

AMKAS, NEPAL

PROTECTION, NOT RESTRICTIONS! ORGANISING AND MOBILISING RETURNEE MIGRANT WORKERS TO LIFT GENDER-BASED MIGRATION BANS AND RESTRICTIONS

NEPAL

WOMEN MIGRANT WORKERS IN NEPAL

Labour migration has been the main pillar of Nepal's economy. The number of Nepali migrant workers in foreign countries ranges from 2.4 million to 3 million¹. Labour migration in Nepal is heavily male dominated with 95 per cent of labour permits being granted to men². However, the official data is unable to capture the number of workers who leave the country for work through irregular channels, which indicates that women migration might be as high as 12 per cent of the total workforce abroad³.

1 IOM (2020) Status of nepali migrant workers in relation to covid-19 Retrieved from <https://publications.iom.int/system/files/pdf/rapid-phone-survey.pdf>

2 Government of Nepal, Ministry of Labour and Employment (2015) Labour Migration for Employment Retrieved from https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/publication/wcms_500311.pdf

3 IOM (2020) Status of nepali migrant workers in relation to covid-19 Retrieved from <https://publications.iom.int/system/files/pdf/rapid-phone-survey.pdf>



The majority of Nepali women migrant workers are employed as domestic workers, and the major destination countries are UAE, Kuwait, Saudi Arabia, Qatar, Jordan, Malaysia and Hong Kong. In response to the reports of human rights violations of migrant domestic workers abroad, the Government of Nepal imposed travel bans and restrictions for women from working as domestic workers in foreign countries. Far from protecting the Nepali migrant women, the travel restrictions discriminate against women and endanger them by increasing the risk of human trafficking and exploitation.



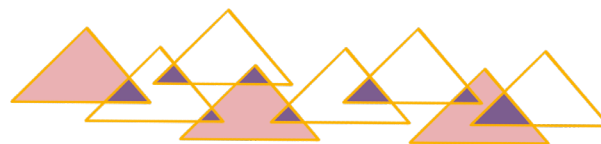


FPAR PROCESS

The Migration Feminist Participatory Action Research (FPAR) was conducted by Aaprabasi Mahila Kamdar Samuha (AMKAS) to identify the impact of the travel restriction and ban policies on women's foreign employment, and mobilise returnee women migrant workers to abolish the ban and achieve safe migration as a fundamental human right. This FPAR was based on focus group discussions, in-depth interviews and observations of more than 100 returnees migrant domestic workers in Sunsari, Nepal, between March 2020 and January 2021. The majority of the interviewees are Janajati, the indigenous community in Nepal, with an age range from 20-40 years old. Three returnee women joined as co-researchers to engage with the community, conduct the interviews and participate in the FPAR journey.



Capacity building on Safe Migration process



FPAR FINDINGS



Poverty and domestic violence are the main drivers of labour migration

The lack of decent work opportunities coupled with the urgent need to increase household income to pay for children's education fees and other basic needs are the main reasons that motivate women in Nepal to work overseas. The FPAR findings also show that aside from poverty, escape from domestic violence is another major pushing factor for women to seek foreign employment. One interviewee revealed that she was constantly abused and tortured by her alcoholic husband and in-laws. Working abroad is the only option for her to escape from domestic violence even though she must depart from the country without legal documents.



The ban and restriction policies push the Nepali women to embark on a dangerous migration journey

Although the Government of Nepal imposes travel bans and restrictions for Nepali women working abroad as domestic workers, from the FPAR findings, it shows that the ban has not stopped women from seeking work abroad. Such policies only push Nepali women to resort to travelling through dangerous routes and irregular channels. Majority of the interviewees migrated through irregular channels to India as the transit point to further destination countries. The journey is dangerous and full of uncertainty - some lost their way and were trafficked by the syndicate without knowing their destination and what kinds of jobs were waiting for them. Some experienced theft and forced labour during the migration process.



Irregular status leads to further exploitation

Due to their undocumented status, migrant domestic workers are at a higher risk of modern slavery in the form of exploitative working conditions. Based on the FPAR findings, it is common to see that the returnee migrant women had experienced multiple

forms of violence and exploitations, including overwork, unpaid and underpaid work, passport confiscation by the employers, food deprivation, physical and psychological abuse and gender-based violence. Further, undocumented workers are unprotected due to their migration status. One of the shelter survivors was traumatised before being rescued. The employer's family physically abused her every day since the first day of employment, and she did not receive any payment. Despite this, she was not eligible to claim compensation or receive any services from the authorities due to her undocumented migration status.

Criminalisation of the survivors of exploitation

In the Gulf countries, labour migration is regulated by the Kafala system, which is a sponsorship system that gives the employers complete control over migrants' mobility as well as their visa status. In the FPAR, all of the interviewees had the experience of working in the Gulf countries. One migrant returnee woman who worked in Kuwait ran away from her employer after she was abused by the employer and worked long hours with a reduction in the agreed payment. When she ran away, she was arrested and detained for more than a month due to her irregular status. Instead of protecting the migrant women, the existing policies lead to the criminalisation of the survivors of exploitation.

Obstacles to reintegration

With the aspiration of improving their life, migrant women in Nepal endured the difficult working conditions overseas. In the FPAR, it shows that some returnees are economically empowered after returning to their home country. However, there are significant numbers of returnees who have found their life not improved after they returned to their home country. Some came back without any savings and found difficulties reintegrating into society. Up to half of the interviewees continued to experience domestic violence after they returned home. One of the interviewees shared that, ***“Even though I came back from Saudi Arabia, my life is still the same. Nothing has changed. I still don't have enough to eat, and I experience domestic violence.”***



Sharing energy and solidarity to amplify women's voices



Through FPAR, AMKAS has successfully organised more than 100 returnee women migrant workers in the Sunsari District and built capacity on safe migration and legal protection of migrants' rights and victims of human trafficking in Nepal.

In addition, AMKAS has successfully expanded the network with other women migrant organisations and trade unions in Nepal. It has mobilised further action to demand the Government of Nepal to lift the travel ban imposed on women migrant domestic workers. By abolishing the travel ban, migrant workers will be provided with information to make a free and informed choice on labour migration.



RECOMMENDATIONS

The Government of Nepal should:

- **Lift the travel ban and restrictions imposed on women seeking foreign employment opportunities as domestic workers.**
- **Consistently uphold and protect the rights to safely migrate for employment and freedom to choose employment as stated in the Constitution of Nepal.**
- **Implement immediate actions for safe, dignified and systematic migration to protect the fundamental human rights of women migrant workers.**
- **Establish effective complaints and redress mechanisms at all levels for access to justice and remedy to the victims of labour rights violations and/or gender-based violence.**
- **Provide pre-departure orientation, labour law and policy training and skill training.**
- **Establish a gender-responsive and comprehensive reintegration programme for the returning migrant women workers, including setting up a saving and investment scheme, skills training and providing capital for small businesses.**

About AMKAS

Aaprabasi Mahila Kamdar Samuha (AMKAS) or the Returnee Women Migrant Workers' Group, is a civil society organisation led and run by returnee women migrant workers. Established in 2016 by a group of well-known and experienced Nepali migrant rights' activists, AMKAS pushes for the rights and interests of Nepali migrant workers in the home and the destination countries, with the principle of 'Migrant Rights are Human Rights'.

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About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist organisations and individual activists. For 35 years, we have been carrying out advocacy, activism and movement-building to advance women's human rights and Development Justice. This FPAR is part of APWLD's Migration Programme. APWLD worked with and supported seven partner organisations from six countries to conduct Migration FPAR in Asia and the Pacific between 2019 and 2021.

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