

A report on Status of Women Nepali migrant workers

Suman Mandal

There is a long history of Nepali migrant workers working in the Indian sub-continent especially in India. The open border and social, cultural, political and economic exchange make it a 'special relations' between the two neighbours. Besides the informal and mostly unrecorded labour migration to India, trafficking of women for sex trade dates back to 1960s. But when Nepal formalised labour migration in the 1980s¹, on one hand, the number of labourers to a third country jumped, on the other, it restricted aspirations of women migrant workers. Even an amendment in 1998 required permission of male guardians for them to travel. To make the matter worse the government completely banned women labour migration to Gulf countries². The Supreme Court struck it down in 2008, but authorities continue to create numerous hurdles in the name 'protecting' women from abuse and trafficking. One such regulation was proposed early this year that required women under 40 years of age a consent from the family and permission from the local *ward* office.

The joblessness at home coupled by decades of political instability force Nepalis to seek better economic opportunities abroad. Patriarchal patronising culture and legal barriers created in the name of 'protecting' women have myriad detrimental impacts. Women in desperation thus take illegal routes, even to countries banned by Government of Nepal. A 2019 estimate show that 90 percent women migrant workers are undocumented³ which is quite telling of the desperation and the subsequently the degree of vulnerability they face when they migrate illegally.

Undocumented women migrant workers receive almost no support when faced with a crisis situation in foreign land. Department of Foreign Employment admits that they can't do much in case of an illegal migrant worker neither the local law in a destination country come their aid. Women migrant workers suffer numerous physical, mental and sexual abuses from the start of their arduous journey. The 1850 km long open border between Nepal and India provide the passage for vulnerable women into a third country. Despite mechanism to intercept by both government and non-governmental organisations, the evasive network of agents manages to transport poor and desperate women to far flung and dangerous zones such as Syria and Lebanon. They are held captive for months in Indian cities before they are shipped to Gulf and other regions via Sri Lanka⁴ and Myanmar⁵.

Most women migrate as domestic and bar and restaurant workers. This poses multiple risks from the recruiting agents to employers. Sexual abuse is rampant by employers as well as fellow

¹<https://kathmandupost.com/opinion/2018/01/10/go-easy-on-the-spending>

²https://kathmandupost.com/2/2019/11/30/nepal-s-migration-labour-policy-by-men-for-men?fbclid=IwAR1ypYSXaUfEEEYdZoHie4pXco_BWJiBDQkLKjQM9mZjpRzxs3Y7_AwaTA8

³<https://kathmandupost.com/opinion/2019/05/19/nepali-women-abroad>

⁴https://kathmandupost.com/2/2019/11/30/nepal-s-migration-labour-policy-by-men-for-men?fbclid=IwAR1ypYSXaUfEEEYdZoHie4pXco_BWJiBDQkLKjQM9mZjpRzxs3Y7_AwaTA8

⁵https://kathmandupost.com/national/2019/02/06/over-300-nepalis-trafficked-via-india-myanmar-border-from-december-to-january?fbclid=IwAR3sSWj5DHjckgkee_kAt3HNGNzaqxsdIn9QNFzogUrRyia-DTUP6XC4-so

Nepali workers. They are raped by agents on their journey⁶ and by their employers⁷. Many a times they are wrongfully accused of illegal abortion⁸ and when they return with a toddler in their arms or with an unwanted pregnancy⁹, their physical, mental, reproductive and psychological wellbeing is compromised¹⁰. And their family shun them due to social stigma or they choose not to return to their families.

There are numerous reports by various institutions and right based organisations on the plight of Nepali women migrant workers. But a comprehensive case study based report would bring the first hand information on the overall status of women migrant workers. This study aims to produce a comprehensive report from a right based approach. Legalising women's migration and guaranteeing unhindered freedom of movement and the right to employment require scrutiny of existing legal provisions as well as of the border interception mechanism by the government agencies. This report will attempt to consider both primary and secondary data to produce a comprehensive report.

Keywords: migration, discrimination, undocumented, illegal, vulnerable, freedom of movement, abuse, wellbeing

⁶<https://archive.nepalitimes.com/page/women-migrant-workers-are-doubly-vulnerable>

⁷<https://kathmandupost.com/national/2020/07/30/porous-border-poor-interception-and-changing-forms-continue-to-enable-human-trafficking-to-flourish?fbclid=IwAR3xIqE6FVAyVvkxX8pN5MLTx1emNGZ13--878qiYa5u0hPwQ-bDs0PZee10>

⁸<https://reproductiverights.org/retrial-begins-for-nepalese-migrant-worker-wrongfully-accused-of-obtaining-illegal-abortion/>

⁹<https://kathmandupost.com/national/2019/12/25/no-help-at-home-for-women-migrants-who-come-back-with-babies-1577238297>

¹⁰[A Survey of health problems of Nepalese female migrants workers in Middle-east and Malaysia.pdf](#)

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