, he defines this as bio-politics. 'Rationality' is the process of conducting people systematically to achieve this expectation. Governments practice 'rationality' through calculated, reasonable interventions to conduct (or shape) the behaviour of citizens when necessary (Senellart *et al.*, 2008). For example, he points out the institutions such as

schools, prisons, and hospitals where the citizens are trained to be disciplined and measures such as taxation and laws where the citizens are required to oblige.

However, given that this ‘power’ is being operated from a distance and not in direct hierarchical means, the subjects (citizens) are not necessarily aware of this ‘conduct of the conduct’ and why it is being done (Li, 2007). Therefore, the consent of the citizens is not required but are expected to practice those voluntarily. As Dean (2010) points out, the notion of the “mentality” (or the thinking process) of government involves in the course of developing a ‘practice’ (by the government) is often taken for granted and not often questioned by its practitioners i.e., the citizens (p.16). In Foucault’s words, his theory of ‘governmentality’ is “the way in which one conducts the conduct of men” and not going beyond this “proposed analytical grid for these relations of power” (Senellart *et al.*, 2008: p. 186).

Foucault here attempts to re-organize the concept of power which is generally practised by the state through a direct hierarchical approach. Instead, he focuses on how governments enforce their authority indirectly (or distinctly) through social control, i.e., by educating desires and configuring habits, norms, and beliefs, but not enforcing coercive power to control citizens. To make this process easier, the state defines/categorizes its citizens based on certain characteristics such as profession, income, gender, age and race, based on which the state implements/exercises different tools, or ‘mechanisms or management’ according to Foucault, as corrective interventions.

This study deploys these analytical guides proposed by Foucault to interpret the Sri Lankan government’s broad thinking behind the control of the conduct of a segment of its citizens i.e., female domestic migrant workers.

METHODOLOGY

This explanatory research adopted a combined methodology. The key intention of the study is to examine and interpret government laws and regulations to analyse selected policies within the concept of ‘governmentality’. The main source of data utilised for this research was secondary data. The author reviewed existing literature on labour migration as well as on the concept of ‘governmentality’ while supporting those with the data collected from the reports issued by government institutions such as the Department of Census and Statistics, Foreign Employment Bureau and the Ministry of Foreign Employment Promotion and Welfare. Thus, information extracted from the reports published by international organisations such as United Nations, International Organisation for Migration (IOM) and International Labour Organisation (ILO) was also applied throughout the discussion.

This study also employed empirical data collected from a structured interview using the purposive sampling method to support the research argument. Officials of the Foreign Employment Bureau were interviewed to clarify the motivation for the implementation of these regulations with the purpose of understanding the government’s rationale on the same and to clarify the recent alternatives made to the regulations.

BACKGROUND

Unskilled labour migration is a significant feature of the Sri Lankan economy. A considerable number of male and female workers migrate predominantly to Gulf countries under the unskilled labour category to cater to the high demand in fields such as construction, domestic, and care work. Push factors such as chronic poverty, lack of occupational opportunities with satisfactory income levels and inequality in intra-regional socio-economic opportunities have contributed to creating this migration boom in Sri Lanka (Hettige, 2012; Siriwardhana *et al.*, 2015; International Labour Organization, 2017). It is also noteworthy that the government encouraged the

migration process at its inception, intending to reduce poverty and unemployment among youth (Jayawardena, 2004).

A significant feature of Sri Lankan unskilled labour migration is its constant dominance by females who migrated as ‘domestic and care workers’ to the countries of the Middle East. This trend lasted until the early 2000s when government implement restrictions to discourage it. At its peak period, a high proportion of female workers i.e., more than 70% per cent in the 1990s (1992 – 72 %, 1993 -75 %, 1995 – 73.3 %, 1996 - 73.4 %, 1997 - 75.1%) left the country as domestic workers in Saudi Arabia, Kuwait, UAE, Qatar and elsewhere in the world (Sri Lanka, Foreign Employment Bureau, 2020b).

While poverty remains the primary push factor that motivates these women to migrate (Gamburd, 2010, 2020; Djafar & Hassan, 2012; Krishnakumar & Indumathi, 2014; Weeraratne, 2014, 2018), the ability to earn a substantially better income at the destination country for the same unpaid reproductive work they carried out in home country remains the main pull factor (Gamburd, 2010; Siriwardhana *et al.*, 2015). The ability to earn a better income and support their families also elevated the social status of these women from being ‘housewives’ to the ‘breadwinners’ of the family (Jureidini & Moukarbel, 2004; Shamim, 2006).

However, despite their positive financial contribution towards family and to the development of the country through remittances, the negative impact of mother’s migration towards left behind family members was a concern of the government since the early 2000s which led them to implement direct and indirect restrictions to limit female migrants. The Ministry of Health and the Ministry of Women and Child Affairs have consistently underlined these negative impacts of mothers’ migration, especially on young children (Ukwatta, 2010).

This concern was also characterized in the first-ever ‘National Labour Migration Policy’ of Sri Lanka adopted by the government in 2008. Although the new policy recognises the contribution of female unskilled migrant workers, in this policy paper, the government underlines the importance of promoting skilled workers/professional migration while discouraging the low-skilled and low remittance-making occupations (Sri Lanka, Ministry of Foreign Employment Promotion and Welfare, 2008: p. 20).

The policy further frames ‘low-skilled workers’ as a specific category that is more ‘vulnerable’ to the violation of their rights, and prone to harassment and abuses at their destination countries. Interestingly, the reason for this group’s ‘vulnerability’ is attributed to their job categorization as ‘low-skilled workers’ (UN, 2015: p. 20), but the real reasons behind this group’s vulnerable state, including abject poverty, inability to access livelihood at home country or the conditions that they had to face in destination country have not been considered. Hence, the conceptualisation and identification of migrant workers who are engaged in unskilled labour and their families as a category that requires the government’s assistance can be seen in the ‘National Labour Migration Policy’ (UN, 2015).

Through the point of view of ‘governmentality’, this action could be viewed as “corrective interventions” made on a sub-group and steps taken to ‘discipline’ them, to which Foucault referred to as a “specific technique of power that regards individuals both as objects and as an instrument of its exercise” (Foucault, 1995: p. 170). The government takes the first step to identify and classify the ‘unskilled female migrant workers’ as an explicit group, based on their profession and gender and separates them from other citizens. Secondly, the government identifies that this category requires ‘concerted interventions’ to regulate their behaviour. Thirdly, the government introduces new regulations (a mechanism of management) to regulate their behaviour and the concerned group is obliged to follow them.

The first visible (and formal) intervention by the government focusing on placing regulations on unskilled female migrant workers starts in 2013. Two main circulars: circular ‘13/2013’ and circular ‘MFE/RAD/01/03’ of 2013 issued by the Foreign Employment Bureau of Sri Lanka (SLBFE) sets two main restrictions. First, setting a

minimum and maximum age limit¹ (21 – 55) for migration; second, it banned the migration of mothers with children under the age of five years. It further requested ‘to guarantee the protection’ of children above the age of five by providing the details of a substitute caregiver, and the approval of a guardian of the woman explicitly stating that ‘she is allowed to migrate’.

The circulars also introduce a mechanism to verify the above conditionalities, with a submission of a ‘Family Background Report’. As interpreted by the government, this is a “mandatory requirement of obtaining clearing certificate for domestic sector female workers preventing *unqualified* domestic housekeepers going abroad” (Sri Lanka Bureau of Foreign Employment, 2013: p. 2). This clearly demonstrates how the GoSL initiated to ‘conduct the conduct’ of this classified group of the citizens where it identified as its intervention is required. The government here takes the authority to decide ‘who is qualified to migrate and who is not’. Interestingly, the condition to be qualified as a migrant worker is determined based upon the traditional gender roles assigned to females by society (i.e., taking care of children and family members) but not based on their skills or level of education.

The establishment of these circulars was the first direct step of the government to intervene/control the segment of women who are opting to be female domestic migrant workers by altering the right to choose their preferred occupation. This situation can be interpreted as an example of the point highlighted by Piper (2004) and Spaan & Naerssen (2017), where the right to migrate as labour workers of economically vulnerable communities are controlled by the interest of the ruling elites. However, the findings of Piper (2004) and Spaan & Naerssen (2017) contrast with Foucault’s explanation of the role of the government: according to him, the ultimate expectation of any government intervention is to ensure the welfare of its citizens. However, within the context of this study, the government’s interventions did not ensure the welfare of these potential female migrant workers who do not have access to a stable income in their home country, and migration may be the only possible option for them to ensure a sustainable livelihood.

Hence, the following sections attempt to identify and explain how the GoSL rationalises the concepts in ‘governmentality’ to achieve the broader expectations of the state which are based on macro-economic necessities rather than to guarantee the welfare of the potential female migrant workers. It further explains how gender norms have deliberately been exploited to justify these interventions as well as their impact.

State’s intervention in migration policies based on its revenue objectives

This section intends to analyse the main argument of this study i.e., how succeeding governments have changed their policy on labour migration (to encourage or discourage female migrant workers) to reach the government’s policy interests, particularly economic. It is important to recall that remittances are one of the major sources of foreign income for Sri Lanka’s economy. Thus, the highest portion of remittances is being transmitted by female migrant workers in Middle East countries (Sri Lanka, Central Bank of Sri Lanka, 2018).

Therefore, controlling their movements is directly connected to the country’s economy. On the other hand, the classification of ‘unskilled female migrant workers’ makes it easier for the government to control them straightforwardly, by deviating them from the other group of migrants and female employees. It is noteworthy that these women workers are economically vulnerable, relatively less educated, and are not aware of their rights which makes it less complicated for the government to regulate their behaviour in comparison to the other categories i.e., females of the educated middle class.

Thus, the measures taken by the government are exhibited as appealing, protective measures which were implemented for the betterment of migrant workers and their family members and were supported by the general public of the country. These situations eventually lead the females to accept the ‘mechanisms of managements’ implemented by the state voluntarily, without challenging or questioning their rights. The findings of this section

also conform to Foucault's interpretation of state's power: where 'power' only exists if it is exercised on others, and in this case, on the female migrant workers (Foucault, 1978).

In this section, the author examines the labour migration policies of the succeeding Sri Lankan governments from 1977 to 2021 by categorizing them into three different periods based on the changes in policies.

The first phase (early 1977 to 2008)

Since the adoption of liberal economic policies by the government of Sri Lanka in 1977 (Herring, 1987), inward foreign currency remittances became an integral part of the country's economy and development agenda (Srisankarajah, 2002). Despite having an educated population as a result of the free education policy of the country, a predominant number of these labour migrants were unskilled workers who migrated for temporary work in Gulf countries (Shah, 2004; Piper, 2008). The economic liberalization policies implemented by the government of Sri Lanka coupled with the reduction of travel restrictions in the late 1970s led more unemployed youth to migrate as unskilled workers to Gulf countries (Kelegama, 2004; Gamburd, 2010, 2013; Weeraratne, 2014; Siriwardhana *et al.*, 2015).

With the high demand arose within Gulf countries for domestic and care work, more unemployed young females from Asian countries, including Sri Lanka, identified migration as the best option to overcome poverty and support their families which resulted in the feminization of unskilled labour migration in the country (UN, 2015). More women from both urban and rural areas of Sri Lanka migrated to Gulf countries as domestic workers (Jureidini & Moukarbel, 2004; Tayah, 2016) as it was seen as the only plausible option for them to earn a higher wage.

While appreciating the massive contribution of female migrant workers to the country's economy through remittances, successive governments encouraged female worker migration while accepting the feminisation of labour migration positively (Benería *et al.*, 2012). Another reason for this move, as Siddique (2005) explains, is the inability of sending male migrant workers due to the unavailability of opportunities in the construction sector as it was already dominated by male workers from other South Asian countries.

The government established the 'Foreign Employment Bureau' in 1985 to regularize labour migration as well as to add value to it as an accepted source of employment and foreign exchange. The social image of the female migrants was also augmented by using government-controlled media identifying them as *foreign-exchange earning heroes* (*Rata Viru*), a term which rhymes with the Sinhalese term used to appreciate the soldiers who protect the country (*Rana Viru*). The government also introduced several incentives to migrant workers, including the establishment of 'Labour Welfare Sections' at Sri Lankan embassies in labour-receiving countries. As a result, Sri Lanka became the only South Asian country with a dominant female migrant flow to Gulf countries (Timothy & Sasikumar, 2012).

The formal and informal measures taken by the successive governments to promote labour migration during this period reveal how the governments have successfully utilised its 'mechanisms of managements' to make calculated interventions to control the flow of this group of female migrant workers. The rationale behind exercising these interventions is to expand both the micro and macro-level economic growth of the country², which will ultimately benefit the welfare of all its citizens.

In addition to regulating the behaviour of female migrant workers by establishing a formal institution to support their potential careers, the government also used its authority to create a positive image towards these workers (among general public of the country) by utilizing the media effectively. In line with the argument by Foucault, neither the female workers nor the citizens of the country could recognise that they are being controlled

by the state. This system worked properly until the early 2000s, particularly given that this system was complementary for both state and migrant women.

Though lucrative to the country, this mass female migration flow also created two negatives. First, the country was identified as a supplier of cheap unskilled labour; second, considerable social resistance arose against sending female migrant workers due to the reported abuses and harassment faced by women in destination countries. While identifying this instance required another intervention by the state, the first-ever labour migrating law was adopted by the government on June 2013 through SLBFE circular 13/2013. The above two reasons made a compelling impact on the government's policy on migration, particularly on the unskilled female migrant workers where the government implements semi-restrictions to discourage females from migrating mainly as domestic and care workers.

The second phase (2008 to 2020)

The adoption of the National Labour Migration Law of Sri Lanka in 2008 signifies a clear policy shift in migration-related decisions, laws, and regulations of the government. The policy deviates from the government's orientation of 'migration for skills and development' to remittance maximization. Under these new policies, skilled worker migration was promoted, and migration of low-skilled, low-remittance-making occupations such as female domestic workers was discouraged by implementing both direct and indirect restrictions. The government here again classifies two groups i.e., skilled, and unskilled workers based on their profession and income level. Thus, the rationale behind this intervention was to reach two goals: to address the mounting social pressure against the government due to harassment faced by female migrant workers in destination countries and maximizing remittances by sending more skilled workers. The migration policy of 2013 (establishment of the 'Family Background Report') is a direct measure taken by the government to limit unskilled female labour migration.

The execution of a Sri Lankan under-aged housemaid by Saudi Authorities in January 2013 made the government rush to adopt a new migration policy, (Abeyasekera & Jayasundere, 2015; UN, 2015; Weeraratne, 2016; Gamburd, 2020), which was largely confined to political rhetoric until then. It can be assumed that this intervention to demotivate female migrants is a rather protective measure taken by the government to protect itself from being criticized by the public rather than protecting female migrant workers as such. It is noteworthy that this policy adoption was not a result of social research, parliamentary debate or a consultation process with the stakeholders (Abeyasekera & Jayasundere, 2015).

The government, based on some of the assumptions and generalized social ideologies stemming from gendered constructs, developed the 2013 migration policy. It is also interesting to underline that government did not cite the abuses and harassment faced by women in destination countries as a reason to enforce this restrictive policy, but they put the onus on the migrant workers for creating a situation which made them a problem to the government in particular and to the society in general (Somarathna, 2011). Hence, interpreting the implementation of this policy as a measure taken to ensure social welfare i.e., the fundamental responsibility of any government, as pointed out by Foucault. The gendered aspect of this intervention is discussed in detail in the third section of this paper.

Siddiqui's (2008) study, also provides another clue for the government's this rather bold decision. He points out that the second boom of the construction field in the Gulf region (which took place in the early 2000s) encouraged Sri Lankan government to send more male migrant workers to Gulf countries by implementing restrictions to discourage female migrants. As noted earlier, despite the government's overt intention to discourage 'unskilled labour migration', no restrictions were implemented to limit unskilled male migration. This action also reveals another covert motivation in bringing the 2013 labour policy: quelling the social pressure mounting against the government on the safety of female migrant workers and indirectly encouraging male

unskilled labour migration to Gulf countries, replacing females. Consequently, the number of male migrants to Gulf countries increased starting from 2008 and marked 65.64% in 2017 (Sri Lanka Bureau of Foreign Employment, 2017).

Given this, the restrictions implemented by the government to discourage female migrant workers did not negatively affect the macro economy of the country³, but possibly at the micro-level. Despite that the rationale of government interventions has to focus on enhancing social welfare, this new regulation restricted the most promising livelihood opportunity for a significant number of females which resulted in increasing poverty among them (Sooriyagoda, 2015; Weeraratne, 2016; Gamburd, 2020) which provides space to re-think the success of this intervention.

Moving this discussion further, the following section intends to discuss how does government alter their 'mechanisms of management' to cope with the realities that occurred with the COVID-19 pandemic.

The third phase (2021 onwards)

Sri Lanka is among many other countries that are severely affected due to the Covid-19 pandemic. A significant number of migrant workers returned to the country due to losing their occupations in the destination countries. This had a significant impact on the country's foreign exchange earnings. Besides, in 2020 only 53,835 migrant workers (21,286 females) left the country (Sri Lanka, Foreign Employment Bureau, 2020b). In a situation where other foreign exchange earning avenues such as tourism and textile exports could not swiftly rebound, the government decided to encourage labour migration by setting a target of sending 100,000 migrant workers abroad by December 2021 (Ruth, 2021).

This demarcates the third calculated intervention imposed by the state targeting the classified group of migrant workers. However, the expected outcome is still to stabilize the macro economy of the country which was severely affected by the global pandemic. Although the expectation of the government could be identified as ensuring the welfare of all citizens, it is interesting that only a certain group of citizens (who are crucial yet easy to control) are being targeted through an effective change of policies. It can be assumed that the government, in all these three phases, have successfully identified and effectively exploited the vulnerability of this particular group of 'potential female migrant workers' to satisfy its macro-economic interests.

One of the steps taken in this regard was softening its 2013 migration circulars and allowing prospective females to provide a self-declaration in a form of an affidavit entailing the FBR requirements by circulars FL/02/08 of 14th September 2021 and FL/02/44 of 05th October 2021. These circulars also lifted the need to present a FBR for the female migrant workers who had returned to Sri Lanka from 30th June 2020 to 31st December 2020. This action led to a boost in females leaving the country. One of the officials of the Foreign Employment Bureau of Sri Lanka revealed that:

"... the Government approves all these steps only because they need more remittances as foreign reserves are declining due to the effect of Covid 19 pandemic. But we are not going to repeal the law... we have observed an increase in female housemaids leaving the country since October 2021."

The apparent turn of ideals of fulfilling social needs, such as securing the family and children's safety, which were presented as the motivation of the 2013 migration circular, indicates the changeable affectation of the government whose prime motivation could be interpreted as economic rather than social welfare. Although one can argue that the government made a calculated intervention in a certain group of citizens by targeting to secure the welfare of all its citizens, this does not justify the rationale highlighted by the government during the second stage of its interventions where they strictly highlighted the welfare of left-behind children and families of migrant workers. Thus, there is no guarantee of the safety of these workers in the destination countries. This new

establishment is against the government's strong discouragement of female domestic workers which was implemented through the 2013 migration law. Even though it is still early to observe the outcomes of this decision, this is a clear indication that underscores the government's prioritising of foreign exchange requirements rather than the well-being of female domestic workers.

This section examined the changes in the migration policy over the period from 1977 to 2021 and the findings of this section support the argument that the government of Sri Lanka exercised its power distinctively to control the behaviour of female migrant workers to accomplish its broader economic expectations. It further explains how the government takes individuals (the subjects of sovereignty), and uses its forces and capacities "as a resource to be fostered, to be used and to be optimized" (Dean, 2010: p. 20) to meet the ends of government as they deem appropriate. This individual and group formation, with capacities and possibilities, is a part of the system of governing. In this process, the government either newly produces or re-produces existing norm sets that they deem appropriate which enables them to govern each category of people. The next part of this paper focuses on how GoSL re-produced and embedded traditional gender norms in society to make its intervention more convincing to the citizens.

Government's rationale of intervention and its gendered impact

This section continues to analyse how the government successfully applied traditional gender norms to justify its intervention to control the behaviour of potential female migrant workers, particularly during the second phase where it had to address the social pressure. The migration policy (particularly the FBR) could be viewed as an overt intervention made by the government aiming at women, mainly with children, as a part of an overarching policy mooted by the officials to ban females from leaving as domestic labour workers as well as to minimize the social costs induced by female migration. Thus, taking steps to discourage unskilled female labour migration, as a solution to address the issues faced by the female migrant workers in their destination countries, was emanated from the level of the President of Sri Lanka (Aneez, 2016; Ada Derana, 2019; Colombo Page, 2019). It can also be assumed that this decision has also been influenced by the negative image of the international community towards Sri Lanka as the only South Asian country with a dominant (unskilled) female labour flow to Gulf countries (Thimothy & Sasikumar, 2012).

The submission of a 'Family Background Report' was formally introduced by the GoSL in June 2013 as a part of its 'National Labour Migration Policy' followed by the policy framework on 'Decent work for all'. This could be interpreted as a successful and convincing step taken by the government to address the rising social pressure against sending females as domestic workers to Gulf countries rather than imposing a total ban as conducted by the governments of Nepal and the Philippines in similar circumstances. This signifies the government's acknowledgement of the importance of remittances in the country's economy rather than the welfare of the female migrants despite the narrative used to implement the policy.

According to Foucault, governments expect eventual 'self-governance or self-discipline' of their citizens. Within this context, it can be assumed that the GoSL also expected a 'natural death' of this trend i.e., a gradual decrease in the number of females who intend to migrate as domestic and care workers, without imposing a total ban. The most effective and convincing approach to implant this aspect within society was to highlight the 'role of the mother', a traditional gender norm that is being accepted by the citizens without questioning. This could be observed as an extension of what De Alwis (2002) explains as women, including their bodies, belief and behaviour pattern has been identified as the "repositories and signifiers" of the Sri Lankan culture and tradition since the colonial era (p. 675). The concept of 'womanhood' is significant and embedded in the concept of 'family' as an integral part of it where the primary responsibility of a woman is interpreted as to provide care and to protect her family. The traditional interpretation of the role of the mother also stems from the "gendered moral rationalities" (Duncan & Edwards, 1997:30).

In Sri Lankan society, the collective social understanding about what is ‘morally right’, and ‘socially acceptable’ way of motherhood is built upon this traditional role of the woman who prioritises her family and children. Accordingly, the policy underlines that the priority of women in general, including migrant workers is to remain within this traditional role of being the ‘woman’ and the ‘mother’ within the confines of the status of ‘good mother’, whose main responsibility is child-rearing and caring for the family (UN, 2015: p. 25). The government’s keenness to work within these social ideologies rather than intervening and making compromises on the gendered social constructs has become a part of the process of placing gendered norms of the society through this policy.

However, the push factors that motivate females to migrate seem more powerful. Several studies (Siriwardhane & De Silva, 2015; Weeraratne, 2018) have concluded that a female’s decision to migrate is always backed by several compelling reasons: attempt to break off from poverty and to enhance her family’s economic status to find temporary relief from a dysfunctional relationship. In most cases, migration is the only option available for some of the females to effectively address these needs. In a situation where a woman could not fulfil the obligations of the FBR, including in instances of difficulty in obtaining spousal consent, she could be looking at other options, either to influence the FBR approval or to migrate circumventing the FBR process.

Weeraratne (2018) through her empirical study has pointed out that the implementation of FBR has significantly increased the number of females who migrate by using illegal measures to major labour-receiving Gulf countries. Not only this situation makes these women more vulnerable in the destination countries but also deprives the right of the workers and their family members benefitting from the welfare schemes provided by the SLBFE. Within this context, it is questionable how calculated the government’s decision to impose restrictions and is certain that there has not been any research conducted on the possible negative outcome of it.

The FBR requirement certainly hinders occupational opportunities and choices of females, who are otherwise not active in the domestic labour force, as evident in statistics that 72.3 % of first-time female migrants have not previously engaged in any remunerated occupation (Ukwatta, 2013). In addition to aggravating the vulnerabilities among this classified group of females, the 2013 labour regulations overtly go against the government’s own commitment to guarantee equal opportunities for both men and women and to enhance gender equality, as stated in the ‘National Labour Migration Policy’ of 2008.

These underlying social ideologies are also indicative of the government’s relaxed policy on male migration, where there is neither a need for the fathers of young children to submit a FBR prior to migration nor they need to obtain their spouses’ explicit permission. As men as young as 18 are allowed to migrate, there is no formal mechanism in place to discourage or stop man leaving the country, unless an interested party obtains a restraining court order.

The government’s thinking on male migration is much relaxed and not tagged to the family and children’s welfare. This is revealed in the government’s response to the joint allegation letter sent by the UN special rapporteur on the human rights of migrants condemning the ‘Family Background Report’ for its direct discrimination against women. The response states “... compared to maternal absence, paternal absences are not unusual or rare in the life of Sri Lankan children and they are comparatively less disruptive” (Sri Lanka, Ministry of Foreign Employment Promotion and Welfare, 2014: p. 10). This statement reveals the government’s thinking and definition on the gender roles assigned to the husband and the wife within the context of family. In addition to reinforcing gender stereotypes through regulations, the government justifies it by re-establishing the responsibility of childcaring and rearing solidly as a mother’s duty.

Despite that the reason behind this intervention is patently an issue regarding the safety of the migrant workers overseas as well as curbing the illegal trafficking of women for work, this point was never cited as a reason to establish these restrictions. The government took advantage of the spur of the incident and the

widespread public outcry on the social negativities of female migration (Weeraratne, 2018, 2021) to bring out a policy which is remotely related to the security of female migrant workers.

The rationale provided in Circular 13/2013 of June 2013 for imposing these restrictions is cited as “... that considerable number of female domestic housekeepers leaving the country without informing the actual state of affairs at home” (Sri Lanka Bureau of Foreign Employment, 2013: p. 2). The government here categorically discriminates and classifies prospective migrant women in a negative form which implies that they have to reveal the ‘actual situation’ to the government as their behaviour is “untrustworthy” (UN, 2015: p. 23). Hence, government’s intervention is needed to discipline or regulate them which were imposed through the SLBFE circulars mentioned above. This also demonstrates that this certain group is deprived of the freedom exercised by other groups of migrant workers who are not required to reveal their personal information to the government.

Despite its intention to protect the family institution, it is questionable why women should reveal their ‘actual status’ to the government? (Abeyasekera & Jayasundere, 2015), simply because they are ‘unskilled’ and ‘female’ workers. This same regulation does not apply to any other migrant groups including male workers who migrate under the ‘unskilled’ category. This situation reveals the power relations exercised by the government on female migrant workers as against male migrant workers: while the classification of gender plays a significant role, their vulnerabilities (such as poverty and lack of awareness of their rights) make females an easy target to for the government to exercise its power over them in comparison to male migrant workers.

It can be assumed that the government successfully exploited the vulnerabilities of this certain group of females, especially in the first and third phases mentioned in the above section. Particularly having understood that this certain group is ‘ready to migrate’ at any given time as their push factors are more influential. It is also interesting that although the controlling of behaviour by the government is obviously visible during the second phase (i.e., FBR), the encouragement to migrate (in the first and third phases) is not clearly visible. Yet definitely a means of informal way of control by exploiting their vulnerabilities.

The amendment made in 2015 (to the circular 13/2013) tightens this law further by targeting another group of individuals: the new circular demands the approval of the ‘estate superintendent’⁴ (in addition to the other requirements) for the prospective female migrant workers in plantation sector if they wish to migrate as labour workers, which explained by Jegathesan (2019) as a new form of colonialism implemented by the government of Sri Lanka. Targeting women in the plantation sector again proves the fact that the government is exercising its power on the most vulnerable communities of the country. These selected classifications (of citizens) are interesting as the state always identifies and targets the groups who are not capable to challenge the government’s decisions. This again demonstrates the unequal power relations that exist in Sri Lankan society and how those inequalities have effectively been exercised by the government to control citizens, when necessary. This situation explains how and why the government needs to classify citizens based on different demarcations to make the governing process easier.

The government here identifies itself as the entity that has the sole authority to decide ‘who should work? when to work? and where to work?’. Interestingly, the factor that decides whether women are ‘qualified to migrate’ is their traditional reproductive responsibilities. In the cases where women cannot satisfactorily cater to the government’s requirements, they are forced back to complete their assigned (traditional) reproductive role disregarding their right to work or to choose a job of preference. The government here plays a patriarchal role not only by implanting gendered norms within the society but also by identifying the government as the sole entity that has the power to control the decision-making power of prospective female migrant workers.

While putting this context within the rationale of the ‘governmentality’, the FBR reveals how the government has categorized a group of citizens based on its power relations, and what tools must be used to control them. For example, the husband, the estate superintendent, and the government take decisions on behalf of the economic

empowerment of marginalized, rural women with limited options to access occupational opportunities in Sri Lanka. The role of governments to ensure the welfare of all its citizens is questionable within the behaviour of the GoSL. The findings of this study reveal how succeeding governments targeted one of the most vulnerable groups in the country to achieve its policy interests by interpreting it as a measure taken to ensure their well-being. Interestingly, the government targets female migrant workers and identifies them as an irrational and vulnerable group of citizens that requires the intervention of the state while a key driver of these interventions is to reach the macro-level financial interests of the government. This is direct discrimination against prospective female migrant workers who are less educated⁵ and lack of professional and technical skills that require to have a satisfactory job in their home country.

Although no sex-desegregated data are available, Sri Lanka is ranked in 46th place at the global brain drain index (Global Economy, 2021). A considerable amount of female skilled workers and students migrate expecting better occupational and educational opportunities which have a considerable impact on the country's economy. However, the government intentionally ignored these educated middle-class women and only targeted the vulnerable and marginalized group of women (who have not been able to benefit from the 'free education' and therefore have no access to decent job opportunities within the country) to enforce their authority.

The findings of this section reveal how the government has successfully employed socially constructed gender roles to prevent women (particularly those who are poor and have no access to a proper livelihood in home country) from selecting their preferred occupation. It further points out the negative impacts of this sudden initiative which contrasts with Foucault's argument that the rationale behind the state interventions is to ensure the betterment of its citizens. Thus, it further confirms that Sri Lanka still has a long way to go to achieve gender equality, despite holding the 73rd place in Gender Inequality Index by leading among South Asian countries.

CONCLUSION AND FUTURE RESEARCH IMPLICATIONS

Despite that there are several international institutions, instruments, and frameworks available to protect migrant workers, interventions from individual state levels are important as issues faced by migrant workers vary depending upon their countries of destination and occupational category. Disregarding that this intervention could be made through diplomatic channels such as signing bilateral agreements which will ensure government-to-government commitment to protect migrant workers, states often control the behaviour of their citizens by using its power over the citizens.

Foucault's approach concerning the government is that it does not merely manage state affairs or political affairs but also endeavours to shape, guide, direct or lead the conduct of individual citizens. Foucault pointed out that the concept of 'power' exists only if it is exercised by some on others, similarly, the government's power exists only if it places rules and regulations on its subjects/citizens. This exercise of power is not only about constraining or coercing but about ensuring the citizens demonstrate certain behaviours and outcomes. The power of the government depends on how this action of power is demonstrated by the citizens. For this purpose, the governments structure the possibilities of some action outcomes or artificially arrange and re-arrange structures for people until they follow it as they ought to do. This management takes place from a distance, where those who are being governed are not necessarily aware that their 'conduct is conducted' by the government to achieve its objectives.

The government of Sri Lanka's introduction of the National Policy on Migration and therein categorization and justification of female migration workers as a 'vulnerable' category to place its mechanism of management (laws and regulation) to intervene/control the behaviour of this select group of citizens based on the state's interests over the period, reveals the government's embedded thinking of group manipulation by invoking specific social and cultural norms. This study also brought out that, in this process, how the government has reinforced

/reproduced gender norms in the society to convince its decisions regarding female migration to its citizens as well as justify them to the international community.

The inadequacy of research on the impact of mother's migration towards children's development (under five years of the age and above five years of age) is a lacuna in the field, particularly in Sri Lankan context. Concrete findings on this issue would be much helpful in further discussing the government policies targeting this group. The action of governments as controlling measures over citizens, studied by using alternate analytical tools such as 'governmentality' is also limited. Therefore, this research suggests more explorative research on the field combining the tools offered by political and economic analysts to fill this gap.

END NOTES

1. This age limits vary depending on the destination country i.e., Saudi Arabia – 25 years, other Middle East countries – 23 years, other countries – 21 years.
2. While the remittances will benefit to reduce the poverty among the families of migrant workers in micro level, it will also benefit the macro level economic growth of the country through increasing foreign exchange.
3. The total remittances received from the Middle East region has not been reduced and was between 50% to 60% since 2000 – 2020 (Foreign Employment Bureau, 2020a)
4. Head of the (tea) estates. Plantation sector is the only income earning method for females who live in rural (mountain) areas of the country. Almost all the women who live in these areas work in tea estates and are earning less than 10 USD per day.
5. This is also noteworthy as Sri Lanka offers free education to all. However, in reality, free education is only limited to urban areas and the students in rural areas are not provided with equal resources, opportunities in comparison to them.

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