



# THE FUTURE OF WOMEN MIGRANT WORKERS

**GENDER EQUALITY UPDATE-27**

**APRIL 2021**

## Introduction

While different social forces drive women to migrate abroad for work, the most common reason they do is economic. Having few livelihood options, women often seek work opportunities elsewhere to improve their family's economic conditions. Beyond fulfilling women's economic needs, migration can also provide them with opportunities to escape deeply entrenched discrimination and gender inequalities, such as sexual and gender-based violence, non-recognition of women's work, and inequality in wages and decent working opportunities. The COVID-19 pandemic and its restrictions on movement have severely impacted the situation of migrant workers, exposing and compounding the economic, social, and structural inequalities they face. Women migrants also work primarily in less regulated or informal sectors, which means they have less access to social protection. As of July 15, 2020, a total of 208,473 labor approval permits were issued to women migrant workers.<sup>1</sup> In total, 80 percent of these workers migrated to Malaysia and the Gulf region. The top destination countries for Nepali women, apart from India, are the United Arab Emirates (34%), Qatar (18%), Malaysia (10%), Jordan (9%), Cyprus (8%), Saudi Arabia (7%), Kuwait (6%), Turkey (2%) and Oman (2%). These figures only show documented movement of migrants. Data on migration through irregular channels, as well as the rates of migrants returning to Nepal after losing employment during the COVID-19 pandemic, remain elusive. India remains the main destination country for Nepali women, particularly women coming from Karnali and Sudurpaschim province.<sup>2</sup> Many women take an irregular route by crossing the porous Nepal-India border to then travel on to other destination countries.

The emerging issues concerning the status of women migrants in the COVID-19 pandemic were addressed during two Gender in Humanitarian Action Task Team (GiHA-TT) meetings, which took place on September 15, 2020 and February 23, 2021. Multiple GiHA-TT members raised concerns about the continuing restrictions placed on migrant workers, instead of basing it on which destination country they can migrate to, their age, work sector, and language. Emphasis was placed on the need to increase migrants'

<sup>1</sup> Foreign Employment Information Management System, Department of Foreign Employment, July 15, 2020

<sup>2</sup> Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal, 2018



Returnee women migrant workers waiting for their turn to get temperature check at a quarantine centre in Kathmandu during 2020. Photo: UN Women

domestic employment opportunities and ensure their right to mobility through safe, orderly, and regular foreign employment, rather than by embracing a protectionist approach. **A survey by the International Organization for Migration in 2020** found that undocumented women domestic migrant workers were the most-affected migrant population during the pandemic. Overall, women migrant workers have been pushed further into debt and poverty through dwindling employment opportunities and travel restrictions. A lack of identity documentation also prevents many women migrant workers from returning to Nepal. GiHA-TT members also reported that unmarried, pregnant returnee women migrant workers (RWMW) face stigma and hostilities from their families and communities because of their unmarried status and the nationality of their child's father. This has forced them to stay in shelters instead of returning to their homes.



A glimpse of a women-managed quarantine centre for returnee migrant workers in Kathmandu during 2020. Photo: UN Women

## Recommendations from Gender in Humanitarian Action Task Team Members



### High-level coordination and dialogue to expand social protection for migrant women:

- There is a need to organize strategic dialogues between government stakeholders, women migrant workers, civil society organisations (CSOs), and diplomatic missions, which will help ensure that social protection measures for women workers (documented and undocumented) are in place.
- A coordination mechanism should be established between the Ministry of Home Affairs, the Ministry of Foreign Affairs, and the Ministry of Labour and Occupational Safety to address safe migration through a substantive equality lens.
- Diplomatic missions in destination countries should support women migrants in receiving compensation for lost or deprived entitlements and salaries from their previous employers in destination countries.

- A comprehensive migration policy must be developed that is holistic, human rights-based and gender-responsive. This policy must implement the objectives outlined in the Global Compact for Migration. It should specifically target women migrants with the aim of protecting and addressing their interests in pre-departure trainings, skills trainings, and the re-integration process when they return to Nepal (which includes giving them sufficient access to remedies and reparation).
- The pre-conditions set by the Parliamentary Committee on Commerce, Labour and Consumer Welfare on Nepali women taking up domestic work in the Gulf Countries must be implemented.
- Relevant stakeholders must contribute to the implementation of the newly ratified Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol).
- Carry out programmes for survivors of human trafficking with a focus on raising awareness about the use of social media by traffickers to “groom” migrant workers.



### Gender-responsive reintegration package:

- The Government of Nepal (GoN) should provide RMMW vocational work opportunities and trainings to promote income generation, as well as provisions for loans to start businesses and microfinance ventures.
- Targeted support to foster income-generation opportunities should be provided to returnee women migrants, including support to women entrepreneurs to market their products.



### Data reflecting the intersecting forms of marginalization that women migrant workers face, as well as their diverse needs:

- While providing reintegration measures, an intersectional approach to understand the needs of RMMW should be emphasized, especially among undocumented migrants.
- Local governments should document the number of migrant workers leaving their communities for foreign employment and then returning later, in order to understand the needs and opportunities of local RMMW.



### Address underlying stigma and discrimination:

- The local and provincial governments should start awareness programmes to tackle societal stigma against RWMW and ensure their safe reintegration in the communities
- The media should report on the experiences of RWMW with dignity and fairness, which will promote women’s mobility and economic empowerment.

On September 29, 2020, the ban on individuals going abroad for domestic work – a sector largely dominated by women migrating to Gulf countries – was relaxed by the Parliamentary Committee on Commerce, Labour and Consumer Welfare and seven comprehensive pre-conditions were established. Domestic migrant workers can now move abroad for domestic work if their destination country has the following:

- 1 Strong laws protecting migrant domestic workers,
- 2 A bilateral agreement with Nepal that safeguards migrant workers basic human rights,
- 3 A labour agreement that ensures workers’ basic rights, including wages, and weekly and annual leave,
- 4 Accessible social security mechanisms for migrants,
- 5 Provisions to ensure migrants’ occupational safety and health,
- 6 Provisions that set migrants’ working hours, and
- 7 24-hour insurance coverage.

*As of now, Jordan is the only country that has fulfilled the above requirement, as it was not included in the Parliamentary Committee’s list of countries restricted for domestic work migration.*

### Recommendations from the Special Rapporteur on the Human Rights of Migrants and the CEDAW Committee:

In 2018, the **Special Rapporteur on the Human Rights of Migrants** stressed the need for the GoN to withdraw discriminatory restrictions and bans imposed on women migrant workers. The **CEDAW concluding remarks** on the sixth periodic report of Nepal (2018) also expressed concern over restrictions on foreign domestic work outlined in the Foreign Employment Act, which push women – especially displaced, rural, indigenous, and Dalit women and girls – into irregular patterns of migration and puts them at a high risk of being trafficked.

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**The media tends to sum up the experiences of migrants as a general issue without dissecting the gender differential impacts. Positive messaging around women workers’ successful migration experiences should also be captured and shared with the public to promote safe and orderly mobility and highlight positive dividends of migration.**

Mr. Hom Karki, Journalist - Kantipur Daily

**Supreme Court ruling on women migrants:** Nepal’s Supreme Court ruling on women’s rights (2020) emphasizes the government’s responsibility to ensure employment for unemployed women migrants. The judgment stated that the process of repatriating Nepali citizens from abroad should give priority to high-risk groups, including women, children, pregnant, lactating mothers, persons with disabilities, and the elderly, among others. This includes support to Nepali migrant workers who wish to return to Nepal. The Supreme Court also ordered the government to maintain and publicize gender-disaggregated data concerning women, children, and senior citizens who have been rescued or repatriated to Nepal.

SOURCE: House panel asks government to let Nepali women take up domestic help jobs in the Gulf - Kathmandu Post, October 1, 2020

The pathway for domestic workers to reach Gulf countries is now open - Radio Kantipur, September 29, 2020

Press Release of Department of Immigration - Government of Nepal, Ministry of Home Affairs, Department of Immigration, February 11, 2021

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We need to reflect on the existing gender pay gap that pushes women to opt for unsafe migration. The system should be attuned to the needs of returnee women migrant workers at the municipality level, particularly the needs of those returning with a disability or challenges related to mental health.

Mr. Ashok Kumar Byanju (Shrestha), Mayor of Dhulikhel Municipality and President of Municipal Association of Nepal

## Recommendations from UN Women's guidance note on addressing the impacts of the COVID-19 pandemic on women migrant workers:



### Enjoyment of full human rights:

Women migrant workers, irrespective of their migration status, should enjoy their full human rights during the COVID-19 pandemic and beyond, in compliance with international law.



### Data:

Analyzing and understanding the gendered impacts of the COVID-19 pandemic requires collecting comprehensive sex and age-disaggregated data and gender statistics, including on migrant women and girls.



### Access to health services:

Women migrant workers should have full access to comprehensive health care, including sexual and reproductive health services. All residents, irrespective of migration status, should have access to COVID-19 testing.



### Crisis response and recovery plans:

Women migrant workers should be included and afforded the same treatment as nationals in national and local crisis response and recovery plans across all sectors of work, including domestic work, in line with international standards.



### Information on sending remittances digitally:

Women migrant workers' remittances are a critical source of income for households and communities around the world. Women migrant workers need to be provided with information and guidance on how to send remittances digitally to help close the persistent digital gender gap.



### Social protection measures:

Universal access to gender-responsive social protection measures should ensure that everyone, irrespective of migration status, has a social safety net in times of need. During the COVID-19 pandemic, this access would help ensure that women migrant workers who lose their jobs have a basic income and those with caregiving responsibilities would receive family and child benefits. During this public health crisis, governments are also encouraged to refrain from deporting, detaining or arresting women, men, and children with irregular migration statuses. Immigration detention facilities generally provide poor opportunities for social distancing and other measures to protect against COVID-19 infection among migrants and staff. This is particularly important for migrants who come forward for screening, testing, and treatment measures in order to support communities in managing the spread of the virus.

SOURCE: Guidance note: Addressing the impacts of the COVID-19 pandemic on women migrant workers - UN WOMEN, 2020



Manamaya Tamang, 52, asking questions during an awareness session on COVID-19 in Lakurebhanjyang area in February 2021. Photo: UN Women/Uma Bista

## Documents and resources:

- Nepal Labour Migration Report 2020 - Ministry of Labour, Employment and Social Security
- Rapid assessment of socio-economic impact of COVID-19 in Nepal - UNDP
- Addressing the impacts of the COVID-19 pandemic on women migrant workers - UN Women
- Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers during the Health and Economic Crisis - ILO
- Guidance for action: Addressing the emerging impacts of the COVID-19 pandemic on migrant women in Asia and the Pacific for a gender-responsive recovery - UN Women
- COVID-19 and women migrant workers - IOM
- How migration is a gender equality issue - UN Women
- Report of the Special Rapporteur on the human rights of migrants on his mission to Nepal
- Status of Nepali migrant workers in relation to COVID-19 - IOM
- Policy Brief 1: Making international labour migration governance gender-responsive - UN Women
- The cost of contagion - Equidem
- No easy exit – Migration bans affecting women from Nepal - ILO Report, 2015
- Protection or Discrimination? The Case of Nepal's Policy Banning Female Migrant Workers - Research Paper by Richa Shivakoti, published in April 2020
- Mapping of Rights & Resources for Domestic Workers in the GCC - Migrant-Rights.org
- Restrictive Labour Migration Policy on Nepalese Women and Consequences - Research Paper by Uddhab Pd. Pyakurel

The Gender in Humanitarian Action Task Team (GiHA TT) chaired by UN Women Nepal, is a multi stakeholder dialogue platform comprised of government, civil society and development partners. It has served as a constructive virtual dialogue forum, honoring diversity of voices, demonstrating thought leadership in the context of COVID-19.

### For more information, contact:

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| Sama Shrestha     | <a href="mailto:sama.shrestha@unwomen.org">sama.shrestha@unwomen.org</a>         |
| Rachana Bhattarai | <a href="mailto:rachana.bhattarai@unwomen.org">rachana.bhattarai@unwomen.org</a> |
| Subeksha Poudel   | <a href="mailto:subeksha.poudel@unwomen.org">subeksha.poudel@unwomen.org</a>     |