

Explaining the Actions and Positions of the Sri Lankan and Philippine States in Defense of “Their” Female Migrant Domestic Workers¹

ABSTRACT: What measures have homeland states taken to protect their nationals serving as **domestic workers abroad? What explains the states’ varying roles? There is general consensus** among scholars and other observers that the Philippine state has been more forceful and effective than its Sri Lankan counterpart in defending overseas workers, including their most vulnerable members: female domestics. Sets of both internal/domestic and external/foreign factors have been mentioned as possible causes of the differing responses. A most-similar case **comparison has been constructed between the Sri Lankan and Philippine states’ defense of “their” female migrant domestic workers, with archival research; data from expert interviews;** and content analysis of policies, speeches, and official statements employed to understand what measures officials have taken and why. The most persuasive explanations for why the Philippine state has been relatively more active and successful in safeguarding the rights of FMDWs overseas do not involve the factors most commonly cited in the literature. Instead, aspects of **migrants’ human capital (their stock of competencies, knowledge, and social and personality** attributes) valued in the international market for domestic labor seem to make the biggest difference. Sending-country states are engaged in an ongoing struggle to channel migratory flows driven by global market forces so as best to reconcile what looms as contradictory goals: protecting both their citizens and their share of the lucrative, competitive market for FMDWs and their remittances—increasingly needed to acquire vital imports and pay off foreign debts.

Anyone who, like this author, lived through the summer 2006 (12 July–14 August) war between Israel and Hezbollah in Lebanon could not have helped but be struck by the dissimilar reactions of foreign governments to the threat facing their nationals during the conflict. Subsequent analyses have stressed the disparity between wealthier countries with **the “willingness and capacity to evacuate their citizens” and** poorer countries whose responses **were “more ad hoc and dependent upon international assistance (donor support and intergovernmental organizations)” (Jureidini 2011: 197).** On the ground, however, even more conspicuous were the differences in the actions taken by developing-country governments like those of Ethiopia, India, the Philippines, and Sri Lanka on behalf of their compatriots—many of them female migrant domestic workers (FMDWs).

For example, when the hostilities broke out, there were around 80,000 Sri Lankan and 34,000 Filipina women in Lebanon, many of them having entered outside of officially sanctioned channels (Ireland 2011). Having collaborated with the Catholic social service

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organization Caritas in the wake of the December 2004 Indian Ocean tsunami (Jureidini 2011: 206–207), Sri Lankan authorities relied heavily on it to move migrants out of Israeli bombing zones (Hamill 2011). Some 379 Sri Lankans left Lebanon on four naval vessels that **the Indian government sent to evacuate its nationals as part of “Operation Sukoon”**. The Philippine embassy was much more active, gathering its citizens on the safer, mostly Christian Achrafieh side of Beirut, where the Overseas Workers Welfare Association (a government agency) had established two evacuation centers. From there, assisted by the International Organization for Migration (IOM), the Philippines Overseas Labor office (attached to the embassy) took workers to Damascus to board planes bound for Manila (Battistella & Asis 2011: 35). In all, 6,000 Filipinos managed to leave (Jureidini 2009).

Methodology and Research Design. The topic of home-state defense of migrants has not attracted much sustained scholarly attention, despite calls for consideration of both the origin and destination conditions of Asian migration (Asis, Piper, & Raghduram 2010: 92) and growing agreement that “[t]o understand either the global or the local, one must view each in the context of the other” (Gamburd 2002: 5). Whereas studies of female domestic workers in particular have typically focused on the women themselves, their families, and their treatment in the receiving countries, scholarly investigations are also showing that even **weaker** “sending states are not by any means passive actors . . . and to some degree are able to intervene in the labor migration matters” (Acacio 2008: 127). More generally, the governments of labor-exporting countries have been taking on new responsibilities vis-à-vis emigrant communities, promoting health services, holding information sessions on personal finance and host-society regulations, and offering training and language courses. Such engagement, which can be provoked by perceived discrimination or a desire for international legitimization, challenges the “[t]raditional notions of state, nations, and sovereignty . . . central to the discipline of International Relations” (Délano 2014: 42–43; see Iskander 2010). Sending-state intervention can also produce **regulatory bottlenecks that encourage “informal,”** unauthorized actors and procedures that affect global migratory flows and related governance issues (Kodoth & Varghese 2012: 59).

What measures have developing-country governments taken to protect and defend their most vulnerable nationals laboring abroad, and what have been their effects? What **explains the states’ varying roles** and their different reactions? To provide an answer to

those research questions, a most-similar case comparison has been constructed between the Philippine and Sri Lankan **states' responses to** “their” female domestic migrant workers. The Philippines and Sri Lanka are considered lower-middle-income countries by the World Bank, with similar per-capita incomes and very high literacy rates, and the economy of each has come to rely more and more on remittances from migrant workers—a majority of whom are unskilled and female (CARAM Asia 2013).

At the same time, the Philippines and Sri Lanka bear witness to a number of important differences, too. Most critically for this study, the general consensus among scholars and other observers reinforces the impression given in Lebanon in 2006: the Philippine state has been more forceful and successful than its Sri Lankan counterpart in defending overseas workers, including female domestics. Even so, the differences between the two **states' responses have been noted in the literature** by and large only in passing. The few studies to deal explicitly with **the sending states' track records have stressed either** foreign or domestic factors.

Thus anthropologist Michele R. Gamburd (2009) maintains that the economic and political-legal circumstances found in the receiving countries—i.e., foreign (or external) aspects—are the critical determinants that condition **the Philippine state's** responses. Female migrant domestic workers from the Philippines have worked across the globe, yet only a minority of them are in the Middle East, and many are in European countries characterized by more developed migrant labor laws. In contrast, most of the female Sri Lankan migrants have gone to the former region, especially the Persian Gulf, where **homeland officials' lack of** resources and leverage and the obligation to sustain favorable diplomatic relations with labor-importing countries combine to hinder intervention. Sri Lankan labor migration has been diversifying in terms of its destinations, which have come to encompass certain Asian and even European countries. As these migratory flows become **more similar to Filipinos', then, we could expect to see a more assertive Sri Lankan state.**

The internal (or domestic) factors that have been mentioned as possible reasons for **the Philippines' strong(er) response** include the country's longer emigration history, the larger share of Filipinos living outside their homeland and their ability to vote in elections **there, and the greater importance of migrant workers' remittances to** the Philippine gross domestic product. Political scientist M. Scott Solomon (2009) emphasizes the domestic political state of affairs. He argues that emigration has “**detrterritorialized**” **the Philippine**

state. Popular mobilization in the 1980s made it necessary for the state to win democratic legitimacy and consent for its policies from overseas citizens. This obligation has resulted in **new protections for them and a discourse hailing them as “national heroes.”** It follows that **the roots of the Sri Lankan state’s** comparatively passive stance should be sought in internal political realities, and it could thus have been or be altered by the resolution of the Tamil conflict in the northeast, further democratization, **and growing recognition of migrants’ key role in Sri Lanka’s development plans (Wickramasekara, 2011).**

This project aims to assess whether foreign, domestic, or other factors matter more **in explaining sending states’** actions. Archival research, data from interviews, and content analysis of policies, speeches, and official statements are employed to understand what measures the two states have taken and why. To strengthen the test of internal and external explanations, notice is taken along the way of the two **states’ actions/inaction** in those countries where significant numbers of both Sri Lankan and Filipina FMDWs reside or have resided: Cyprus, Israel, Italy, Jordan, and Lebanon. The approach has an historical component, which entails **tracing developments back to the inauguration of the Philippines’** labor-exporting scheme in 1974 **and Sri Lanka’s similar, albeit less explicit move in the same** direction after 1977 and, more decisively, after 1985 (Sriskandarajah 2002). The analysis follows the evolution of female domestic migration, state responses, and assessments of their effectiveness in each country—with this process tracing leading to conclusions concerning the reasons for the observed outputs (policies) and outcomes. Considered as well are international initiatives and regional consultative processes (Kneebone 2010; CIRS 2011).

FMDWs from the Philippines. Numbers and Destinations. Coming from a country that counts among the largest labor-exporting countries in Asia and the world, Filipino migrants—referred to in official and common parlance as Overseas Filipino Workers (or OFWs)—constitute the lion’s share of an overseas population that during the past couple of decades has represented a fairly constant 9.5 percent (or 8.5 million in 2009) of the domestic total (90.5 million). That share has split evenly between permanent migrants (47 percent in 2009) and sea- and land-based temporary workers (45 percent). Just over half of the land-based contingent is female, and most of these women are in low-skilled service jobs, above all as domestic workers. Until recently, over 70 percent of migrant service-sector employment has been in domestic work. Almost one in three newly

deployed OFWs has been a household laborer, usually with more than 96 percent of them female (Battistella & Asis 2011: 5). Women first outnumbered men among all freshly hired land-based OFWs in 1992 and gained predominance thereafter. Female migration started to decline in the early 2000s as a result of policy changes in both the sending and in several receiving countries. The dip was temporary, however, as the outmigration of women picked up again by 2009 (Turner 2007; Battistella & Asis 2011: 4).

The regions of origin of FMDWs are evenly distributed across the Philippines, with only certain provinces in Mindanao, Northern Luzon, and the Western Visayas sending significantly more women than men (SMC 2013: 61). Filipina domestics are reputed to have more human capital than their peers from other Asian countries. The vast majority have completed a high school education and have a good command of the English language—a much appreciated asset in affluent households abroad with school-age children (Moors et al. 2009: 153). Far fewer have attended university or gained pre-migration experience in paid employment. Despite relatively high levels of gender equity, the Philippines does not offer adequate economic opportunities for many women, and far higher salaries are available by traveling overseas even for low-skilled jobs (Battistella & Asis 2011: 22).

Steady growth in the OFW population has paralleled that in the value of their remittances. Factors like a global financial crisis or a strengthening of the Philippine peso might slow their development, and major holidays or natural disasters back home might give them a fillip. The trend has nevertheless been upward over time, with new monthly records set regularly (see Osorio 2011; Vallecera & Ordinario 2011). Remittances drive consumption, which feeds the country's **gross domestic product (GDP)**. In 2009, the money sent by OFWs amounted to US\$19 billion, which was 11.2 percent of the GDP of the Philippines (Rajan & Narayana 2010: 54).

Filipinos can be found in some 190 countries worldwide (Masud Ali 2005: 96). Their geographical distribution has expanded and diversified since the 1960s and 1970s, when mostly male OFWs headed primarily to Western Europe. The oil boom in the late 1970s and 1980s shifted much of the flow toward the Persian Gulf; and when Filipina workers began to migrate in large numbers, they, too, went mostly to the Middle East. In 2009, two-thirds of all Filipino OFWs were still in that region. East and Southeast Asia has also drawn large numbers, with deployment there currently accounting for around a quarter of the annual outflow. While OFWs in Europe are more likely to be permanent immigrants with families,

temporary laborers like FMDWs are heavily concentrated in Middle Eastern and Asian locations. In 1992, the top five destinations for newly hired domestic workers were Saudi Arabia, Hong Kong, the United Arab Emirates (UAE), Qatar, and Singapore; in 2006, the list was led by Hong Kong, Kuwait, Saudi Arabia, the UAE, and Lebanon. The only European country among the first ten in either year was Cyprus. By 2010, the ranking was little changed, although Italy had moved into a fairly high position. By comparison, caregivers from the Philippines (a good number of them men) left principally for Taiwan, Israel, and Canada over the period from 2004 through 2010 (POEA 2011: Table 13).

Philippine Policy Evolution. **The Philippines' labor migration program, which dates from the early 1970s, was initially intended as a temporary measure to export young men made unemployed by economic stagnation and to boost foreign currency reserves. Instead, “strong demand factors, persisting economic problems, the increasing role of the migration industry, the growing institutionalization of labor migration, the significance of personal and social networks, and the development of a culture of migration all have contributed to sustaining outmigration” (Asis 2011: 1); and a relatively “sophisticated and extensive legal, institutional, and policy framework of labor deployment and workers’ protection” has emerged (Asis 2011: 10).**

The regime of Ferdinand Marcos (1965–1986), tutored by the International Monetary Fund and World Bank, sought to create a labor-intensive and export-oriented national economy. Drawing from the South Korean example, the Marcos state cast labor **export as its official “overseas employment program”** in the Labor Code of the Philippines in May 1974 (Presidential Decree No. 442). The Code prohibited the direct hiring of migrant workers, shoving aside private recruitment agencies, and they were eventually required to send remittances from their earnings. Departures proved to be so numerous that four years later, Presidential Decree No. 1412 reinstated the role of the private sector in recruiting and job placement under strict governmental supervision.

The state's **monopoly position thereby gave way to “high-profile regulation”** (Ball 1997) in which the public sector retained responsibility for the overall management of labor migration. Concurrently, the Office of Emigrant Affairs (OEA) was set up as a local support network for OFWs, and that mandate was expanded when the Commission on Filipinos Overseas succeeded the OEA in 1980 (National Assembly No. 79).² A year earlier, through

² Visit to the Commission on Filipinos Overseas, Manila, 14 December 2011. See <http://www.cfo.gov.ph>.

Letter of Instruction No. 537, President Marcos had established a Welfare and Training Fund for Overseas Workers in the Department of Labor and Employment (DOLE) to provide various social and welfare services to OFWs.

The state solidified its status as the primary policy, programming, coordinating, and administrative actor in labor and employment with Executive Order No. 797 in 1982. It consolidated several agencies into the Philippine Overseas Employment Administration (POEA), charged with regulation of the migration system. After the People Power Revolution and the promulgation of the 1987 Constitution, social security was made voluntary for overseas workers employed by Filipino firms, employers were mandated to provide insurance to most OFWs, and the POEA and other government agencies underwent reorganization.

The migration system has persisted in having to have a private component along with the public one. Evidence has shown that whenever the private sector was involved in recruitment, fraudulent and unscrupulous practices cropped up (Masud Ali 2005: 89). Abuses of OFWs, especially women in domestic service, by officials and employers abroad were also common. Governments devoted more effort toward initiating bilateral agreements with their receiving-**country counterparts and directed the POEA** “to be more **active in the protection of migrant workers’ rights and welfare**” (Bach & Hof 2012: 3). The POEA thus retained its regulatory function, even as its oversight of private-sector activity in overseas labor recruitment and placement was tightened. Its mission was extended to maintaining a skills registry and securing the best possible terms of employment for Filipino contract workers (Masud Ali 2005: 99). Dedicated to “**servicing** the recruitment industry and protecting workers at **the same time**” (POEA 2011: 14), the POEA proclaimed **itself “manager of a model migration program” (Acacio 2008: 105; see www.poea.gov.ph)**. The Overseas Workers Welfare Administration (OWWA) assumed the functions of the Welfare and Training Fund and its successor agency. Funded by a mandatory membership fee assessed on all migrants and governed by a board appointed by the national president, the OWWA offers assistance to Filipino migrant workers and their family members (at home and abroad) in the enforcement of the contractual obligations of agencies, recruiters, and employers. The Office of the Undersecretary of **Migrant Workers’ Affairs** provides legal assistance to OFWs in distress (Asis 2005: 15–16). Dispute resolution is provided by the National Labor Relations Commission or, outside of the Philippines, the welfare attaché

affiliated with the embassy (Solomon 2009). Foreign service posts are to see the wellbeing of OFWs as their utmost concern, and a Philippines Overseas Labor Office headed by a labor attaché is likewise present in countries where Filipinos are numerous (SMC 2010: 571).

A number of policy adjustments have since been made to bolster migrant workers' welfare and security. In 1995, the Philippine Congress enacted Republic Act (RA) No. 8042, or the Migrant Workers and Overseas Filipino Act. The legislation, sometimes referred in discussions of OFWs as **the “Magna Carta,”** was aimed at “establishing a higher standard of protection and promotion of the welfare of migrant workers, their families, and overseas **Filipinos in distress” (SMC 2010: 552–553).** It **expanded the POEA’s mandate** to include **promotion of OFWs’** return and reintegration. Labor export was no longer to serve as an integral part of a national economic development plan **but rather was to be “encouraged” as a rational choice made by informed individuals.** Original plans to phase out the POEA’s regulatory function by 2001 fell by the wayside, and **the law ended up confirming the state’s** managerial role (Acacio 2008: 114).

A series of Household Service Workers Reforms approved by **the POEA’s governing** board in 2006 and subsequent amendments only enhanced the agency’s **powers**, in fact, as they brought additional protective mechanisms. The minimum age for departing domestic workers was raised to 23 years old (from 18 in 2001 and 19 in 1998, but compared to 25 in 1994), a minimum monthly salary of US\$400 was set, and it became a requirement for all workers to attend a pre-departure orientation seminar—offered to domestic workers by accredited non-governmental organizations (NGOs). To improve the status of FMDWs, **official documents made consistent use of the term “household service workers.”** Onsite resource centers for OFWs in distress were developed or beefed up in many destination countries. **In 2007, Manila’s Intramuros neighborhood became home to the** National Reintegration Center for OFWs.

That July, Republic Act No. 9422, an amendment to RA No. 8042 of 1995, allowed the deployment of OFWs only to countries where the Philippines had signed bilateral agreements or other mechanisms that ensured workers’ welfare (see www.poea.gov.ph/rules/RA_9422.pdf). In 2010, a proposed Memorandum of Understanding (MOUs) signed between the Autonomous Region of Muslim Mindanao and Malaysia was shelved in the face of documented instances of abuse and **Indonesia’s ban on** sending domestic workers there.

In May 2013, the Philippines signed a full-fledged bilateral agreement with Saudi Arabia (its first with a labor-sending country) with respect to the standardization of contracts for domestic workers (see www.poea.gov.ph/docs/PH%20KSA%20MOA.pdf).

In the meantime, Republic Act No. 10022 had further amended RA No. 8042. Among its provisions was a call for Philippine foreign service posts to certify whether the country in which they served had safeguards to guarantee the rights of OFWs and the stipulation that private recruitment agencies provide them coverage on top of that provided by the OWWA—which was increasingly hard pressed to cover the repatriation costs of sick, distressed, and deceased workers during the 2006 conflict in Lebanon and the global financial crisis beginning in 2008 (Battistella & Asis 2011: 35; see www.poea.gov.ph/rules/omnibus%20irr_ra10022.pdf). Efforts to aid migrant workers displaced by the ongoing **economic crisis have included “help desks” in provinces to match skills with available jobs** within the country and abroad and to offer advice on self-employment, in addition to special missions led by the DOLE to aid laid-off Filipinos in Taiwan and Dubai.

The Philippines is a signatory to international human rights instruments on migrant workers like the United Nations (UN) Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). In September 2012, the country became the second in the world to ratify ILO Convention No. 189 Concerning Decent Work for Domestic Workers—defined as any person engaged in work performed in or for a household or households within an employment relationship. Philippine officials have been active proponents of the convention at meetings held within the ambit of the Global Forum for Migration and Development, where the country has repeatedly been cited as an example of good practice (see <http://www.gfmd.org/docs/%2522domestic%2520work%2522>).

Assessing Philippine Policy. Among scholars, NGOs, and international organizations with a broad, cross-national, comparative perspective, a similarly positive view generally holds. Philippine governments have earned a reputation for being more willing to intervene with receiving-country officials, more assertive in banning emigration to countries where mistreatment of migrant workers has been egregious, and more insistent on a minimum set of conditions for their contracts. Even normally critical **scholars have admitted that “[i]t has to be acknowledged . . . that the government has introduced various measures to protect Filipino workers at all stages. . . . Indeed, compared to other countries of origin, the level of**

institutionalization of labor deployment and worker protection in the Philippines is more developed” (Asis & Roma 2010: 2–3).

The most common view among those whose work focuses on Filipina FMDWs, however, is that the Philippines has been more effective and successful in migration management and coordination than in terms of protecting workers (Acacio 2008: 127). Policies in the latter area are accused of sometimes lacking teeth when it comes to enforcement and monitoring (Samonte et al. 1995; CARAM Asia 2006). To illustrate, Republic Act No. 10022 of 2010, which necessitates POEA certification that a destination is **“safe” before** migrant workers can be sent there, does not require evidence that a country actually enforces protective laws or treaties (<http://www.migrant-rights.org/research/is-any-country-in-the-middle-east-safe-for-migrant-workers>).

Not surprisingly, there have been appeals for more potent bilateral and multilateral instruments and approaches (Battistella & Asis 2011: 18). The standard employment contracts that feature in the agreements into which the Philippines has entered with a number of countries are useless if receiving states do not compel compliance with them—as has occurred in Jordan, to cite one prominent example (Murray 2012: 479). In any event, many workers do not migrate overseas through a state deployment process. When the Philippine government announced that it was in discussions with Lebanon that would permit OFWs to return for the first time since a deployment ban was issued in summer 2006, the president of the Coalition of Licensed Agencies for Domestic and Service Workers noted that at least 30,000 undocumented FMDWs had managed to enter and work there in the interim (Mendenilla 2011).

Furthermore, Philippine migration policy has been plagued with inconsistencies and conflicting intentions. Legislative proposals can advance the defense of interests of FMDWs—such as House Bill 5501 in 2011 mandating authorities to arrest and prosecute abusive foreign employers on Philippine soil (Romero 2011)—or can represent a step backward—such as House Bill (HB) 3576 in 2014 requiring OFWs to send money back to their dependents in the Philippines, a move smacking of Ferdinand Marcos’ **despised forced** remittance law of 1982 (Santos 2014). It is small wonder, then, that if some analysts blame labor exportation for keeping a rotten, exploitative system afloat (San Juan 2001), others feel that it has been adopted as a strategy by a weak and weakening state. Geographer Rochelle E. Ball (1997) has argued that **the Philippine state’s** embrace of global economic

liberalism has resulted in mass migration that has overwhelmed its regulatory capacity and compromised its legitimacy.

At bottom, there would seem to be an inherent contradiction between promoting overseas employment and protecting **workers' rights**. Officials suggest that migratory push factors will weaken when the Philippines becomes a developed country, and RA No. 10022 states **explicitly in Section 1 (c) that “[w]hile recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development.”** At the same time, President Gloria Macapagal-Arroyo’s government set a target in 2001 (easily surpassed in recent years) of deploying a million workers overseas every year, **and the** “previous discourse of migration as a temporary measure has been reframed into a discourse of migration as a reality in the age of globalization” (Asis 2005: 16). Few moves have been made “to explore the development possibilities presented by the Filipino diaspora” (SMC 2010: 552–553) or to **capitalize on the** “contributions of social remittances—ideas, practices, and social capital—to the Philippines” (SMC 2010: 599). The Director General of Independent Evaluation at the Asian Development Bank, Vinod Thomas, has pointed out that in the 1990s, the Philippines and Sri Lanka had similar per-capita incomes, yet the poverty rate in the Philippines was much higher then and has remained so, and health outcomes have been worse. The Philippines has even begun to lag in areas where it used to be a leader, such as in primary education (Thomas 2013).

Causes. On the whole, it is fair to say that the Philippine **approach of “deploy and protect”** has been comparatively **strong on “protect” but stronger still on “deploy” (compare Battistella & Asis 2011:8)**. Not all of the factors put forward in the literature are able to explain that policy pattern. The most plausible explanation for the Philippine state’s response in defense of its FMDWs does involve several of those external and internal factors—yet in a particular configuration and with the added element of human capital.

It is difficult to attribute the Philippine approach to the diversity of destination countries where FMDWs from the Philippines work. Whether or not officials in Manila always back up their words with deeds, they have taken positions vis-à-vis receiving-country **governments that can rightly be described as “bold” (Battistella & Asis 2011: 10)**. Recourse has been made to deployment bans on occasion; MOUs have been reached with countries in

Europe, North America, Asia, and the Middle East alike; and the Philippines' first bilateral labor agreement has been signed with the austere Kingdom of Saudi Arabia.

Internally, the arrival of democracy in the late 1980s “did not change public policy” (Bach & Hof 2012: 3). OFWs did not receive absentee voting rights in national elections until eight years after enactment of the landmark Migrant Workers and Overseas Filipino Act of 1995, and although the number of registered voters has increased over the years, voter turnout has been disappointing: 65 percent in 2004, 16.2 percent in 2007, 27 percent in 2010; and 15 percent in 2013 (Dissanayake 2010; SMC 2010: 564; Overseas voting 2013; Sy 2013).

Members of the POEA leadership, therefore, exaggerate when they assert that it is **the “democratic environment of the Philippines”** that has fostered measures to meet the challenges spawned by the lack of international and bilateral agreements (Achacoso 2000: 10). That said, it is hard to deny that civil society groups have influenced migration policymaking in the country. Section 1 (h) of the Republic Act No. 10022 in 2010 acknowledges that “[t]he State recognizes that non-governmental organizations, trade unions, workers associations, stakeholders, and other similar entities duly recognized as legitimate are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare.” Consultation with NGOs is an integral part of POEA decision-making processes, and hundreds of them are accredited to provide pre-departure training (Masud Ali 2005: 116).

Over forty migrant worker organizations operate in the Philippines. They and other NGOs have urged the state to assume more responsibility for FMDWs and have lobbied for the removal of allegedly incompetent Philippine diplomatic officials in receiving countries (AMC 1995; SMC 2010). Adding to the force of NGO pressure, the participation of women in wage employment, parliament, and senior corporate management and gender sensitivity in general are all higher in the Philippines than in comparable Asian countries like Indonesia and Sri Lanka (Thomas 2013).

Spurring NGOs to action have been the most shocking incidents of rights violations and abuse affecting FMDWs. In 1995, Flor Contemplacion, a 42-year-old Filipina domestic worker, was executed by hanging in Singapore for the 1991 murder of another FMDW and the child in her care. In 1994, Sarah Balabagan, a 15-year-old Filipina, killed her male employer in the UAE during what she claimed was an attempted rape. She was eventually

found guilty of premeditated murder in 1995 and sentenced to death by firing squad. Both cases provoked harsh domestic criticism **of the Philippine government's** inability to rescue its nationals. Shortly thereafter, the Migrant Workers and Overseas Filipinos Act (RA No. 8042) and the UN Convention on the Protection of the Rights of All Migrant Workers were ratified, and the state **began to speak of FMDWs as "national heroes"** (Bach & Hof 2012: 3). (International outcry eventually led to a new trial for Ms. Balabagan, and her sentence was reduced to a year's imprisonment, a caning, and the payment of blood money.) Section 1 (a) of RA No. 10022 of 2010 would link **the state's commitment to "uphold the dignity** of its citizens . . . and Filipino migrant workers **in particular" to its** commitment to **"national sovereignty, territorial integrity, national interest, and the right to self-determination paramount in its relations with other states."** Protecting FMDWs appears to be as much about maintaining the **state's** leverage and the competitive **value of the Philippine "brand"** as about reacting to popular pressure.

Whenever the Philippine state has issued deployment bans, recalled ambassadors, and set standards for the treatment of FMDWs, migration levels to certain countries or even globally have dipped, at least temporarily. To some extent, movements circumventing POEA procedures have compensated for those decreases. More importantly, markets for domestic workers have often tended to grow simultaneously in new or formerly less important destinations. As Singapore lost its luster, demand for Filipinas swelled in the Persian Gulf. When Saudi Arabia lowered its intake of FMDWs, the UAE and Kuwait raised theirs. Not even major economic crises have seriously or durably weakened the desire for educated, English-speaking Filipina FMDWs, **noted for their "modern" appearance** and professionalism (Moors et al. 2009: 153). Their predominantly Catholic religious background has added to their status not only among Christian employers but also among Muslims who have a predilection for members of another Abrahamic religion over Buddhists or Hindus—notwithstanding clear, officially stated preferences for Muslim domestics in major labor importers like Malaysia. Strong demand for domestic workers with favored attributes can result in greater receptiveness to pressures from the Philippine state for improvements in the treatment that they receive. Reliant now on them and other migrants and the remittances that they generate, that state has not found it difficult to sustain **exportation of the country's human capital.**

FMDWs from Sri Lanka. Numbers and Destinations. The impact that global labor markets and their preferences have on sending-country policies becomes more evident when developments in the Philippines are compared with those in Sri Lanka. The state there has been accused of doing less to defend its nationals abroad, especially FMDWs. Recent initiatives in that direction (Abella & Ducanes 2009) have not altered opinions that **migrants from Sri Lanka “have received anemic support from the state, labor unions, feminist organizations, and migrant-oriented nongovernmental organizations” (Gamburd 2009: 61).**

Labor outmigration from Sri Lanka began slightly later than that from the Philippines, as did state attempts to regulate it. Many of the early movements in the mid- to late 1970s were comprised of skilled workers like carpenters and masons, who were followed by increasingly large numbers of unskilled laborers by the mid-1980s. At the same time, the eruption of civil conflict between the Sri Lankan government and the Liberation Tigers of Tamil Eelam was driving hundreds of thousands of ethnic Tamil refugees off the island as well.

At present, the unskilled account for roughly two-thirds of migrant workers. Many of them originate in poor, smallholder agricultural communities. Women in the country have among the highest literacy rates in South Asia, but there is more educated unemployment among them than men and far less labor force participation. Female workers are concentrated in unpaid family agricultural labor; on tea plantations; and in home-based piece work, small-scale self-employment, and informal and non-unionized sectors. Gender-based discrimination and inequality are rife in Sri Lanka (Turner 2007: 9–10; Samaratunga, Jayaweera, & Perera 2012: 1–16).

Women have been dominant among the country's emigrant labor population. The female share rose from a third in the late 1980s to three quarters in 1997. Most of the women (88.2 percent in 2010) have been employed as “housemaids.” Typically in the 25–39 age group and married with children, Sri Lankan FMDWs come from low-income rural areas and have lower levels of education and little paid work experience.³ The largest number of them leave from the Colombo area, which is where recruitment, training, and departure arrangements usually take place (60 percent of licensed recruitment agencies are based there), and the largely Sinhalese and Buddhist North Central and Central Provinces.

³ Interview at the Foreign Employment Bureau, Battaramulla, 2 August 2012.

Departures per population are highest in the Eastern Province, though. The decline of plantation agricultural has produced stepped-up outflows from the up-country, and since the end of the civil war in 2009, many widowed single parents in heavily Tamil areas of the north have taken up foreign employment as well (Kottegoda 2004: 3; MFEPW 2013: 14). Tamils have historically been underrepresented among FMDWs, while demand from Muslim domestic workers in the Middle East has meant that adherents of Islam (who represent about seven percent of Sri Lankans) have accounted for almost a quarter of the FMDW population (Gamburd 2002: 40).

Women—and thus domestic workers—continue to bulk large in Sri Lankan emigration, yet skilled male migrants have been gradually replacing unskilled female (and male) migrants. As of 2007, outflows have been more or less gender balanced, and by 2010, men dominated all occupational categories save for domestic work with a share of more than 85 percent (Weeramunda 2012: 14–15). Fully 96 percent the professionals who departed in 2010 were male, although they still accounted for just over one percent of all migrants. One-third of them were skilled workers. Anywhere from a tenth to a fifth of migration is estimated to take place outside official or legal channels, meanwhile, with much of it involving FMDWs (MFEPW 2013: 17–18).

Migrant workers make a sizeable contribution to their families and to the country. Private remittances, which totaled US\$4.1 billion in 2010 (up from US\$3 billion in 2009), nowadays form the single biggest net source of foreign exchange revenue for the Sri Lankan economy—more than tourism, the garment industry, or traditional exports of tea, rubber, gems, and coconuts (Jayaweera 2012)—and far more than it receives in foreign aid or foreign direct investment (Turner 2007: 17). Remittances account for a proportion of GDP that runs smaller than in the Philippines (7.2 percent vs. 11.2 percent in 2009) but has been steadily building (Rajan & Narayana 2010: 54). The share was 8.2 percent in 2010, when remittances provided a quarter of total revenue and 35 percent of foreign exchange earnings (PRIU 2013). Involving 17 percent of the working population and 200,000 people annually, foreign employment has reduced unemployment rates overall. The impact on them of FMDWs, with their limited employment history, may be more marginal; on the other hand, they account for a majority of money sent home from abroad (MFEPW 2013: 36).

To a remarkable extent, these remittances come from the Middle East (the Levant and the Persian Gulf), where over 90 percent of FMDWs work. A smallish minority of them

have headed to other destinations, chiefly the Maldives, Cyprus, Singapore, Malaysia, and Hong Kong—or, less commonly, Western Europe (Turner 2007: 16; (Samaratunga, Jayaweera, & Perera 2012 : 6–7). The Sri Lankan migrant workforce is becoming more heterogeneous (Shaw 2010), if very slowly.

Sri Lankan Policy Evolution. As was the case with overseas Filipino workers, the Middle Eastern oil boom pulled in numerous unskilled Sri Lankan workers starting in the late 1970s. Liberalization of the island's **economy in 1977–78** (which included the relaxation of travel and exchange rate restrictions and the establishment of free trade zones) and the outbreak of civil war in 1983 gave added momentum to the outflows, which quickly **encompassed women as well as men. Emigrants'** first year of earnings were treated as non-taxable emoluments. The free movement policy was rooted in a conviction that **“Sri Lanka's main resource is its highly industrial and literate people.”**⁴ Only belatedly did the state begin to consider the economic and social impact of remittances or the need to address issues related to the reintegration of returned migrants (Raj-Hashim 1994: 123; see MFEPW 2013: 33). Protection was not the priority, as the state viewed exported labor above all as a commodity.

The open attitude toward emigration combined with the lack of attention to proper treatment to foster an environment conducive to the exploitation of migrant workers (Goonsekere 1994: 180). It was not long before charges multiplied of irregularities and exploitation on the part of both private labor recruiting agencies and overseas employers. Stereotypes **of the “wicked, exploitative Muslim job agent” (Gamburd 2002: 57)** and ingratiating, duplicitous (and unregulated) subagents in the villages took root. Sri Lankan labor laws, dating from a time when there was no large-scale labor migration, were proving inadequate. The Foreign Employment Agencies Act No. 32 of 1980 empowered the Commission of Labour to license and monitor recruitment agencies (Masud Ali 2005: 99), and the Ministry of Foreign Affairs instituted, reorganized, and expanded embassies and **consular sections across the Middle East “to safeguard and assist Sri Lankan citizens abroad” (Gamburd 2002: 51).**

In 1985, the Sri Lanka Bureau of Foreign Employment Act came into effect. It established the Sri Lanka Bureau of Foreign Employment (SLBFE) under the Ministry of Labour (until 2007) to regulate and promote the recruitment of workers for employment

⁴ Interview at the Ministry of Foreign Employment and Promotion, Colombo, 19 July 2012.

abroad. The SLBFE is a public corporation financed by recruitment fees paid by migrant workers and commissions paid by recruitment agencies. Its 125 staff members were soon overwhelmed, and the 1985 act was amended. The SLBFE's personnel doubled in number, branch offices were opened outside Colombo, and it became mandatory for migrant workers to register with the SLBFE prior to departure (whether they migrated through a private agency or personal contacts) and for private agents to secure job approval before undertaking any recruiting. (Today, the SLBFE has seven regional centers across the country and over 800 employees [<http://www.slbfe.lk>]).

As the state moved to systematize (“and profit from”) the agency-migrant relationship, the SLBFE became responsible for licensing recruitment agencies, organizing training sessions for would-be migrants, registering and monitoring those who decided to leave, and administering an insurance program for migrant workers and a welfare program for their families (Gamburd 2002: 52–55; see CSL 2011). Safe houses were set up in Kuwait, Jordan, Bahrain, Libya, and Dubai; labor attachés were assigned to embassies in the most important receiving countries; and embassies began to offer medical services for runaway workers, repatriation, replacement of confiscated passports, and legal action to recover unpaid wages and other compensation. **“From the passive and reactive stance of the pre-1985 era,” as the director of a non-governmental Bangladeshi research organization concluded, “the state had changed its attitude to protect workers and provide for their welfare” (Masud Ali 2005: 99). FMDWs were the foremost—not to say sole—subjects of concern.**

In 2007, the SLBFE was moved to the newly created Ministry of Foreign **Employment Promotion and Welfare, one of whose key responsibilities has been “to satisfy foreign demand for the employment of Sri Lanka personnel”** (<http://www.foreignemploymin.gov.lk>). A year later, the ministry responded to the domestic and global economic, social, and political developments transpiring since the mid-1980s by devising a National Labour Migration Policy (NLMP) with the technical assistance of the ILO and active participation of identified stakeholders (MFEPW 2008: 1). The focus was to be on migration governance, defense and empowerment of migrant workers, and linkages between migration and development processes (Kelegama 2011: 120–121). In 2010, the NLMP was approved by the government, which intended it to articulate the state's **approach to labor migration, help to fashion a long-term vision of its role in Sri Lanka's economy and society,**

recognize migrants' contributions to the national economy, enhance the benefits of migration for them and their families, and **“work towards the fulfillment and protection of all human and labour rights of migrant workers”** (CSL 2013: 22). In 2011, a National Action Plan for the Protection and Promotion of Human Rights set out goals, issues, activities, **performance indicators, timeframes, and responsible agencies in the “thematic area”** of migrant rights that came straight out of the NLMP (GSL 2011: 79).

The state made reference to the violations of rights that occurred outside its jurisdiction **and asserted that “there is a shared responsibility between source, transit, and destination countries in protecting the rights of migrant workers”** (MFEPW 2008: 19). Consequently, the National Action Plan included a goal of **“form[ing] an alliance with other labour-supplying countries to collectively ensure the rights of migrant workers”** (GSL 2011: 84–88), and efforts were redoubled to negotiate bilateral agreements with labor receivers. Sri Lanka is a signatory to the CEDAW and several ILO conventions covering migrants' working conditions, employment discrimination, and wage protection—although not ILO Convention No. 189. Under strong SLBFE lobbying, Sri Lankan governments have signed **MOUs that “explicitly set out the conditions to safeguard the social and economic status of the migrant workers” with Bahrain, Jordan, Libya, Qatar, and the UAE, and others with** Oman, Lebanon, and Kuwait are in the pipeline. In addition, Sri Lanka has a trade agreement with the government of South Korea to promote foreign employment (Samaratunga, Jayaweera, & Perera 2012: 34–35; Weeramunda 2012: 30).

Examples have accumulated of the abuses suffered by FMDWs in the Middle East and elsewhere, and evidence has mounted that they are at an elevated risk of death relative to their peers who have stayed home (Jayasuriya, Wijewardena, & Pathirana 2012). The state has installed hotlines at Sri Lankan embassies overseas and a national complaint center in Colombo. In 2010, the highest percentage of complaints came from migrants in Malaysia, followed by Jordan and Saudi Arabia; the lowest percentage was reported from Singapore, Cyprus, and the Maldives. The majority of complaints received by the SLBFE were related to breach of the employment contract and non-payment of agreed wages (MFEPW 2013: xiii, 52). The Ministry of Foreign Employment Promotion and Welfare has also partnered with Dialog Axiata, a Sri Lankan mobile phone provider, to deliver a special

SIM card that gives an arriving migrant worker concessionary tariffs in Saudi Arabia and the UAE, as well as toll-free calls to Sri Lankan embassy hotlines.⁵

The Ministry was reorganized in 2010 and given heightened responsibility for **“attending to the concerns of the Diaspora”** (<http://www.foreignemploymin.gov.lk>). It has since laid special emphasis on upping Sri Lanka’s **share** of total world remittance income and, **not unrelatedly, on “rebranding” the migrant work force, i.e., providing training to aid** in the process of replacing the unskilled (and female) with the better-earning semi-skilled **and skilled (and male) (CSL 2011: 22)**. This **“reskilling”** also encompasses official attempts **to encourage more migration to Europe, where conditions are “not as tough as in Middle Eastern countries,”**⁶ and is presented as the most promising means of reducing migrant worker vulnerability. SLBFE chair Amal Senalankadikara announced his agency’s wish to reduce the number of women emigrating to work as domestics by 80 to 90 percent by 2020 by training them for more specialized occupations in the health, hospitality, and sales sectors in Sri Lanka (PRIU 2013). Parallel to such initiatives, the state has vowed to create mechanisms in labor-receiving countries to provide for proactive legal assistance and monitoring of conditions there and to tailor mandatory pre-departure training to specific local conditions. Foreign language instruction has become a new priority (MFEPW 2008: 2, 46). The draft Sri Lanka Employment Migration Authority Act, which has yet to go into effect, would set up an Employment Migration Authority to replace the SLBFE and exert more overarching supervision over the migration industry. The brand-new government under President Maithripala Sirisena has vowed to fortify the **welfare of the country’s** overseas workers and their families back home and is lowering the new SLBFE registration fee from 7700 rupees to 5000 rupees as of 1 May 2015, looking into corruption and inefficiency in the bureau, and formulating a pension scheme (mooted under the previous administration) for those having completed two years of foreign employment (see Rasooldeen 2015; www.newsfirst.lk/english/tag/thalatha-athukorala).

Assessing Sri Lankan Policy. The Sri Lankan state has been generally satisfied with **its record on defending its migrant workers, the FMDWs included. Lamenting that “the delicate balance between the promotion of foreign employment and the protection of national workers abroad is a continuous challenge,” Minister Keheliya Rambukwella of the MFEPW concluded in 2008: “With almost three decades of experience with foreign**

⁵ Interview at the Foreign Employment Bureau, Battaramulla, 2 August 2012.

⁶ Interview at the Ministry of Foreign Employment and Promotion, Colombo, 19 July 2012.

employment, Sri Lanka has developed a mature overseas employment administration system. . . . In this respect, Sri Lanka **compares favourably with other Asian countries**” (MFEPW 2008: IV–V, 2). The need to reinforce policy coherence and enforcement and to reach true bilateral agreements, rather than simply MOUs, with the most crucial Middle Eastern destination governments is readily conceded (MFEPW 2013: 71). At the same Global Forum for Migration and Development meetings at which the Philippines has been held up as a practitioner of good practice, Sri Lanka has often been compelled to highlight the struggles that it has experienced relevant to domestic workers. Its 24-hour welfare center near Bandaranaike International Airport, national call center, and SIM card donations have nonetheless received positive reviews.

There are academic and other outside observers who have criticized the Sri Lankan **policy for being more “regulatory” than “promotional” of overseas employment** opportunities (see Weerakoon 1998). More of them, however, feel that promotion has **trumped protection, finding that “[d]espite recent reforms . . . policies often** lack a human element, treating migrant women as an export commodity marketed to wealthy, oil-producing countries” (Turner 2007: 4). Seen as **“migration friendly” in terms of facilitating** emigration and the flow of remittances, Sri Lanka has not put the **accent on “protecting the rights of Sri Lankans working overseas or on improving migrant workers’ conditions”** (CARAM Asia 2006: 104). Authorities have had difficulty handling the informal aspects of migrant labor recruitment, especially subagents: **“They are key actors in the industry,”** an SLBFE official told Human Rights Watch. **“If we give them more recognition [by regulating them] it will create more problems” (quoted in Turner 2007: 100).** In comparison with **other Asian countries, in Sri Lanka the “package of government provisions” has long been considered “modest” (Eelens & Speckmann 1992: 43–44).** Compared with Sri Lanka, **specifically, “the Philippines has extended stronger protections to Filipina domestic workers through the Philippines Overseas Employment Administration and its diplomatic corps”** (Turner 2007: 102). In a different light, it can look as though Sri Lanka has been following the same policy path as the Philippines at a lag of a decade or so.

Trade unions play a bigger role in all stages of migration policymaking than NGOs in Sri Lanka, and they were slow to engage with issues affecting female migrant workers. Unions were at the forefront of the independence movement before 1947, and most of them have since been penetrated and manipulated by the political parties to the point of

becoming part of the state machinery. They were late in coming to the defense of FMDWs, but they have negotiated an agreement with their counterparts in several Middle Eastern receiving countries to supervise the activities of recruitment and employment agencies, as well as subcontractors, and eliminate exploitative *kafala* (sponsorship) schemes (CSL 2011: 21). In 1994, the National Workers' Congress—associated with the right-leaning opposition party in Sri Lanka and the All Ceylon Federation of Free Trade Unions—established a Migrant Services Centre near Colombo in 1994. It helps to prepare prospective migrant workers for migration, advises them about alternatives to leaving, and endeavors to integrate them into the labor movement (Masud Ali 2005: 117–118). Like the NGOs and Caritas, the Migrant Services Centre works closely with state agencies.⁸ The participation of migrants themselves in all stages of policymaking has continued to lag.

Even in a less responsive democracy like Sri Lanka's, it matters if civil society turns decisively against state actions. The desirability of an official media strategy has been raised, as the MFEPW (2013: 72) has recommended that diplomatic missions persuade receiving-country reporters to give coverage to the mistreatment of FMDWs and that the press at home **be urged to highlight the** “positive developments undertaken by the government in support of migrant workers.” **As in the Philippines, widely publicized cases** of extreme abuse have put intense heat on the state. In 2010, a 49-year old mother of two, Lahadapurage Daneris Ariyawathie, had nails and metal particles hammered into her arms, leg, and forehead by her Saudi employer after complaining about being overworked (see www.cnn.com/2010/WORLD/asiapcf/08/30/sri.lanka.maid.assault). In 2013, 24-year-old Rizana Nafeek was beheaded by sword in public near Riyadh for the murder eight years earlier of a baby in her care. The woman had protested her innocence, and the Sri Lankan president had made repeated appeals for clemency. The Asian Human Rights Commission **unnonetheless blamed him for Ms. Nafeek's execution: “The Government of Sri Lanka did nothing, except issuing valueless statements relating to this case,” it declared in a press** release (Ghosh 2013). Not long thereafter, the head of the MFEPW announced that the government would not intervene or pay blood money on behalf of Sri Lankans who committed crimes on foreign soil. Efforts would only be made to save the wrongly accused **“in the same predicament as Rizana” (quoted in Jayasekera 2013). An opposition member**

⁸ Interview at the Migrant Services Centre, Dehiwala, 20 July 2012.

of parliament and former actor, Ranjan Ramanayake, commented bitterly that the state had had a financial incentive not to complain too forcefully to the Saudis.

The issue here relates not so much to flimsy diplomatic clout as to the necessity of **protecting a critical yet fragile market position. Sri Lanka's economy, like the Philippines',** has grown more reliant on exporting labor than agricultural or industrial goods **(Weeramunda 2012: 14). Sri Lanka's female migrant worker "product" is less valued than its Filipina "competitor" in key markets, however. Lower educational qualifications, limited** proficiency in foreign languages (English in particular), skin color, and religious makeup all render Sri Lankan FMDWs less desirable to the employers of domestic workers. Suraj **Dandeniya, a representative of the recruiting agents' association, has described** the situation **in unvarnished terms: "We enter the market a very low level, getting US\$100 while the Philippines gets \$200. A simple question without bias is: can we ask for equal salary? No, it is not possible. . . . Philippine girls get better wages than the Sri Lankans, since they have better skills."**⁹

Sri Lankan FMDWs and recruiting agencies have behaved in accordance with such circumstances. Hindu women have tried to pass themselves off as Muslims; Buddhist women, as Christians. Recruiters have doctored passports to show different religions and ages, sometimes without telling their clients (Gamburd 2002: 72; Turner 2007: 22). Agents charge Muslims a lower fee, and one reason for high outflows to Saudi Arabia is that sponsors pay recruiters a US\$2000 commission and often up to \$150 to Muslim migrants to defray charges for passports and training (CSL 2013: 48). Exceptionally, employers pay the recruiting costs for domestic workers, and that arrangement has fed female migration.

A new MOU between Sri Lanka and South Korea has opened up semi-skilled and skilled employment opportunities entirely financed by the government in Seoul, and male migration has risen as a result (MFEPW 2013: 50). The downside of promoting such migration has already begun to emerge, even so: the emigration rate of tertiary-educated Sri Lankans is comparatively significant, and brain drain has already become a concern in certain sectors (Daniel 2009). The state has yet to take that threat seriously. Unlike the Philippines, Sri Lanka has certainly not embarked on a large-scale expansion of training

⁹ Taken from a transcript of the Conference on Migrant Women Workers, held 7–9 October 1997 at the Ceylon Inter-Continental Hotel in Colombo (organized by the American Center for International Labor Solidarity and the All Ceylon Federation of Free Trade Unions), found in the collection of the **Centre for Women's Research** in Colombo, July 2012.

facilities in the hopes of producing enough health care workers and other skilled professionals to **meet both domestic and “export”** demand.¹⁰

Conversely, the Sri Lankan state has indeed shown itself to be fearful of the economic fallout of adopting too many regulations and protections for migrants. In Michele Gamburd’s **estimation, it has hesitated to exert diplomatic pressure “for fear that employers in the Middle East will turn to labor from other countries”** (quoted in Murray 2012: 463; see Gamburd 2009). Such worry is not necessarily misplaced: when Indonesia imposed a ban on deployment to Saudi Arabia in 2011 after the beheading of an FMDW there, for instance, officials in Riyadh stopped issuing visas to Indonesian and Filipina migrants. A **spokesperson for the Saudi Ministry of Labor said that the decision coincided with “great efforts to open new channels to bring domestic workers from other sources . . . where the labour is comparatively cheaper” and comes with fewer hiring conditions** (quoted in Murray 2012: 463–464). Sri Lanka cannot afford to run the risk of losing its competitive edge. In 2013, the Minister of Foreign Employment and Welfare went so far as to refute IOM reports claiming that Sri Lankan women migrant workers were the most tortured in the world, retorting that maids returning from the Middle East had self-inflicted body injuries: **“They do this in order to get some money and come home,” he affirmed (Chrishanthi 2013).**

The state has also mobilized to raise the value of its female nationals who work abroad. The Philippines has moved from a state monopoly over migration to intense state management of private recruiting. Sri Lanka has moved in the other direction yet has been nearing the same situation. It has tried to follow the Philippine model and in many respects has by now marshaled a similar array of institutions and policies. It has been less interventionist and aggressive in implementing and enforcing them, however. Sri Lankan officials point to the Philippines’ **longer migratory experience, bigger population, and supposedly greater economic power to excuse their more “careful” approach.**¹¹

Conclusions. In reality, it seems to be the strength of the “goods on offer” that allow the Philippines to take a more forceful stand. The most persuasive explanations for why the Philippine state has been more active and successful in defending the rights of FMDWs do not involve the factors most commonly cited in the literature. Instead, aspects **of migrants’ human capital (their stock of competencies, knowledge, and social and**

¹⁰ Interview at the Scalabrini Migration Center, Quezon City, 17 December 2011.

¹¹ Interview at the Ministry of Foreign Employment and Promotion, Colombo, 19 July 2012. See also the comments of the Apostol M. Gratela, former chair of MIGRANTE International (an alliance of progressive organizations composed of overseas Filipinos and their families), in AMC 1995: 80.

personality attributes) that are valued in the global market for domestic labor seem to make a bigger difference. Strong demand for domestic workers with preferred attributes can make for more sensitivity on the part of receiving-country states to pressures from the Philippines for improvements in the treatment that they receive—pressures that, admittedly, are **tempered by a desire not to upset the “customers” too much. At the same time, in the** Philippines higher levels of gender equality, a stronger and more independent civil society, and more robust protections for domestic work within the country itself have resulted in greater willingness to push for better working conditions for female migrants than in Sri Lanka.

This cross-national disparity can be heard in the way in which FMDWs are discussed in the Philippines and Sri Lanka. Anyone who reads the newspapers or watches television news broadcasts in the Philippines for even a couple of days will notice the great lengths to which the media, state, and Filipino businesses go to celebrate its migrants, female household service workers prominent among them. Since the mid-1990s, they have enjoyed **the honorary and constantly intoned status of “new national heroes” (Rodriguez 2002; Moors et al. 2009), and the country celebrates all of December as the “Month of Overseas Filipinos”—and not just 18 December, the UN-designated International Migrants Day.**

Sri Lankan authorities commemorate that day and—after long undervaluing or **ignoring FMDWs’ contributions** (AMC 1995: 59)—in the last few years have used the occasion to extol male and female migrants alike as “Rata Viruwo” (“foreign employee heroes”) and **the “heroes of our economy”** (<http://www.slbfe.lk/news.php?newsid=74>). Nevertheless, government officials and NGO and union representatives alike are equally apt **to refer to FMDWs as “victims” who are “ignorant” and “uneducated.” Local media have a** habit of telling the government that it has a duty to protect migrant women (Gamburd **2002: 221**). **While Philippine mobile phone companies treat “heroic” overseas Filipino** workers to yuletide celebrations in receiving countries across Asia (Globe treats 2011), their Sri Lankan counterparts provide SIM cards as an emergency service **to “vulnerable”** FMDWs (CSL 2012). The Bishop of Kurunegala, chair of the Catholic National Commission for Justice, Peace, and Human Development, implored attendees at a Caritas Sri Lanka event: **“Let us uplift our helpless migrant workers from misery to a dignified way of life”**

(CSL 2010).¹² **These discourses may be part of complex “ideal migrant subject-making processes” (Rodriguez & Schwenken 2013), or they may reflect the status** of women in the sending countries (Kodoth & Varghese 2012: 63) or simply the roles assigned FMDWs in national migration management systems. What come through unambiguously, in any event, **are the states’ contrasting appraisals of “their” unskilled female migrants’ standing and** chances in the market competition for domestic worker positions.

Players’ **fortunes can change quickly in that game. Employers’ justifications for** preferring or disdaining domestic workers of one or the other nationality frequently rest on stereotypes, and the hierarchy of preferences can easily be reshuffled. Thus the recent influx of Indonesian FMDWs into the Middle East has coincided with unprecedented grumbling **that Filipinas are “too assertive” and** summary judgments that Sri Lankan women are not as **“clean” or “civilized” as Muslims from Indonesia (Moors et al. 2009: 153).**

Wherever both Filipina and Sri Lankan FMDWs are working—in Cyprus, Israel, Italy, Jordan, and Lebanon—the former have received better treatment and pay. In the European Union member countries, where Sri Lankans are far less numerous and less female than in the Middle East, domestic workers of all nationalities enjoy more extensive rights and greater security (see Morel 2012; compare Ireland 2011). In Italy, albeit not in Cyprus, Filipina FMDWs have been able to regularize their status, reunite with or create families, and begin integrating into society—in the process forcing Philippine foreign service posts to remodel their assistance to what is becoming a transnational population (SMC 2010: 572). **In Israel, Jordan, and Lebanon, Filipinas’ higher market value** appears to afford them marginally superior treatment to and better home-state defense than that received by Sri Lankans. Former ILO official Piyasiri Wikramasekara (2012) has failed to find any concrete evidence that MOUs and bilateral agreements on labor migration have ameliorated governance or the protection of low-skilled workers. They may have political usefulness, but he feels that multilateral and regional forums could have more potential to move forward in those areas and sees potential in ongoing Asian initiatives—the Colombo Process (2003) and the Abu Dhabi Dialogue (2008)—that are still in their early stages.

For the time being, the labor-exporting states continue to bear the main responsibility for FMDW welfare. They are playing a balancing role when it comes to

¹² There are worse ways in which to be portrayed: analysts **of FMDWs from India have identified “twin discourses of protection and immorality of emigrant domestic workers” and point to both the Philippines and Sri Lanka as being more supportive of them** (Kodoth & Varghese 2012: 63).

migration, engaged in an ongoing struggle not to direct flows driven by demand-driven global markets in the manner of true **“emigration states” (Gamlen 2008) but rather to ride** them and steer in a direction that best promises to reconcile what can loom as partially contradictory goals: protecting both their citizens and their share of the lucrative market for FMDWs and their critical remittances.

The private sector—recruiters and employers—is the driving force behind the migration industry in Asia. Robyn Magalit Rodriguez (2010) has written of the Philippine **“labor brokerage state,” which organizes migrations, actively preparing, mobilizing, and** regulating its citizens for work abroad. It might be just as or even more accurate to call such states migration facilitators or perhaps to employ a metaphor that has them turning a small rudder with no small difficulty in heavy seas. From a stopgap measure in the 1970s, the export of unskilled, low-paid service workers—above all female domestic workers—has come to constitute a comparative advantage for the Philippines and Sri Lanka. Labor market disadvantage has become institutionalized and gendered in the integrating global economy, no matter that the developmental and individual economic benefits of exporting workers remain highly debatable (see Rosewarne 2012). Sending-country states do not exercise control over the process. Their approaches to labor migration, the degree to which they can and should defend migrants, and the very profiles of their national labor forces are largely dictated by the international labor trade.

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