

Scripps College

From the Selected Works of Emily Armstrong

Fall December 14, 2016

Women v. State: A Case Study of Laws and Rules' Impact on Female Labor Migration within Nepal

Emily Armstrong, *Scripps College*



Available at: <https://works.bepress.com/emily-armstrong/1/>

**Women v. State: A Case Study of Laws and Rules' Impact on Female
Labor Migration within Nepal**

by

Emily Armstrong

Submitted to Scripps College in Partial Fulfillment of the degree of
Bachelor of Arts

Professor Sumita Pahwa

Professor Thomas Ilgen

December 14th, 2016

Research Question:

How do institutions influence the labor migration of Nepali women?

Introduction:

This thesis investigates the relationship between gender and institutions within the context of Nepal's labor migration. Labor migration is an important issue for Nepal's economy as nearly 10% of the population works abroad (Sijapati, 2012). However, only 10% of these migrants are women, creating a gender imbalance. One reason for the large disparity between the number of female migrants and male migrants is explained by legal restraints and institutional factors. A potentially more potent reason for the lack of female migrants working abroad can be credited to gender roles and cultural values in Nepali society (Thieme, 2005). This thesis analyzes institutions' role in labor migration and the relationship between institutions and female migrants.

This thesis explores how institutions influence the migration of Nepali women, when laws and policies are specifically created to limit their migration. One of the hypotheses of this thesis is that institutions do not have their intended effect on Nepali female labor migration because of alternative channels of migration. This thesis also hypothesizes that institutional actions are indicative of women's relationship to the Nepali state. The inequality Nepali women face in the economy and society is likely reflected in policies and laws.

This thesis calls into question how much institutions and rules matter. Laws and policies influence Nepali female migrants insofar as they lead women to take backchannel modes of migration, such as going through India to reach their

destination. Thus laws written to 'protect' female migrants, inadvertently shape illegal migration of labor. Laws influence illegal labor migration by limiting women's mobility through legal channels, via bans and policies, forcing them to travel abroad in further unprotected ways. This thesis demonstrates how women work around structural and cultural barriers to participate in the remittance economy, which is dominated by men.

However, the institutions discussed in this thesis do not have a significant impact on gendered flows of labor migration but are reflective of how the Nepali state prioritizes gendered norms more than economic needs and social realities. The institutions this research investigates include governmental and non-state organizations. In this thesis the term 'institution' in reference of state rules and laws used to shape labor migration. Embassies also take on an institutional role in the facilitation of labor migration, however this thesis does not examine their role in gendered migration. This research explores Nepali women's relationship to the state, how women experience institutions involved in labor migration, and the political and institutional factors that impact the migration of Nepali women by examining the language institutions use to address female migrants. Institutions shape women's lives because they illustrate how women's citizenship is viewed, whether it is valued equally to Nepali men's citizenship. How one experiences citizenship impacts their participation in economic and social spheres. The primary finding of this research is how institutions refer to women, illustrating how the state understands Nepali women's roles within the economy and society.

This research is salient in its focus on women because the labor migration of Nepali women varies greatly from the labor migration of their male counterparts. Most labor migration policies and laws and research on the subject presume a default male subject, likely do to the large percentage of the migrating of the migrating population that is indeed male. However, women migrate abroad for labor, to countries and in ways that differ from the labor migration of Nepali men. In a study from 2005 more than half of the male migrants from Nepal to Japan reportedly traveled abroad alone, while only one third of the women migrating abroad were unaccompanied (Yamanaka, 2005). Working abroad is a very different experience for accompanied women than for men traveling by themselves. Nonetheless, because of the high wages that can be earned abroad, numbers of women migrating abroad for work are increasing (Yamanaka, 2005). This makes the migration of women abroad for work an important issue to further understand as the trend continues to grow because it is informative of policies and their impact, the human flows that policies are trying to relegate, and how societal norms are reflected in policies and laws. .

Another important area of research within the realm of women and labor migration is one that studies women who migrate abroad to work in the “sex industry.” There are as many as 100,000 Nepali women working in the sex sector in India (Oishi, 2005). These women are subject to exploitation within this situation of human trafficking and irregular migration. This is a highly gendered example of labor migration. The migration of women in the “sex industry” highlights the importance for research to be done surrounding female labor migrants. This

research is vital as it explores how “the international migration of women now involves a tremendously complex system of inequalities, not only between the North and the South, but also within the South itself” (Oishi, 2005). Nepali laws restricting the migration of women are primarily directed towards curbing the trafficking of women. Thus the sex trade prompts the creation of laws that affect the migration of all female migrants. This demonstrates one of the ways patterns of labor migration reflect laws and vice versa. Institutions attempt to protect vulnerable women from the exploitation of sex trafficking by instituting laws and policies restricting women’s movement. However, these restrictions also make it more difficult for female migrants to travel abroad for employment in similar capacities to their male counterparts.

Nepali people, women in particular, should be aware of this research and the roles of institutions within the context of labor migration. This research is useful to understand how institutions incorporate gender into making policies, reflecting how gendered constructions of citizenship are formed. Institutions are the primary independent variable I am studying within this context of Nepali women’s labor migration. The dependent variable of this thesis is women’s labor migration patterns. While men migrate abroad through normal channels that are approved and promoted by the government, women are discouraged from leaving the country and their migration tends to be through unregulated and informal channels when they go abroad to work in industries such as domestic work, an area of work largely unprotected by the Nepali government. Thus these institutional actions shape the movement of women abroad for work.

This relationship is pertinent for all countries where remittances are prevalent and there are gendered cultural norms. This thesis addresses how institutions can fail to have their intended effect, as acts and policies do not necessarily dictate citizens' behaviors. Examining the effects of labor migration laws on trends of female migrants is informative in understanding the causality between these laws and Nepali women's relationship to the state.

In order to unpack Nepali women's relationship to the state, this thesis will begin by going through the historical context of Nepali women's labor migration. Understanding the role of remittances, gender, and labor migration to the Nepali economy is essential before going into specific institutional actions that are representative of Nepali women's relationship with the state. The data section of this thesis goes through recent legal actions targeted towards female migrants and connects this information with information on trends and numbers of women that go abroad for work.

Historical Context

In order to understand the importance of gender and institutions within Nepali migration, it is necessary to consider the complexity of this situation. Nepali labor migration is directly related to the economy. This makes Nepal's economy an important topic to understand from a variety of angles.

Remittances are central to Nepal's economy, and Nepal supports the remittance-based economy through policy creation. Remittances are transfers of money sent home by foreign workers. The remittance economy creates certain kinds of institutions that shape labor migration in particular ways and more notably

affect men differently than women. Nepal's economy has increasingly become remittance-based, in large part due to the lack of the country's internal employment opportunities. International migration is increasing in impact at the state and household levels in Nepal. Nepal is one of the highest recipients of remittances in the world, as of 2012 remittances made up 25% of the country's GDP (Dahal, 2014). Remittances have reduced the incentive to develop economic policies that would increase productivity within the country. Dependence on remittances also means that the state's macroeconomic policies must now take the migration-based economy into account. These resulting policies are a good example of the difficulty in controlling citizens' 'exit' option. Low economic growth and high unemployment has given rise to increase in Nepali migration (Sapkota, 2014). Because of these trends, remittances are embedded in Nepal's economy, and it is an important space for economic participation. However, there is a mismatch between Nepal's actual economic needs and the government's focus on limiting women's migration. Disincentives for women's inclusion in the remittance economy include policies that make it more difficult for Nepali women to migrate abroad for labor through legal channels. This thesis will show the effect of these clashing interests through examining laws aimed at female migrants. These institutional actions are important as they speak to Nepali women's relationship to the state.

Labor migration of Nepali women affects their empowerment and position in society. Poverty has forced Nepali women to migrate and break gender restrictions. Women's remittances have reduced poverty and come along with social remittances such as the improvement of gender roles, respect for women, and reduction of

violence against women (Bhadra, 2007). However, while Nepali women are migrating at greater rates and contributing to their family's income, they continue to be subject to gender discrimination at all stages in the migration process. This discrimination is imposed by the state in the form of legal restrictions on female labor migration, which imply women need protection and are incompetent on their own.

The importance of remittances to the economy is also due to the need for non-agricultural incomes for many Nepali people. Nepal's agricultural sector has been unable to progress, and the economy has not developed from agrarian to industrial. Nepal's agricultural GDP has also had a slow growth, which strongly impacted the 83% of the population that worked in the agricultural sector (Seddon, 1998). However, there is a long history of sources of income to supplement this farm work. As early as 1980, non-farm earnings supplemented 35% of Nepali household incomes (Seddon, 1998). The role that remittances from abroad have been playing, to supplement these incomes as well, has also been increasing.

People migrate abroad from Nepal due to a combination of push factors and pull factors, such as lack of domestic economic opportunities and high pay abroad. Due to its shared history and proximity to India, Nepal has a long history of labor migration to India. The Nepali governmental structures has a strong role in Nepal's labor migration, going back to 1815 when the colonial British government in India and Nepal opened up avenues for Nepali people to be employed overseas (Sapkota, 2012). Even today, the border between Nepal and India is fairly open in terms of migration for work. Nepali people do not require a special permit to work abroad in

India, and neither government records a number of Nepali migrants working in India (Sapkota, 2012). Furthermore, due to the low cost of migration to India, low-income Nepali citizens tend to migrate right across the border (Sapkota, 2012).

While Nepali people have been going to India for a long time, there has been a recent increase in migration to a variety of other places. In the last two decades the Middle East has become an increasingly popular region for Nepali people to migrate to for work. The Middle East's economic boom and increasing demand for workers is a draw for Nepali migrants. In the Middle East there is an increase specifically of unskilled-, low-, and medium skilled workforces (Sapkota, 2012). Destination countries are largely dependent on migrants for their labor, and the demand for labor contributes to the large role remittances play in Nepal's economy. Nepali migration patterns are a result of a variety of global factors as "Economic growth and state policies in the migrant-receiving countries have shaped the patterns of female migration" (Oishi, 55).

Remittances have had a powerful effect on lowering economic inequality and poverty reduction in Nepal. There is a positive relationship between remittances, financial development, and human capital accumulation (Dahal, 2014). The amount of money coming into Nepal through remittances is more than five times higher than official development aid and foreign direct investment combined (Dahal, 2014). Despite the large portion of Nepal's GDP that remittances make up, the increase of remittances has actually had a negative impact on Nepal's involvement with the global economy. As the ratio of remittances to Nepal's GDP has increased over the last decade, the ratio of international trade to Nepal's GDP has decreased (Dahal,

2014). Remittances do not improve investment and savings in Nepal to the same degree that they do so in other countries. This is because the majority of remittances are spent on consumption rather than put towards savings or capital formation. Money from abroad is a large contributor to daily household spending. 79% of total remittances households receive are spent on daily consumption in Nepal (Dahal, 2014). While remittances ease financial constraints they do not contribute to an increase in Nepal's production. The role remittances play in Nepal's economy is connected to Nepal's role in the global economy.

Dependency theory is a useful means of examining the impact 10% of the population working abroad has on Nepal's economy. Dependency theory was developed in the late 1950s to explain why economic growth in industrialized countries does not lead to improving economies in poorer countries (Ferraro, 2008). The reasoning behind this is that rich countries import resources from poor countries and then manufacture products to sell back to those same poor countries, so profit stays in the wealthy places. This theory is an applicable lens through which to view the mass exodus of human capital from Nepal. Nepal exports a large percentage of the country's human capital, which is a valuable resource considering that human capital is among one of the most important drivers of long-run economic growth. This exportation of labor undermines Nepal's competitiveness in global trading regimes due to insufficient levels of resources (Pant, 2009). Due to political instability via civil war and regime changes, the remittance economy formed out of necessity for economic resources. However, these remittances are not an ideal source of income, as they don't promote further economic growth within

Nepal, and thus go against the interests of Nepal's greater economy and society. When Nepal's labor force is most beneficial to the economies of destination countries, there is an increase in the inequality within the global economy. While Nepal's GDP benefits from remittances, the country's position in international trade is declining. Thus, labor migration from Nepal is supporting the economic growth in other countries while there is less human capital in Nepal to help the domestic economy.

Gender inequality is a strong theme within Nepal's economy. Women in Nepal lack the economic resources to reduce the gender gap in politics and society. Nepali women often work in the informal sector, such as in agricultural roles or within the household, underrepresented in paid work (Bhadra, 2007). In an economy dominated by men, particularly in spaces such as labor migration, it is necessary to understand how women work around structural and cultural barriers to participate in the remittance economy.

Clearly, there are many factors that interplay to create this relationship between gender and institutions within the context of Nepal's labor migration. Initially going into this research I predicted laws and policies would limit women's inclusion in the migration process but my findings did not indicate a strong correlation between these variables. However, these policies are indicative of women's position within institutions in that they imply that female migrants need more protection than their male counterparts.

Methodology

In order to systematically address my research question I will use statistics, policies, and laws to examine macro political variables that influence Nepali women within labor migration. I will use process tracing to examine the history of female migrants' relationship to institutions. The variables that I investigate over time include: economic relationships between Nepal and destination countries, the number of women migrating abroad for work, gender dynamics within Nepal, policies and laws built around cultural values, and the prevalence and role institutions play in relation to female migrants. In my research I will also attempt to answer: How do women experience migration through institutions differently than men? Which of these variables make the process for women migrating abroad for work different than the process for men? What impact do these political variables have in practice versus in theory?

This thesis is conducted as a case study of Nepali female migrants and the variables that shape their experiences. It touches on the various roles institutions play in the labor migration of women. The research I conducted this past spring, which demonstrates the extensive role Nepali women play within labor migration, informs this thesis. My previous research was built on interviews with women whose male relatives worked abroad. Specifically I researched women who economically supported the migration of their husbands or sons by taking out loans from microfinance organizations. This research is informative of the active role women play in the migration process, even when they are the ones left behind. My previous research will be made more salient as it is examined within the larger

context of labor migration and gender. The research conducted in this thesis contributes to a larger picture of gender within labor migration.

Using laws, policies, and statistics to understand the political variables that affect experiences of labor migration is an efficient way to go about this research. This approach provides tangible evidence of a holistic understanding of how the role of women in labor migration is changing. My research provides context and qualitative information about this modern phenomenon. I will use information and data from the last two decades to further my understanding of women's relationship with institutions within the context of today's Nepali labor migration. This thesis will analyze laws addressing female migration through the lens of women's relationship to the state.

Data

To answer the question of how institutions affect gender in Nepali labor migration, this thesis utilizes a variety of data, such as policies and trends of female migrants over time, to show how governmental policies affect women migrating abroad for work. These variables, in combination with information about informal institutions and illegal channels, contribute to an understanding of the multitude of factors that shape women's migration abroad. Process tracing of these variables, with statistics on female migration trends, are demonstrative of the effectiveness, or lack thereof, of legal policies that affect women migrants over time. Trends, such as the number of women going abroad for work and work-permits processed, are indicators of the growing labor migration from Nepal (Kumar, 2008). Labor migration is multifaceted as many factors such as gender dynamics, economic push

and pull factors, and state policies come into play. Nepal tackles female labor migration with two qualitatively different approaches to migration policy, one works via restrictive policies and the other works to support, protect, and enable through policies. Thus, the state utilizes a multifaceted approach when creating policy relevant to female migrants.

Restrictive Policies

What follows is an analysis of Nepal's migration laws and policies addressing the restriction of female labor migrants. One of the first of such laws was the passage of the Foreign Employment Act in 1985, which signified Nepali migrants finding foreign employment in places beyond India (Kumar, 2008). This act thus marked the beginning of laws and policies addressing labor migrants and, as is pertinent to this thesis, specific governmental actions that specifically address female migrants. The first of such laws was the Foreign Employment Act of 1985, which included stipulations limiting female migration for labor. Section 12 of this act reads: "Control in providing Foreign Employment: Notwithstanding anything mentioned elsewhere in this Act, the license-holder shall not provide foreign employment to children and to women without the consent of her guardian" (Nepal Democracy).

In 1992 the Foreign Employment Act was amended for the first time. This amendment further clarified the difficulty required for women to migrate abroad for work. The Foreign Employment Act of 1985 was amended for the second time in 1998. This second amendment further clarified the limitations on the ability of women to migrate abroad for work. Section 11 of the second amendment stipulates "foreign employment may be provided to women by obtaining the permission of His

Majesty's Government and guardians" (FOREIGN EMPLOYMENT ACT, 2042 (1985)).

The guardian of the women is defined in the amendment to Section 12 to be:

- a. "Father or mother in respect of an unmarried woman and husband in respect of a married woman,
- b. In cases where the relative as referred to in clause (a) above is not available, the elder brother or younger brother of the same home and joint family, who has attained the age of twenty-one years, in respect of an unmarried woman and the father-in-law or mother-in-law living in the same joint family in respect of a married woman,
- c. In respect of a woman who does not have even the relatives mentioned in clause (b) above, the person recommended by the concerned Village Development Committee or Municipality stating him or her as her nearest relative"(Nepal Democracy).

The Foreign Employment Act of 1985, amended in 1992 and 1998, makes it more difficult for female migrants to travel abroad for work than men through the regulations the act contains. This act is reflective of the inferior position of Nepali women in society because this clause groups women with children in the requirement of guardians' consent to migrate abroad for work. The limitations on women's labor migration is also apparent in the second amendment's requirement that women need governmental permission, in addition to guardians' approval, to be employed abroad. Such guardianship language is not a constant within Nepali laws, as compared to the Saudi Arabian requirement that every woman is required to have a guardian. This guardianship stipulation is fairly unique in Nepali policy and likely used as an extra means of protection against the exploitation of women.

Nepal's emigration policy additionally constricts the labor migration of women by banning women's travel to the Gulf States. In 1998 the Nepali Government officially barred women's migration to the Gulf States, in the wake of physical and sexual abuse of Nepali women in the Middle East (Thieme). The ban

was partially lifted in 2003, allowing women to only work within formal sectors of work in the Gulf, which excludes domestic work (Thieme). The ban was completely lifted in 2010, and then reinstated in 2012 to prevent women under 30 from traveling to the Gulf for domestic work (Status Report, 2014/2015). Such policies are established with the consideration for the protection of women. The ban against women migrating to the Gulf for work followed an incident where a Nepali woman committed suicide after great suffering working abroad in the Gulf (Gurung, 2004). However, such bans did not completely stop female migrants from traveling to the Gulf for work. Many women used irregular channels to get to their destination, without the protections the formal system provided. Nepali embassies in destination countries play a major role in supporting migrants. These embassies help migrants with things such as financial security, getting out of vulnerable situations, and returning deceased bodies (Status Report, 2014/2015). However, due to minimal resources, the embassies do not have the capacity to fill the demand for services

As a result the Nepali government recognized how unmonitored migration challenged female migrants' safety and once again revised the ban on female migrants to the Gulf. In 2015 the government issued the Directive on the Management of Sending Domestic Workers for Foreign Employment, lowering the age of women prohibited to work in the domestic sector in Gulf countries to under 25 (Status Report, 2014/2015).

Protective Policies

A policy reflective of the support the Nepali government claims to have for female migrants is the Foreign Employment Rules, publicized in 2008. These rules specify efforts to support Nepali female migration, such as establishing “safe homes for the women workers who have gone for foreign employment” and permitting ‘reservations’ to be made when sending women abroad (Foreign Employment Rules, 2008). Reservations refer to the instillation of quota ensuring women are to be represented in foreign labor migration. In addition, the Foreign Employment Rules stipulate allocation of the ‘Fund,’ which all Nepali migrants going abroad are required to contribute to, for the benefit of female migrants. The rules describe part of the ‘Fund’s’ purpose to help ease the financial limitations on women who want to migrate abroad for work and provide support via childcare for female migrants (Foreign Employment Rules, 2008). This policy further demonstrates the complex approach that Nepal’s government takes when addressing female labor migration.

Another initiative that demonstrates the multifaceted approach the government takes to female migration is the Foreign Employment Policy created in 2012, which acknowledges the increasing trend of female migrants going abroad for employment and the challenges female migrants experience in the migration process (Status Report, 2014/2015). This policy calls for greater governmental regulation in the migration process that puts many vulnerable people at risk for exploitation. This policy acknowledges the difficulties in protecting female migrants’ rights due to the lack of legal protection for domestic workers in major destinations. This lack of legal protection leads to sexual harassment, physical violence, and economic exploitation

(Foreign Employment Policy, 2012). However, the language of this policy also reveals the social factors in Nepali society restricting the migration of women. The policy lists the social cost of migration to be “family destruction, women’s role and responsibilities are being change[d] and have to bear more workload, children are deprived from love and care of parents to[o]” (Foreign Employment Policy, 2012). This part of the policy demonstrates the manner in which gendered values in Nepali society inform policy.

Enabling Policies

The Foreign Employment Policy of 2012 contains an extensive list of measures the Nepali government will utilize in attempt to address the concerns of female migrants and ensure their protection. The list of these protections is evident in section 9.4 of the policy. Listed below are a few of the clauses that could directly affect the number of female migrants traveling abroad for work:

- “For female [migrants] those are interested for foreign employment, demand side of labour markets and sectors of comparative profit shall be identified and skill based training and orientation with diversifying opportunities shall be provided to female.
- Intensive information shall be disseminated to female those are interested for foreign employment in each step of pre-employment and provide opportunity of informed choice for them.
- Effective legal and institutional mechanism shall be placed to ensure rights of female workers by eliminating discrimination and violence against women at the time of labour migration” (Foreign Employment Policy, 2012).

This policy demonstrates how the Nepali government approaches female migrants differently, in comparison to male migrants. It also reveals the complexity within the Nepali government’s approach to female migrants. Nepali policies and laws are simultaneously focused on limiting the migration of women while also making an effort to protect those that do migrate.

In addition to policies aiming to influence the movement of female migrants, there are various governmental agencies involved in foreign employment. These agencies include the Ministry of Labour and Employment (MLE) and the Department of Foreign Employment (DFE). The MLE launched the National Strategic Action Plan for the years 2015 to 2020 to provide safe foreign employment. It may also be important to note here that part of the motivation for this plan comes from the intention to help Nepal graduate from its least developed country status through the use of remittances (Status Report, 2014/2015). Thus economics is inspiring this plan, which also specifically mentions female migrants. In addition to aiming to provide safe employment for female migrants, this plan expresses the aim to document irregular migrants, females in particular (Status Report, 2014/2015).

In addition, the female migrants are specifically addressed by the Foreign Employment Board, which was formed in the wake of the Foreign Employment Act and chaired by the Minister of Labour and Employment. This board reported, as of 2014 one of their primary achievements was the “Entrepreneurship Programme for victims of gender-based violence and distress among returned female labour migrants initiated” (Status Report, 2014/2015). This effort marks a shift from other governmental efforts addressing female migrants as it is focused on the female migrants after they return from abroad, rather than trying to address the beginning of the process, which many of the bans do.

Tracing the Effects of Migration Policies

Despite Nepal’s government’s efforts to control the migration of women abroad for work, many policies fall flat in the face of a reality where many female migrants

utilize unregulated channels. For example, the ban on women traveling to the Gulf may have been in vain as most Nepali women travel to the Gulf by crossing through the border to India, where there is no need of a passport or other formalities due to the open border, and then travel to the Gulf via Delhi or Mumbai (Thieme, 2005). Some Nepali women travel directly to the Gulf, helped by highly paid brokers. This method of transit places female migrants in a more vulnerable position, due to issues of fraud and exploitation (Thieme, 2005).

By making it more difficult for women to migrate abroad for work than men, the Foreign Employment Act attempts to protect Nepali women and minors from exploitation, such as sex trafficking. However, it is important to note here that the Foreign Employment Act did not effectively promote foreign employment or protect migrant workers (Gurung, 2004). This act did not make a significant difference in the female migration patterns. The ineffectiveness of this act at reducing female migration demonstrates how a coordinated effort from all formal agencies involved in labor migration, such as police, immigration, banks, and even airlines, is necessary to even begin making a difference in international migration.

Despite the various irregular means of migration Nepali women take, there is a relationship between governmental policies and fluctuation of the number of migrants traveling abroad. For instance, when the partial ban on female migrants working in the Gulf was lifted in 2010 there was a 120% rise in the number of labor permits issued to women compared to the previous year “along with a considerable increase in the proportion of women among all migrants, from 2.9 per cent to 6 per cent” (Status Report, 2014/2015). When the ban on women younger than 30

migrating to the Gulf was re-imposed in 2012, the number of migrants traveling to the Gulf decreased once again. However, as is apparent from the graph below, there is not a steady increase in the percentage of female migrants traveling abroad from Nepal, despite policies opening up. This could be attributed to societal norms, such as conceptions around gender that limit women’s participation in the economy. Additionally, as the number of men migrating abroad for labor continues to increase, women assume greater responsibilities at home. Thus female migration is limited due to the increase in male migrants.

Figure 2. Share of total labour migrants, by sex, 2008/09–2014/15



Source: Department of Foreign Employment.

(Status Report, 2014/2015).

Labor permits are the DFE’s primary means of assessing the magnitude and nature of migration for foreign employment. However, as labor permits are not required for work in India, this analysis is pertinent only in terms of Nepali migrants who go to other countries (Status Report, 2014/2015). The below graph indicates the number of permits obtained by male and female migrants:

Table 19. Labour permits issued, by year and sex, 2008/09–2014/15

Fiscal year	Yearly rate of increase in issuing permits	Rate of increase in absolute terms (male)	Rate of increase in absolute terms (female)	Percentage of total labour migrants (male)	Percentage of total labour migrants (female)
2008/09	-	-	-	96.1 %	3.9 %
2009/10	33.70 %	34.37 %	17.0 %	96.6 %	3.4 %
2010/11	20.61 %	21.21 %	3.6 %	97.1 %	2.9 %
2011/12	8.44 %	5.05 %	120.4 %	94.0 %	6.0 %
2012/13	17.21 %	16.97 %	20.94 %	93.85 %	6.15 %
2013/14	15.24 %	15.92 %	4.87 %	94.4 %	5.60 %
2014/15	-3.8 %	-2.51 %	-26.44 %	95.72 %	4.28 %

Source: Department of Foreign Employment.

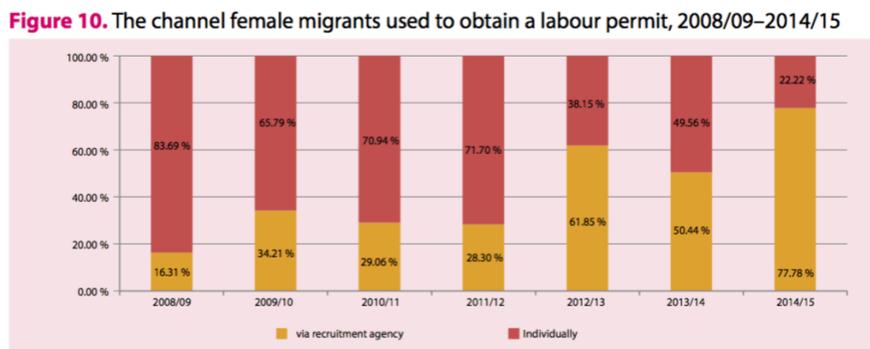
(Status Report, 2014/2015).

The earthquake that hit Nepal in April 2015 helps explain the decrease in issued permits, in the fiscal year 2014/15. Nonetheless, according to this table, using data from the DFE, it is apparent that there is no steady increase in the percentage of female migrants acquiring labor permits.

In addition to Nepal’s governmental procedures for female migrants, recruitment agencies play a major role in facilitating the travel abroad for foreign employment. About 80% of all labor permits issued within the last seven years have been issued to migrants using recruitment agencies (Status Report, 2014/2015). Big companies in places like the Gulf, Malaysia, or other Asian countries utilize recruitment agencies to find cheap foreign manpower. Nepali migrants may utilize the services of 280 licensed and 200 unlicensed recruiting agencies to find work abroad (Thieme, 2005). However, as about 60% of female migrants, most of them undocumented are employed as domestic workers abroad, they often travel abroad individually (A Country Analysis, 2011). Until recently recruitment agencies were not allowed to recruit domestic workers, causing limited interaction between women and recruitment agencies.

However, due to a ban on domestic workers in the fiscal year 2014/15 there was a rise in women utilizing the services of recruitment agencies in that time.

Additionally, the Nepali government issued a directive in April 2015 that permitted registered recruitment agencies to take on domestic workers (Status Report, 2014/2015). This will continue the trend of the increasing number of women using recruitment agencies. The graph below illustrates the channels female migrants are using to obtain labor permits over time:



(Status Report, 2014/2015).

Overall though, it is relatively difficult to draw any conclusions or find obvious trends in relation to Nepali female migrants, as the phenomenon of female migrants traveling abroad for employment is a relatively recent. Women’s participation in the remittance economy has only begun to sharply increase within the last decade, compared to the slowly increasing trend of the past two decades. The younger population coming of age and improvement in female education likely has contributed to this increase in migration. For instance, according to one source only 161 female migrants traveled between the years 1985 and 2001 while 360 labor permits were issued to women in the year 2006/2007 and 4,685 permits issued in

the year 2014/2015 (Status Report, 2014/2015). It is important to note that this thesis only has concrete data on registered female migrants when in fact there is much evidence that the majority of women travel abroad through unregulated channels. One online article estimated 90% of the 2.5 million women working abroad are undocumented (KC, 2013). Thus the only legitimate conclusion that can be drawn from data indicating the increasing number of women migrating to foreign countries is that more women have been getting labor permits.

Discussion

Policies and laws, which address the occurrence of female migrants, are telling of Nepali women's relationship to the state. This is evident in how the Nepali government is making a continued effort to 'protect' women by limiting their inclusion in labor migration. The state is demonstrating the inferior status of women in Nepali society through the inequality in the aforementioned migration laws. The restrictions on foreign employment for women illustrate how female migrants experience citizenship in Nepal. Emigration policies do make an overall difference in setting the framework of women's labor migration because they delegitimize female labor migration (Oishi, 104). Additionally, countries receiving migrants do not offer foreigners the same protections as their citizens. Thus, female migrants have neither the legal protection of their home country or destination country when they are traveling illegally.

There are limitations to be noted that may have impact thesis' findings. The recentness of the phenomenon of the remittance economy in Nepal makes it is difficult to make conclusions about the effect institutions have on gender within the

context of Nepali labor migration. There is also reason to expect that the relatively short -termed nature of some of these policies mean they have not had adequate time to affect labor migration to a significant degree.

Additionally, it is likely the different cultural positions between the Middle East and Nepal effects migration policy. Associations of the Middle East with Islam potentially contribute to more restrictive migration policies to the region. Muslims are a small minority in the majority Hindu country, and face severe underrepresentation in Nepal's public sphere. Religious discrimination may be a significant factor in the creation of bans limiting women's migration to the Gulf States.

While much of the explanation for bans and limitations on women's migration is credited to the goal of protecting against trafficking and exploitation, male migrants are also experiencing a lot of risk in their migration abroad for work. For instance, in the years 2008 to 2015 male migrant deaths have totaled to 4,235 while there were only 87 female migrant deaths (Status Report, 2014/2015). Considering 10% of the migrant population is women, this is a disproportionately large proportion of male migrant deaths. This fact puts policies meant to protect women in an interesting light, as women aren't necessarily more at risk than their male migrant counterparts.

Despite evidence of Nepali women's positive contribution to their family's income in addition to the fact that they are migrating at increasing rates, female migrants continue to be subject to gender discrimination at all stages in the migration process. This discrimination is imposed by the state and demonstrates the

need for policy to address inequality within the migration process. The importance of Nepali women being treated as equals within Nepal's society should be reflected in governmental initiatives. This could be done through immediate lifting of the ban against the migration of domestic workers to the Gulf.

Female migrants experience institutions during labor migration in ways that sharply differs from male migrants' experiences. The laws and bans on female migrants' travel makes it clear that women are not perceived as autonomous individuals by the state. My research demonstrates the need for flexible policies and support for female Nepali migrants through institutions due to the sustained high levels of migrant workers through alternate migration channels. Institutional support for female migrants would provide them with appropriate protections during the labor migration process.

By marginalizing women migrants, the Nepali state is demonstrating it does not value female economic participation. As previously mentioned, remittances make up one fourth of Nepal's GDP, making this a prime space for economic participation. However due to the policies and bans that limit women's ability to participate in the remittance economy, women's economic participation is marginalized. These limitations are particularly telling, as they stand in contrast to the laws and policies that the Nepali government adopts to encourage male foreign employment. Due to these restrictions, the remittances sent home by female migrants are thus framed as inferior to male contributions to the remittance economy.

To better fit the needs and realities of labor migrants, male and female alike, the Nepali government may focus on offering protections in destination countries, such as better equipping embassies to a reality laws and policies are unlikely to impact. The Nepali government is likely to adapt, considering recent major institutional changes. The implementation of the new constitution in 2015 and the end of the constitutional monarchy in 2008 Nepal point to non-stickiness of Nepali institutions. Rather, a larger hurdle for policies reflective of gender equality would be societal norms and values. There may not be a strong enough public or governmental push to change the phrasing of laws and policies that marginalize due to Nepali conceptions of gender.

Conclusion

These findings are significant because they demonstrate how the Nepali government marginalizes women through policies and laws. It would be extremely informative of women's relationship with the state to look at other instances where Nepal's Government has created laws and policies with the intended purpose to 'protect' female citizens.

The findings of this thesis are relevant to other nations with remittance economies, where female migrants experience institutions differently than male migrants. The emigration of women is in general more restricted and female migrants are subject to more control within the migration process. This can be credited to how "policies for female migration are largely driven by values whereas those for male migration are by economics" (Oishi, 81).

Sources

- Bhadra, Chandra. INTERNATIONAL LABOUR MIGRATION OF NEPALESE WOMEN: THE IMPACT OF THEIR REMITTANCES ON POVERTY REDUCTION Asia-Pacific Research and Training Network on Trade Working Paper Series, No 44, September 2007
https://www.jica.go.jp/english/our_work/thematic_issues/gender/background/pdf/e07nep.pdf
- Dahal, Prakash The impact of remittances on economic growth in Nepal: an analysis of a significant basis of development, Asia Pacific Journal of Public Administration, 36:4, 261-282, (2014) DOI: 10.1080/23276665.2014.975908
- Ferraro, Vincent ""Dependency Theory: An Introduction," Mount Holyoke College, July 1966." "Dependency Theory: An Introduction," Vincent Ferraro, Mount Holyoke College, July 1966. 10 Nov. 2016.
<https://www.mtholyoke.edu/acad/intrel/depend.htm>
- Government of Nepal. *FOREIGN EMPLOYMENT ACT, 2042 (1985): Centre for the Study of Labour and Mobility*. 14 July 1942. Web. 30 Nov. 2016.
<<http://ceslam.org/images/publication/foreign%20employment%20first%20amendment%20act2049%201992.pdf>>.
- Government of Nepal. "The Foreign Employment Rules, 2064 (2008)." *The Foreign Employment Rules, 2064 (2008)*: n. pag. 30 Sept. 2064. Web.
<<http://un.org.np/sites/default/files/foreign-employment-rule-2064.pdf>>.
- Government of Nepal. "Foreign Employment Policy 2068." *Nepal Association of Foreign Employment*. Web.
<<http://www.nafea.org.np/files/download/ForeignEmploymentPolicy2068eng.pdf>>.
- Government of Nepal, Ministry of Labour and Employment, Department of Foreign Employment. *Labour Migration for Employment: A Status Report for Nepal: 2014/2015* Kathmandu, 2016.
- Government of Nepal, Ministry of Labour and Employment, Department of Foreign Employment. *Labour Migration for Employment: A Status Report for Nepal, 2013-2014*. Kathmandu: 2014. *International Labor Organization*. Ministry of Labour and Employment, 2014. Web.
- Gurung, Ganesh. *An Overview Paper on Overseas Employment in Nepal*. Kathmandu: International Labour Organization, 2004. Print.

KC, Usha. "Illegal Employment Abroad Increases Health Risks for Nepalese Women." *Global Press Journal*. N.p., 9 July 2013. Web. 12 Dec. 2016.
<<https://globalpressjournal.com/asia/nepal/illegal-employment-abroad-increases-health-risks-for-nepalese-women/>>.

Oishi, Nana. *Women in Motion: Globalization, State Policies, and Labor Migration in Asia*. Stanford, CA: Stanford UP, 2005. Print.

Pant, Bhubanesh and Pant, Rajan Krishna, (2009), Export Diversification and Competitiveness: Nepal's Experiences, *NRB Economic Review*, 21, issue, p. 52-78.

Seddon, David; Gurung, Ganesh; and Adhikari, Jagannath (1998) "Foreign Labour Migration and the Remittance Economy of Nepal," *Himalaya, the Journal of the Association for Nepal and Himalayan Studies*: Vol. 18: No. 2, Article 7

Sharma, S., Pandey, S., Pathak, D., and Sijapati-Basnett, B. 2014. *State of Migration in Nepal*. Centre for the Study of Labour and Mobility. Kathmandu, Nepal.

Sijapati, B., Limbu, A. 2012. *Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms*. Himal Books.
[http://ceslam.org/docs/publicationManagement/Labour Migration Nepal Policies.pdf](http://ceslam.org/docs/publicationManagement/Labour_Migration_Nepal_Policies.pdf)

Thieme, Susan, and Simone Wyss. "Migration Patterns and Remittance Transfer in Nepal: A Case Study of Sainik Basti in Western Nepal." *International Migration* 43.5 (2005): 59-98. Web.

United Nations Country Team in Nepal. "A Country Analysis With a Human Face." 2011. Web. 29 Nov. 2016.

Yamanaka, Keiko. "Changing Family Structures of Nepalese Transmigrants in Japan: Split-households and Dual-wage Earners." *Global Networks* 5.4 (2005): 337-58. Web.

"Foreign Employment Act, 2042 (1985)." *Nepal Democracy*. Friedrich Ebert Stiftung, n.d. Web. 20 Nov. 2016.
<http://www.nepaldemocracy.org/documents/national_laws/foreign_employment_act2042.htm>.