

# Pathways to prevent labour exploitation in Nepal: Do pre-migration interventions work?



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# SUMMARY OF NEPAL EVALUATION STUDIES

## Evaluation context

The South Asia Work in Freedom Transnational Evaluation (SWiFT) is a five-year programme of research and evaluation funded by the UK Department of International Development (DFID/UKAID). SWiFT assesses and informs the International Labour Organisation's (ILO) DFID-funded Work in Freedom (WiF) multi-country intervention to minimise women's vulnerability to labour trafficking in South Asia and the Middle East. SWiFT Nepal was conducted in three of the five districts where the WiF programme was operating: Chitwan, Rupandehi and Morang. In Nepal, SWiFT was designed to inform the WiF programme and other trafficking prevention programmes on the nature and scale of adverse migration outcomes; factors that increase or decrease a woman's risk of being trafficked; prospective women migrants' pre-departure knowledge and decision making and examine the potential influence of WiF's community-based programmes to foster safer labour migration. This report aims to summarise this body of research and consider the implications of the findings.

## What do we know about labour migration in Dolakha, Nepal?

A household census was conducted among 1,253 households and 5,961 individuals in Dolakha, Nepal. One-third of households had at least one member who ever migrated outside Nepal for work. Men were more likely to have migrated for work than women (21% versus 2%). The majority of women were under 30 years old when they migrated. Common work destinations for men were Malaysia (37%); India (28%); and Saudi Arabia (13%). For women, common destinations included: Kuwait (17%); Lebanon (17%); India (13%); Malaysia (11%); and United Arab Emirates (11%). One-quarter of men worked or had worked in factories, one in ten in security, one in ten as porters, 9% in restaurants and 9% in construction. Over half of women (52%) worked or had worked as domestic

workers. Over 82% of households reported contact within the past week with their family member who migrated. Almost one in ten workers (all men) told their family that they had sustained minor injuries, and four individuals (three men and one woman) reported a serious injury. About two-thirds of all households surveyed reported outstanding household debt, with remittances often used to service these debts, especially in rural areas. See *SWiFT briefing note*: <http://same.lshtm.ac.uk/files/2015/11/Nepal-briefing-note-01.pdf>

## Lessons from prospective migrant women's participation in community intervention activities in Nepal

Surveys were conducted among prospective migrant women in Morang, Chitwan and Rupandehi who were identified by the WiF implementing partners. Data included follow-up telephone surveys (n=188) and qualitative follow-up interviews with six women who attended the WiF 2-day pre-decision-making training. Women who attended this training reported high-levels of satisfaction. They identified the most important thing learned as knowing which documents are required for migration, followed by understanding the proper route to follow (flying out of Kathmandu airport and not travelling via India). Women found the contact information for both government and non-government organisations provided, to whom they could reach out in case of problems, to be very useful. Women wanted to understand more about their work abroad, such as what their actual work would involve, and to gain some language and technical skills. Women appreciated the first-hand experiences of other women returnee migrant workers. On the content of the training, women suggested that they would like more information on the practical aspects of migration, e.g., how to secure the required documents, as well as details about which documents are needed. Women suggested increasing the training period beyond two days and offering follow-up sessions rather than one-

off trainings. However, some women reported that they were unable to attend the 2-days in full, which raises questions about the value of adding days to the training. Women also reported forgetting some of the information given at the training, which may be due, in part, to the potential lag time between starting the migration process and their actual departure. See *SWiFT briefing note*: <http://same.lshtm.ac.uk/files/2015/11/Nepal-briefing-note-02.pdf>

## Transnational female labour migration: the perspective of low-wage Nepalese workers

Low wage female migrants, and especially domestic workers, are vulnerable to notoriously imbalanced employment relations and precarious work conditions. Research on paid domestic work has concentrated on exploitative recruitment and employment practices, lack of policies and legislation to protect workers' rights, and the virtual absence of collective action and worker's representation. Yet, there has been limited evidence on the migration processes from the perspective of female migrants. This brief describes Nepalese female workers' migration circumstances and experiences, highlighting potential protective mechanisms and opportunities for intervention. It presents findings from surveys conducted among a sample of 521 returnee migrant women in the Nepalese districts of Morang, Chitwan and Rupandehi. It concludes by suggesting that women have limited awareness of available training options at the pre-departure stage. It also indicated that written contracts have a protective effect against labour exploitation. See *SWiFT briefing note*: [http://same.lshtm.ac.uk/files/2018/02/SWiFT\\_-Nepal-briefing-note-03-Dec2017-V2.pdf](http://same.lshtm.ac.uk/files/2018/02/SWiFT_-Nepal-briefing-note-03-Dec2017-V2.pdf)

## Are past experiences of forced labour associated with future migration intentions and planning among women migrants?

Nepali women's participation in foreign employment has increased over the past decade, with figures indicating that between 1985 and 2001, only 161 women migrated for foreign employment, while numbers rose substantially to approximately 30,000 in 2013-2014. For this study, surveys were completed by 653 women returnee migrants, among whom 122 (23%) reported they intended to migrate again, with a further 26 (5%) saying they

didn't know if they would migrate again or not. No relationship was found between past forced labour experiences and remigration intentions. In fact, past experiences of forced labour do not appear to be related to whether or not a respondent decides to return to a destination or sector in which they have worked on a previous migration. Though a slightly lower percentage of those who had experienced forced labour ('experience of work and life under duress') reported intending to re-migrate, compared to those who had no forced labour experience, but the difference was very small and wholly attributable to a greater percentage in this group who were uncertain whether they would migrate again. However, the extremely high prevalence of forced labour (89%) hindered interpretation of these results. Those with forced labour experiences appear to have less knowledge than those without forced labour experiences about the documents required to migrate legally outside of Nepal for work. They cite fewer of the necessary documents overall, as well as being less likely to have knowledge of each of the individual documents (e.g. work contract, labour permit, etc). They are also less likely to be aware of the pre-departure training programme that it is compulsory to attend before migrating outside of Nepal for work. See *Migration planning among female prospective labour migrants from nepal: a comparison of first-time and repeat-migrants*.

## Prevalence of and associations with forced labour experiences among male migrants from Dolakha, Nepal: findings from a cross-sectional survey of returnee migrants

Growing numbers of people are migrating outside their country for work, and many experience precarious conditions, which have been linked to poor physical and mental health. Men from Dolakha, Nepal, who had ever migrated outside of Nepal for work were interviewed on their experiences, from predeparture to return (n=194). Forced labour was assessed among those who returned within the past 10 years (n=140) using the International Labour Organization's forced labour dimensions: (1) unfree recruitment; (2) work and life under duress; and (3) impossibility to leave employer. Forced labour is positive if any one of the dimensions is positive. Participants had worked in India (34%), Malaysia (34%) and the Gulf Cooperation Council countries (29%), working in factories (29%), as labourers/porters (15%) or in skilled employment (12%). Among more recent returnees (n=140),



44% experienced unfree recruitment, 71% work and life under duress and 14% impossibility to leave employer. Overall, 73% experienced forced labour. Forced labour was more prevalent among those who had taken loans for their migration (PR 1.23) and slightly less prevalent among those who had migrated more than once (PR 0.87); however the proportion of those who experienced forced labour was still high (67%). Forced labour experiences were common during recruitment and at destination. Migrant workers need better advice on assessing agencies and brokers, and on accessing services at destinations. As labour migration from Nepal is not likely to reduce in the near future, interventions and policies at both source and destinations need to better address the challenges migrants face so they can achieve safer outcomes. See *What is the prevalence of and associations with forced labour experiences among male migrants from Dolakha, Nepal? Findings from a cross-sectional survey of returnee migrants.*

## Nepali women's labour migration: between protection and proscription

With the increase in female migration, especially in the domestic sector,<sup>1-4</sup> and accompanying reports about exploitation and abuses experienced by these workers,<sup>5-7</sup> labour-sending countries are grappling with the need to protect these workers. To understand the implications of current policies, it is useful to draw on a critical feminist policy analysis that considers Nepal's policy and regulatory frameworks on female labour migration in relation

to power, patriarchy and the state.<sup>8-12</sup> Most policies are gender-neutral, and even where gender issues are considered, the policies rarely reflect the ways in which they will influence social, economic and power relations.<sup>13-15</sup> Over the past decade, Nepal's policy regime has been simultaneously liberal, protective and restrictive, especially in light of recent measures to protect women by curtailing their migration through various bans. Yet, the structural and economic drivers for women's migration persist. And, for women who do migrate despite the bans, overseas working conditions are not affected by sending country policies.

## Empowerment and stigma: a qualitative analysis of women and labour migration

Labour migration among Nepali women is an increasing and important phenomenon that can facilitate empowerment, but also challenges social and cultural gender norms which may cause stigma. This analysis explores the concepts of stigma and empowerment through the experience of 55 prospective women labour migrants. For this analysis, stigma and empowerment domains were selected through a data-driven process. The results from this study add to the empowerment and migration literature and show that migration can empower women labour migrants, but the stigma also faced by the women in our results also disempower them, causing a contradictory and complex migration experience for Nepalese women labour migrants.

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*Gulf Region*. In Working Paper Anti-Slavery International. Retrieved from [http://www.antislavery.org/wpcontent/uploads/2017/01/traffic\\_women\\_forced\\_labour\\_domestic\\_2006.pdf](http://www.antislavery.org/wpcontent/uploads/2017/01/traffic_women_forced_labour_domestic_2006.pdf)

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## SWiFT EVALUATION OVERVIEW

The South Asia Work in Freedom Transnational Evaluation (SWiFT) is a five-year programme of research and evaluation funded by the UK Department of International Development (DFID/UKAID). SWiFT assesses and informs the International Labour Organisation's (ILO) DFID-funded Work in Freedom (WiF) multi-country intervention to minimise women's vulnerability to labour trafficking in South Asia and the Middle East. Researchers from the Gender, Violence and Health Centre (GVHC) of the London School of Hygiene & Tropical Medicine (LSHTM) are leading the research and evaluation of WiF activities in collaboration with specialist research institutes in Bangladesh, India and Nepal.

### Scope and rationale

There has been considerable investment in programmes to reduce labour trafficking and address its consequences. However, there is little robust evidence to inform the design and implementation of interventions in this field.

SWiFT applied mixed research methods to follow a large-scale, multi-country trafficking intervention from conception to implementation. Evidence from this work provides a rigorous assessment of the WiF programme logic, assumptions and activities. Findings are designed to inform policy and practice, provide insights into the magnitude and characteristics of labour trafficking in the study sites and identify promising approaches to reduce workers' vulnerability.

### RESEARCH QUESTIONS

- What puts migrant workers, particularly women, at risk of being exploited? How do these risks vary within and between the study sites?
- What strategies can individuals use to protect themselves from being exploited? For whom and in what circumstances are these strategies most and least successful?

- How does the WiF intervention influence participants' vulnerability to trafficking and opportunities for safe migration and decent labour?
- How does the implementation context facilitate or undermine the WiF programme's effectiveness and impacts?

### Nepal intervention evaluation context

The WiF programme was implemented in five districts in Nepal and targets women interested in migrating for work in the domestic or garment sectors in the Gulf States (Saudi Arabia, Kuwait, Oman, Qatar, Bahrain, the United Arab Emirates). The open border between Nepal and India means that Nepali women working in India are largely unaccounted for. In 2006/07, women constituted only 0.2% of those granted labour permits to work abroad. By 2013/14, this proportion had risen to 3.1%. However, women constitute about 13% of the country's absentee population and, although this figure includes, for example, students and those travelling with husbands, irregular or unofficial migration is considered a primary reason for the discrepancy.

SWiFT Nepal was conducted in three of the five districts where the WiF programme was operating: Chitwan, Rupandehi and Morang. In Nepal, SWiFT was designed to inform the WiF programme and other trafficking prevention programmes on the nature and scale of adverse migration outcomes; factors that increase or decrease a woman's risk of being trafficked; and prospective women migrants' pre-departure knowledge and decision making. SWiFT sought evidence on how WiF affected individual migration decisions, behaviours and experiences and whether WiF's assumptions were valid and more widely applicable.



## Study setting

Nepal is a landlocked country sharing borders with India and China. Migration in Nepal is generally attributed to: poverty, limited employment and livelihood opportunities,<sup>16,17</sup> conflict<sup>18,19</sup> and social networks<sup>20,21</sup>. Migration from Nepal to or via India is not officially recorded due to the open border policy between the two countries.<sup>22</sup> In 2014, nearly one-fifth of the remittances sent to Nepal came from India which may be indicative of the numbers of Nepalis living in India.<sup>23</sup> Apart from India, Nepali labour migrants commonly work in Malaysia and the Gulf Cooperation Council (GCC) countries, which include Qatar, Saudi Arabia, United Arab Emirates, Kuwait, Oman and Bahrain. Migrants primarily work in low-skilled jobs such as manufacturing and construction.<sup>24,25</sup> Studies and government reports suggest Nepali migrants often have limited understanding of their future work conditions and rights, and fatalities at destination have been increasing.<sup>26,27</sup> At the same time, labour migration has been credited with poverty reduction and contributing significantly to Nepal's economy, as official remittances have steadily increased since the 1990s, now representing over 30% of the Gross Domestic Product in 2015.<sup>28</sup>

## Study designs

- **Cross-sectional surveys with: 521 returnee migrant women who migrated** (including to India) and returned to Nepal within the past five years, to capture women's experiences from initial preparations through to return and possible remigration.
- **Cohort study with: 340 prospective migrant women at baseline**, identified by WiF peer educators; and **188 interviewed during round 1** (pre-departure) to explore women's migration decision-making and planning.
- **Qualitative semi-structured interviews with: 55 of the prospective migrant women who participated in the survey** to explore their perceptions of women's work, migration plans and preparations in detail before the full roll out of the WiF intervention. They were followed up for a second interview if they attended the WiF 2-day pre-decision-making training and six were interviewed to understand their experience and opinions of the training.

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28. World Bank. Nepal development update. Remittances at risk. 2016.



# FEMALE LABOUR MIGRATION IN NEPAL

## Female migration trends

Women's engagement in foreign employment must be understood within the broader pattern of female labour force participation in the country. According to a 2013 report, the share of Nepali women in wage employment in the non-agriculture sector more than doubled between 1990-2010 and 2013 (NPC, 2013: 31). This mirrors the increase in the total number of women obtaining labour permits during the same period in Nepal.<sup>29</sup> However, there are limited job opportunities for women in Nepal due to their lower levels of education and job experience, lesser control of and access to resources, and discrimination in the labour market (ADB, 2010; Acharya, 2014). For women who choose to join the labour force, the possibility of travelling abroad for employment affords them with opportunities often unavailable at home.

Women's migration is also influenced by socio-cultural norms that are deeply-rooted in Nepal's patriarchal system (Murphy, 2008). For example, women who are in abusive relationships may see migration as a good option:

*He [husband] used to beat me and not let me eat. He was always showing his power to everyone. Even when I went abroad to work... he would say, 'You must have slept with all kinds of races and groups.' And, even if I stay in the house, he does the same thing... When he doesn't drink, he is a good person. But after he drinks... he says whatever he wants to. Aged 24 from Morang, previously migrated once against the ban*

29. Ministry of Labour and Employment. (2016). Labour Migration for Employment, A Status Report for Nepal: 2014/2015. Kathmandu: Ministry of Labour and Employment, Government of Nepal.

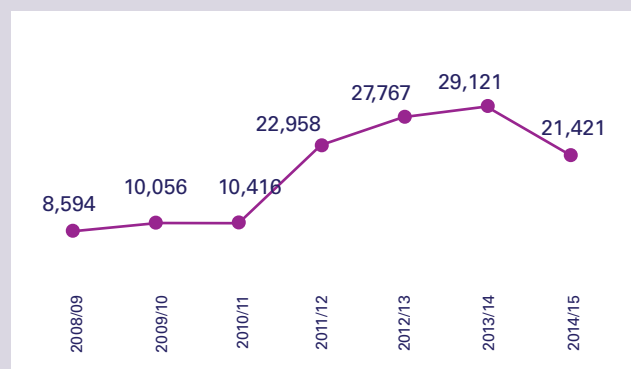
30. Following the enactment of the Foreign Employment Act 2007, a separate entity, the Department of Foreign Employment was established from the Department of Labour and Employment Promotion in 2008.

Another woman whose husband took a second wife explained:

*He brought in another wife. I came here [maternal home] because I didn't want to live there. Why should I live there if he has brought in another one? I can stand on my own feet, I can earn my living. Aged 36 from Morang, previously migrated to Oman as a domestic worker*

Women's migration from Nepal historically took the form of family migration, but women's participation in foreign employment has risen significantly. Available data from then-Department of Labour and Employment Promotion<sup>30</sup> showed that only 161 women migrated for foreign employment between 1985 and 2001.<sup>31</sup> However, this began increasing in absolute terms from the mid-2000s, with an exception in 2014/15, possibly due to the 2015 earthquakes.<sup>32</sup> (See Figure 1).

**FIGURE 1:** Number of labour permits issued to women



Source: DoFE, Labour Migration for Employment, A Status Report for Nepal: 2014/2015.

31. Gurung, G. (2004). An Overview Paper on Overseas Employment in Nepal. Kathmandu: International Labour Organization (ILO).

32. Ministry of Labour and Employment. (2016). Labour Migration for Employment, A Status Report for Nepal: 2014/2015. Kathmandu: Ministry of Labour and Employment, Government of Nepal.

Several factors can be attributed to this trend. Increasing numbers of women have been entering the labour market,<sup>33</sup> and women's migration abroad is but an extension of their search for jobs. In key destination countries, the entry of women into the labour force, particularly in East and Southeast Asia, and the changing family structures and lifestyle in the Gulf countries have also created demands for migrant domestic workers.<sup>34</sup>

Although historically India has been a common destination for Nepali migrant workers<sup>35</sup> more recently, the Gulf countries have emerged as key destinations, and by 2015 close to 60% of women migrants had migrated to the GCC countries.<sup>36,37</sup> Moreover, a number of studies indicate that significantly higher numbers of women than men are migrating irregularly. For instance, a report by Amnesty International estimated that Nepali women migrants make up 30% of total Nepali migrants,<sup>38</sup> and other research suggests that of all the irregular migrant workers from Nepal, 90% were women.<sup>39</sup>

Despite this growth, the number of women migrants from Nepal is relatively small compared to men, accounting for only 4-6% of the total migrant population in the past decade.<sup>40</sup> But, several studies indicate significantly higher numbers of women migrating irregularly, a phenomenon that would not be captured in official data. For instance, Amnesty International estimated that Nepali women migrants make up 30% of total Nepali migrants<sup>41</sup> and of all the irregular migrant workers from Nepal, 90% were women<sup>42</sup>.

## Laws and policies

in Nepal, as in many other countries, policies have often been used as a 'quick-fix solution' rather than problem-solving processes.<sup>43</sup> Nepal's policies on women's mobility can be described as ranging from the liberal paradigm of 'access' and 'equality' to those that are simultaneously protective and restrictive.

### PARADIGM OF EQUALITY AND NON-DISCRIMINATION

The Constitution of Nepal 2015 has provided for the State to take measures for the protection, empowerment and advancement of the interests of women, and the Government of Nepal has enacted a multitude of laws to promote gender equality while also abiding by international norms and commitments such as upholding basic human rights for all citizens and eliminating all forms of gender-based discrimination.<sup>44</sup> Central among these is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) that includes specific provisions related to non-discrimination and equal employment opportunities and requirements for origin countries to lift 'discriminatory bans or restrictions on migration' (General Recommendation 26, Article 2 (f)). Further, Nepal's Foreign Employment Act (FEA) 2007 explicitly prohibits any form of gender discrimination while sending workers for foreign employment (Article 8).

33. Acharya, S. (2014). Gender, Jobs and Education: Prospects and Realities in Nepal. Kathmandu: UNESCO.

34. Irianto, S., & Truong, T.D. (2014). From Breaking the Silence to Breaking the Chain of Social Injustice: Indonesian Women Migrant Domestic Workers in the United Arab Emirates. In T. D. Truong, D. Gasper, J. Handmaker, & S.I. Bergh (Eds.). Migration, Gender and Social Justice, Perspectives on Human Security (pp 24-45). Heidelberg: Springer.

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36. The GCC countries consist of Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain and Oman.

37. An estimated 80% of women migrant workers in the Gulf are engaged in domestic work within private homes or caring for children or elderly family members while others were employed in hotels, restaurants, beauty parlours, catering and manufacturing, as well as health and medical facilities within Asia and beyond (ILO, 2015: 2-3).

38. Amnesty International. (2011). False Promises: Exploitation and Forced Labour of Nepalese Migrant Workers. London: Amnesty International Ltd.

39. International Labour Organization (ILO). (2015). No easy exit – Migration bans affecting women from Nepal. International Labour Office, Fundamental Principles and Rights at Work (FUNDAMENTALS), Labour Migration Branch (MIGRANT). Geneva: ILO.

40. Ministry of Labour and Employment. (2016). Labour Migration for Employment, A Status Report for Nepal: 2014/2015. Kathmandu: Ministry of Labour and Employment, Government of Nepal.

41. Amnesty International. (2011). False Promises: Exploitation and Forced Labour of Nepalese Migrant Workers. London: Amnesty International Ltd.

42. Ghimire, P. (2013). 'Review of migration and development policies and programmes and their impact on economic and social development, and identification of relevant priorities in view of the preparation of the post-2015 development framework,' Nepal Country Statement on Agenda Item 5, Asia Pacific Regional preparatory meeting for UN General Assembly High-level Dialogue on International Migration and Development, Bangkok 29–31 May 2013.

43. Yeatman, A. (1990). Bureaucrats, Technocrats, Femocrats. Sydney: Allen & Unwin.

44. World Bank and Department for International Development of the United Kingdom (DFID). (2006). Unequal Citizens: Gender, Caste and Ethnic Exclusion in Nepal. Kathmandu: World Bank and DFID.

**TABLE 1:** Summary of bans on women's migration for foreign employment

1985	Women prohibited from leaving the country without guardian's consent
1998	Government's permission made mandatory for women seeking to migrate for employment
Sep 1998	Complete ban on women's migration to Gulf countries
2003	Ban partially lifted allowing women to migrate for work in formal sector
Sep 2008	Ban on women's migration to Gulf countries and Malaysia for low-skilled work
Nov 2009	Ban on women's migration to Lebanon for domestic work
Dec 2010	Ban on women's migration to Gulf countries and Malaysia lifted for all women
Aug 2012	Ban on women below 30 years of age from migrating to Gulf countries for domestic work
July 2014	Age ban expanded to include women of all ages from migrating to the Gulf countries for domestic work
Sep 2014	Total ban on women migrating as domestic workers
April 2015	Regular migration channels opened for women migrant domestic workers to the Gulf and Southeast Asia; ban on women below 24 years remains

Adapted from ILO 2015.

## PARADIGM OF PROTECTION

Alongside policies enshrining gender equality, the Nepali state has simultaneously assumed a 'protective' role related to female migration. The objective of the FEA 2007 is, among others, 'to make foreign employment business safe, managed and decent and protect the rights and interests of the workers who go for foreign employment'. To encourage women's participation in foreign employment, the Act also requires the government

to reserve quotas for women and other targeted groups (Article 9), a provision that did not exist in the earlier Act or its amendments. Likewise, the Foreign Employment Regulation 2008 requires the appointment of labour attachés in countries where more than 5,000 Nepali migrants have been sent, and the placement of women labour attachés in countries with more than 1,000 women migrant workers (Article 43, Foreign Employment Regulations, 2008). Following reports about abuse and exploitation of migrant workers that point to strong linkages between high recruitment fees and vulnerability to exploitation, including trafficking,<sup>45-47</sup> in July 2015, the government issued a notice that the process of labour migration from Nepal would be free, or at minimum cost. However, its implementation has been dismal because of weak enforcement.<sup>48</sup> The FEA 2007 focused on non-discrimination and remained the principal law guiding labour migration, until in 2012, when the government imposed a ban restricting women below the age of 30 from migrating for domestic work to the Gulf countries, and later, in 2014, extended it to cover all women.

## THE RESTRICTIVE REGIME

Since the inception of foreign employment legislation in Nepal in 1985, women's migration has had additional restrictive conditions repeatedly introduced. The 1985 FEA, for instance, prohibited women from leaving Nepal without the consent of their guardian, while the 1998 Act added a clause requiring permission from the government as well.<sup>49</sup> These restrictions became more forceful after the death of a Nepali domestic worker in Kuwait in 1998, following which the Government of Nepal imposed a ban on women's migration to the Gulf. The ban was partially lifted in 2003, allowing women to migrate for work in the formal sector and ended completely in 2010 with new 'protective mechanisms' added such as attending a mandatory training course for domestic workers, and written assurances by employers on worker safety and provision of regular contact with the family and embassy, etc.<sup>50</sup> In 2012, another ban was introduced for women below the age of 30, restricting migration for domestic work in the Gulf

45. Verité (2012). 'Labor Brokerage and Trafficking of Nepali Migrant Workers.' Retrieved from: [https://www.verite.org/wp-content/uploads/2016/11/Humanity-United-Nepal-Trafficking-Report-Final\\_1.pdf](https://www.verite.org/wp-content/uploads/2016/11/Humanity-United-Nepal-Trafficking-Report-Final_1.pdf)

46. Jones, K. (2015). Recruitment Monitoring and Migrant Welfare Assistance. Dhaka: International Organization for Migration.

47. Gordon, J. (2015). Global Labour Recruitment in a Supply Chain Context. Geneva: ILO.

48. Sijapati, B., Ayub, M., & Kharel, H. (2017). Making migration free: an analysis of Nepal's 'free-visa, free ticket' scheme. In S. Irudaya Rajan (Ed.), South Asia Migration Report 2017: Recruitment, Remittances and Reintegration (pp 164–189). London: Routledge.

50. Sijapati, B., & Limbu, A. (2012). Governing Labour migration in Nepal: An analysis of existing policies and institutional mechanisms. Kathmandu: Centre for the Study of Labour and Mobility.



countries.<sup>51</sup> In April 2014, the government imposed a total ban on all women to migrate for domestic work, with the exception of those who already had work visas. In April 2015, the government introduced 'Guidelines for domestic workers seeking foreign employment,' which lowered the age bar to 24 for the six GCC countries, Lebanon and Malaysia (Article 3[3]) while stating that workers would be sent only to countries with which Nepal had established bilateral agreements (Article 4). In the interim, recruitment agencies would still be allowed to send domestic workers to countries without such agreements provided they had agency-to-agency agreement in the destination country.<sup>52</sup>

## Effects of policy changes

The structural factors pushing women to migrate are strong and while there is a consensus among rights groups about the ways the ban violates women's rights, evidence on the effects of the bans on the prevalence of abuse seems mixed. While there has been a steady increase in the number of women migrating from Nepal through regular channels, these have fluctuated considerably, perhaps a reflection of the government's on-again-off-again restrictive measures. After the ban was lifted in 2010, there was a 120% rise in the number of labour permits issued to women in 2011/12 compared to the previous year. When the ban was re-imposed in 2012, both the rate of increase in absolute terms and the total share of female migrant workers dropped (MoLE, 2015: 58).

Some research suggests that the restrictions have impacted how women migrate, but not necessarily curtailed their outflows. For example, a survey of

86 migrant women following the first ban in 1992 found that the women simply sought unofficial channels to leave the country instead of staying put.<sup>55</sup> Additionally, even as Nepal banned Lebanon as a destination for female migrant domestic workers, the Lebanese government still issued 3,895 new labour permits to Nepali domestic workers in 2010.<sup>56</sup> It was pointed out that the ban was announced by Nepal unilaterally and not negotiated with Lebanon, and hence, not enforceable there. However, while regulations and bans were intended to protect women from exploitation and abuse,<sup>53</sup> emerging evidence on the outcomes of the bans appears to be mixed.<sup>54</sup> Past reports have generally commented that women will find ways around the ban by migrating through irregular channels, outside the protection supposedly accorded by the formal system.<sup>55-57</sup> Similarly, ILO reports suggest the bans are associated with a higher incidence of trafficking. At the same time, new SWiFT findings from the research among returnee women suggest that the incidence of forced labour has declined since 2008 – which coincided with more targeted Nepalese actions against human trafficking, including successive bans on migration. SWiFT results suggest that women who migrated during the most recent bans (i.e., restricting migration to women older than 30 from migrating to Arab States and banning all women from migrating for domestic work) were less likely to experience forced labour.<sup>59</sup> Nonetheless, even if migration bans might have some protective effects against women's engagement in situations of forced labour, these types of restrictions limit livelihoods options, individual agency and reinforce gender inequalities.<sup>60</sup>

51. Shrestha, M., & Basu, M. (2012, August 10). Nepal bans women under 30 from working in Gulf states, CNN News. Retrieved from <https://edition.cnn.com/2012/08/09/world/meast/nepal-migrant-workers/index.html>

52. This option, however, was to be exercised only for a maximum one year (Article 4). On the issue of recruitment agencies, the Guidelines has capped the number of agencies allowed to send domestic workers to 100 and recruitment agencies were required to monitor the working conditions of Nepali domestic workers every four months (Article 21(4)). As pointed out in the ILO report, it is not clear how this article will be implemented since Nepali law is not binding in countries of destination (ILO, 2015).

53. Department of Foreign Employment (DoFE). (2012, August 9). Department of Foreign Employment after the decision by the cabinet on 9 August 2012 [Press release].

54. Kiss L, Fotheringham D, McAlpine A, Mak J and C Zimmerman (forthcoming). Labour exploitation of Nepalese migrant women: Applying Bayesian (Belief) Network modelling for prevention.

55. The United Nations Development Fund for Women & the Nepal Institute of Development Studies. (2006). Nepali Women and Foreign Labour Migration. Kathmandu: UNIFEM & NIDS.

56. Hamill, K. (2011). Trafficking of Migrant Domestic Workers in Lebanon, A Legal Analysis. Beirut: KAFA (enough) Violence and Exploitation, COSV (Coordination Committee of the Organizations for Voluntary Service), Lebanese Center for Human Rights (CLDH) and the Permanent Peace Movement (PPM).

57. International Labour Organization (ILO). (2015). No easy exit – Migration bans affecting women from Nepal. International Labour Office, Fundamental Principles and Rights at Work (FUNDAMENTALS), Labour Migration Branch (MIGRANT). Geneva: ILO.

58. International Labour Organization (ILO). (2015). No easy exit – Migration bans affecting women from Nepal. International Labour Office, Fundamental Principles and Rights at Work (FUNDAMENTALS), Labour Migration Branch (MIGRANT). Geneva: ILO.

59. L Kiss, D Fotheringham, J Mak, A McAlpine, and C Zimmerman. (under review 2018). Labour exploitation of Nepalese migrant women: pathways to prevention. Prevention Science.

60. O'Connell-Davidson, Julia (2015). The margins of freedom: modern-slavery. Palgrave MacMillan.

## WiF pre-migration information

Among the main aims of the ILO-WiF pre-decision training sessions was to increase women's knowledge about Nepali laws and regulations for migration. When prospective migrant women in the SWiFT study were asked about migration preparations or the processes involved, most mentioned the need for skills training, recruitment fees, language skills, etc, none spoke directly about the restrictions on female migration (although they were not specifically queried on this aspect). In general, women came to know about labour permits and government regulations only after the WiF intervention.

*The information she [peer educator] gave was very useful. I didn't know what we need to do labour [obtain labour permits] and other things like that before. When she told me about those things, I thought to myself, 'Oh, that is how it is. People have been going abroad by doing all these things.' I didn't know about that till now. Age 22, from Rupandehi, no prior migration experience*

The frequent changes in government regulations on women's migration has created only an 'environment of confusion' and the government has not taken adequate measures to communicate or clarify the changes frequently introduced.<sup>61</sup>

## Implications

Shifting policy regulations in Nepal have structured women's migration pathways and experiences in complex ways. This analysis highlights how the policy measures introduced to 'protect' women have paradoxically denied women of important employment opportunities and forced women who wish to migrate to select irregular pathways, which can lead to additional health and safety risks. The restrictive regulations also contravene basic human rights and constitutional guarantees of equality and non-discrimination. A critical analysis of these policies suggests that by introducing various legal measures governing women's migration, Nepali migrant women have become a site of state regulation and control. Moreover, these types of gendered restrictions appear to instrumentalise or infantilise women to assert social norms and traditional morals that limit women's roles, their sexuality and independence.

61. International Labour Organization (ILO). (2015). No easy exit – Migration bans affecting women from Nepal. International Labour Office, Fundamental Principles and Rights at Work (FUNDAMENTALS), Labour Migration Branch (MIGRANT). Geneva: ILO.





# WOMEN'S PARTICIPATION IN THE WORK IN FREEDOM PRE-MIGRATION INTERVENTION

## Background

Official figures suggest that between 1985 and 2001 only 161 women migrated for foreign employment, while over the past few years there has been a sharp increase in labour migration by women, represented by the rise from 10,416 labour permits issued to women in 2010-11 to 21,421 in 2014-15.<sup>62</sup> In the presence of growing reports about exploitation and abuse of domestic workers in destination countries a number of interventions have been implemented to promote safer migration for Nepali women.<sup>63,64</sup>

## Methods

Surveys were conducted with prospective migrant women in Morang, Chitwan and Rupandehi. Participants were identified by WiF implementing partners. Findings are based on data from follow-up telephone surveys (n=188) and qualitative interviews with six women who attended the WiF 2-day pre-decision-making training. The post-training qualitative interviews explored women's perceptions of the usefulness of the training and information they received.

## Women's migration intentions and participation in pre-decision trainings

Among the 188 women interviewed during follow-up surveys, one-third (n=58) reported they no longer planned to migrate, one-third (n=58) still intended to go and 15% (n=27) had already arrived at their destination. Only about half of the women (55%)

reported having attended some form of training for work, of whom 50% had attended the WiF 2-day pre-decision-making training, 14% attended skills training and 6% participated in the community orientation sessions. Among those who attended the WiF 2-day training, 12% (n=11) reported having changed their mind about migrating because of the training.

## Women's experiences of the WiF 2-day pre-decision-making training

Women who attended the 2-day pre-decision-making training reported high-levels of satisfaction, particularly by receiving information about: necessary documents; travelling via Kathmandu vs via India; contact information for assistance; types of domestic tasks to be expected and small language skills. See Figure 2. Many women seemed to place substantial trust in the trainers and discussed the comfort they felt by having the contact details of the implementing partner organisation in case they needed to be rescued. However, from research in Nepal and elsewhere, there is reason to believe that these hopes for emergency assistance were probably misplaced. Women also appreciated the first-hand experiences of other women returnee migrant workers, which could offer genuine examples of working life abroad. Their interest in the opinions of experienced migrants suggests the importance of making peer to peer linkages between returnee migrants and first-time migrants.<sup>65</sup> At the same time, these approaches must be undertaken with caution because SWiFT findings simultaneously indicate that returnee workers do not necessarily have accurate or up-to-date information about official processes, documents or regulations.

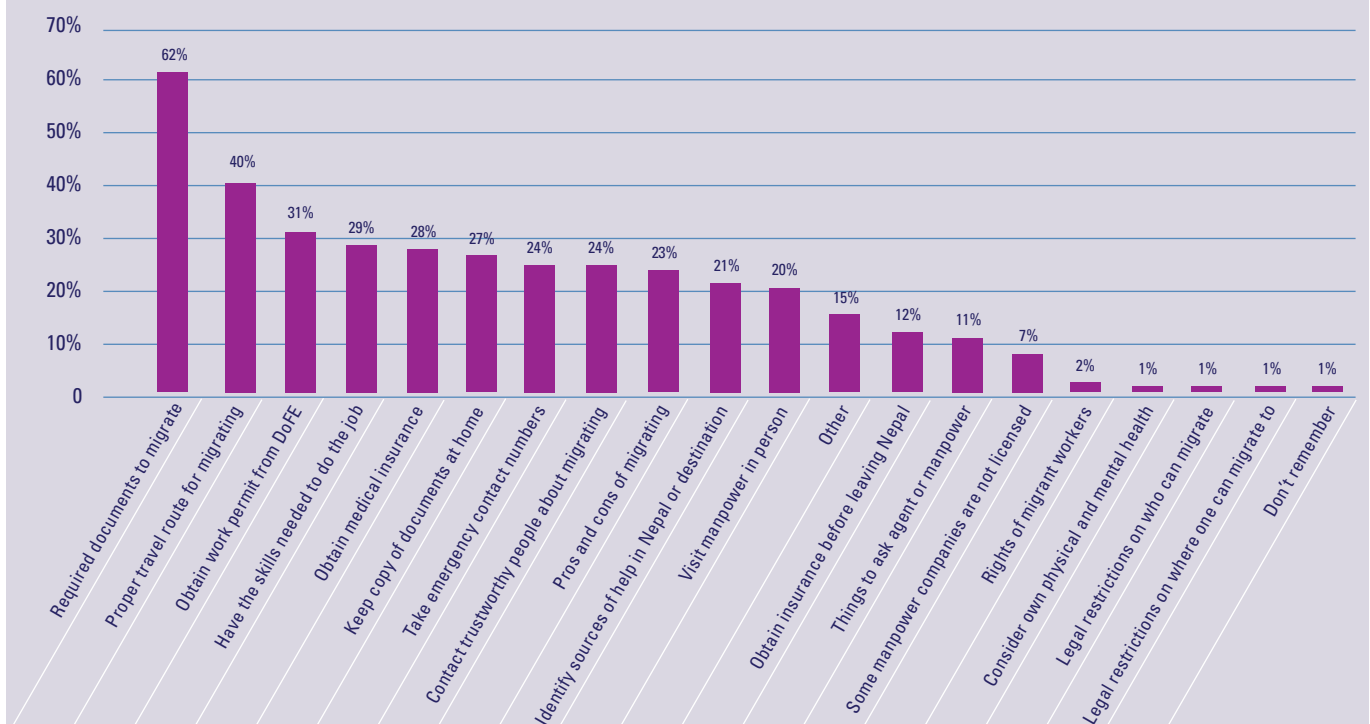
62. Ministry of Labour and Employment (MoLE). (2016). Labour Migration for Employment, A Status Report for Nepal: 2014/2015. Kathmandu: Government of Nepal.

63. ILO. (2016). Work in Freedom. Reducing vulnerability to trafficking of women and girls in South Asia and the Middle East. Supporting informed migration, fair recruitment and decent work. [https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new\\_delhi/documents/publication/wcms\\_526175.pdf](https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---sro-new_delhi/documents/publication/wcms_526175.pdf). Accessed 15 March 2017.

64. UN Women. (2013). Empowerment of women migrant workers of Nepal. Sustaining the gains of foreign labour migration through the protection of migrant workers' rights. [http://asiapacific.unwomen.org/en/digital-library/publications/2014/1/~/\\_/media/BE8885BCB283442182087CD31E5BA302.ashx](http://asiapacific.unwomen.org/en/digital-library/publications/2014/1/~/_/media/BE8885BCB283442182087CD31E5BA302.ashx). Accessed 31 March 2017.

65. Abramsky T, Mak J, Zimmerman C, Kiss L, and B Sijapati. 2018. Migration planning among female prospective labour migrants from Nepal: a comparison of first-time and repeat-migrants. *International Migration* Vol. 56 (4) 2018 ISSN 0020-7985.

**FIGURE 2:** Most important thing learned from WiF pre-decision-making training (n=94)



## Women's suggestions on future trainings

Training participants suggested that future training should provide more information on the practical and official aspects of the migration processes, such as how to secure the required documents and which documents are needed. This information is covered in the WiF training, so it may be necessary to provide this information in other formats that women can carry with them (e.g., handouts) or review when they need them (online, at a set location). Additionally, some women suggested increasing the training period beyond two days and to offer follow-up sessions that allow women more time to process the information and then return with questions. However, in contrast, some women noted the difficulties of dedicating even two days to the initial session.

## Lessons for future pre-migration training

- Language training and vocations skills** appear to be in demand among prospective migrants. Pre-migration training modules could be stronger if they included additional referral information for rapid language training or skills training for other types of common overseas employment sectors (e.g. textiles, care-giving), which are currently not mandated by the government.
- Reliable and realistic emergency contact:** Training sessions should provide reliable overseas and local emergency assistance information with verified and up-to-date contact details. Women should be forewarned about the common challenges in seeking help once they are outside the country. Women must be given an accurate portrayal of emergency assistance so they do not have false sense of security or belief that help is always available.
- Training timing and content:** Programmes should consider offering follow-up information sessions for individuals who are migrating imminently. Because migration planning and processes can take place over many months, it may be most effective to offer this to people who are more likely to migrate soon.
- Building networks:** Trainings should offer opportunities for participants to develop networks for support and information and facilitate future communications between migrating women (sharing contact details, informal meetings with the WiF peer educator or other staff, online communication options).
- Information needs among returnee and first-time migrants:** Programmes must be careful not to assume that returnee migrants have accurate information about what is required to re-migrate. Many returnees will have similar information needs as first-time migrants. Programmes should identify the needs of repeat migrants and find convenient ways to reach this group, who may not believe they need the same training that is provided to first-time migrants.



# TRANSNATIONAL FEMALE LABOUR MIGRATION: THE PERSPECTIVE OF LOW-WAGE NEPALESE WORKERS

## Background

Low-wage female migrant workers, especially domestic workers, generally operate under tremendously imbalanced employment relationships and in precarious work situations.<sup>66</sup> Research on paid domestic work has concentrated on exploitative recruitment and employment practices, weak policies and legislation to protect workers' rights, and the near-absence of collective action and worker's representation.<sup>67</sup> This research describes the circumstances and experiences reported by Nepalese female migrant workers, highlighting potential protective mechanisms and opportunities for intervention.

## Study participants

Surveys were conducted with 521 returnee migrant women in three districts: Morang, Chitwan and Rupandehi, who were identified by WiF intervention peer educators. Women were eligible to take part in the study if they returned to Nepal from foreign employment within the past five years. Data collection took place before the WiF 2-day pre-decision-making training.

## Women's household circumstances

The vast majority of returnee women (92%) reported that someone in their household had previously migrated for work outside of Nepal, though the figure was slightly lower in Rupandehi (86%). One-third of the returnee women reported that their primary employment was being a homemaker while 74% reported receiving wages or being self-employed. Women commonly noted that remittances were their main source of household income (39%). 62% reported having household debt, with the highest proportions in Chitwan (72%) and lowest in Morang (52%).

66. International Labour Organization (ILO). Domestic Work Policy Brief 9, Labour Relations and Working Conditions Branch (INWORK). Dec 2015.

## Migration process and pre-migration training

Over two-thirds of participants used a labour broker for their last overseas placement, of whom over half said they were referred to the broker by friends and community members (66%), and by family and relatives (34%) (see Figure 3). Only 14% had attended any training prior to leaving Nepal, of whom two-thirds attended the pre-departure orientation and one-fifth attended skills training. Women reported that from the training, they gained improved work performance (44.3%), were more well-informed (40%), and better aware of assistance options (24.3%). Among those who had not attended any training, nearly three-quarters, 73%, said they were not aware of any available trainings and 14% did not feel the need to attend trainings. However, the low attendance reported may be related to training availability prior to women's most recent migration as the domestic work skills training became mandatory in 2011 for those without prior migration for domestic work.

**TABLE 2:** Trainings (any type) attended by year of departure at most recent migration, n=521, n(%)

	Did not attend training	Attended trainings	Total
Prior to 2007	44 (97.8)	1 (2.2)	45
2007-2010	289 (90.3)	31 (9.7)	320
2011-2015	116 (74.4)	40 (25.6)	156
<b>Total</b>	<b>449 (86.2)</b>	<b>72 (13.8)</b>	<b>521</b>

Years were used based on when mandatory trainings came into effect: 2007 for pre-departure orientation; and 2011 for domestic worker skills training. Information obtained from ILO Nepal.

67. Deshingkar P, Zeitlyn B, and B Holtom. Does migration for domestic work reduce poverty? A review of the literature and an agenda for research. Migrating out of Poverty RPC. 2014.

## Women’s most recent labour migration experiences

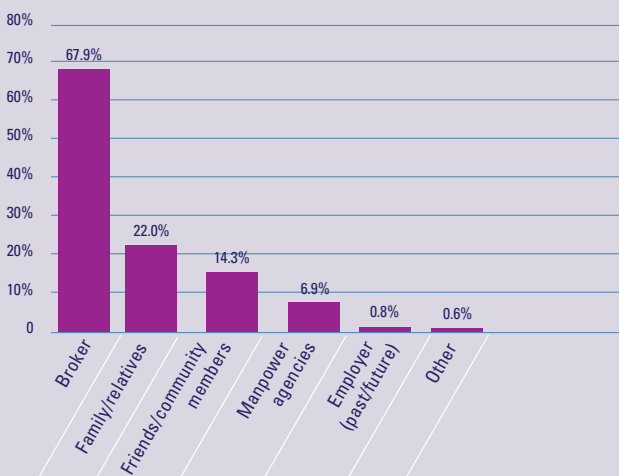
### DESTINATIONS, JOBS AND DURATION

Over 84% of women went to the GCC states, 5% to India, 4% to Malaysia and 4% to Lebanon. Nearly 80% worked as domestic workers with the remainder working as cleaners, carers or cooks (see Figure 4). The duration of women’s residence abroad varied considerably, with 11% remaining in the destination country for over five years, 28% for 2-3 years and 10% for less than one year.

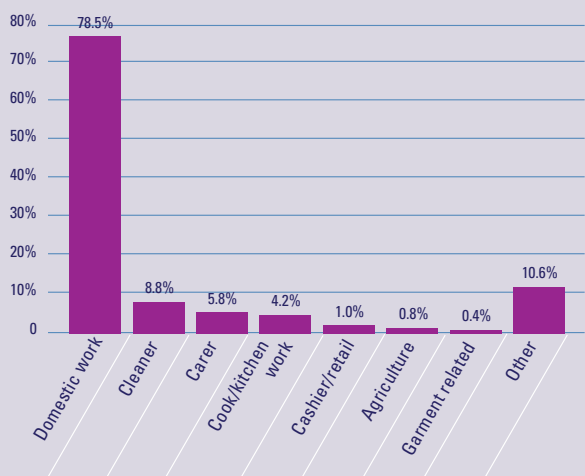
### AGREED AND ACTUAL WORK TERMS AND CONDITIONS

Women were asked about their employment terms and conditions in order to compare the information given beforehand to their actual experiences at destination. Most reported not receiving any information before leaving Nepal about: overtime hours and pay (85%); foreign migrants’ rights and responsibilities (85%); penalties for early termination of contract (72%); time off and vacation (66%); working hours (64%); and the name of their employer/company (58%). Verbal, rather than

**FIGURE 3:** Sources of help women received to arrange for their migration, multiple options, n=505



**FIGURE 4:** Type of employment at most recent labour migration, multiple options, n=521



**FIGURE 5:** Accuracy of terms and conditions of employment among those who had verbal or written agreements\*



written, agreements were more commonly reported. Where terms had been discussed, either verbally or in writing, the actual situation was reported as similar or better in the majority of cases (see Figure 5). For almost all respondents, the accuracy of the terms and conditions was reportedly higher where there was a written (rather than verbal) agreement. However, importantly, financial returns and working hours were considered worse than agreed by a high proportion of women.

### FREEDOM OF MOVEMENT, WORKING CONDITIONS AND EXPERIENCES OF HARASSMENT AT DESTINATION

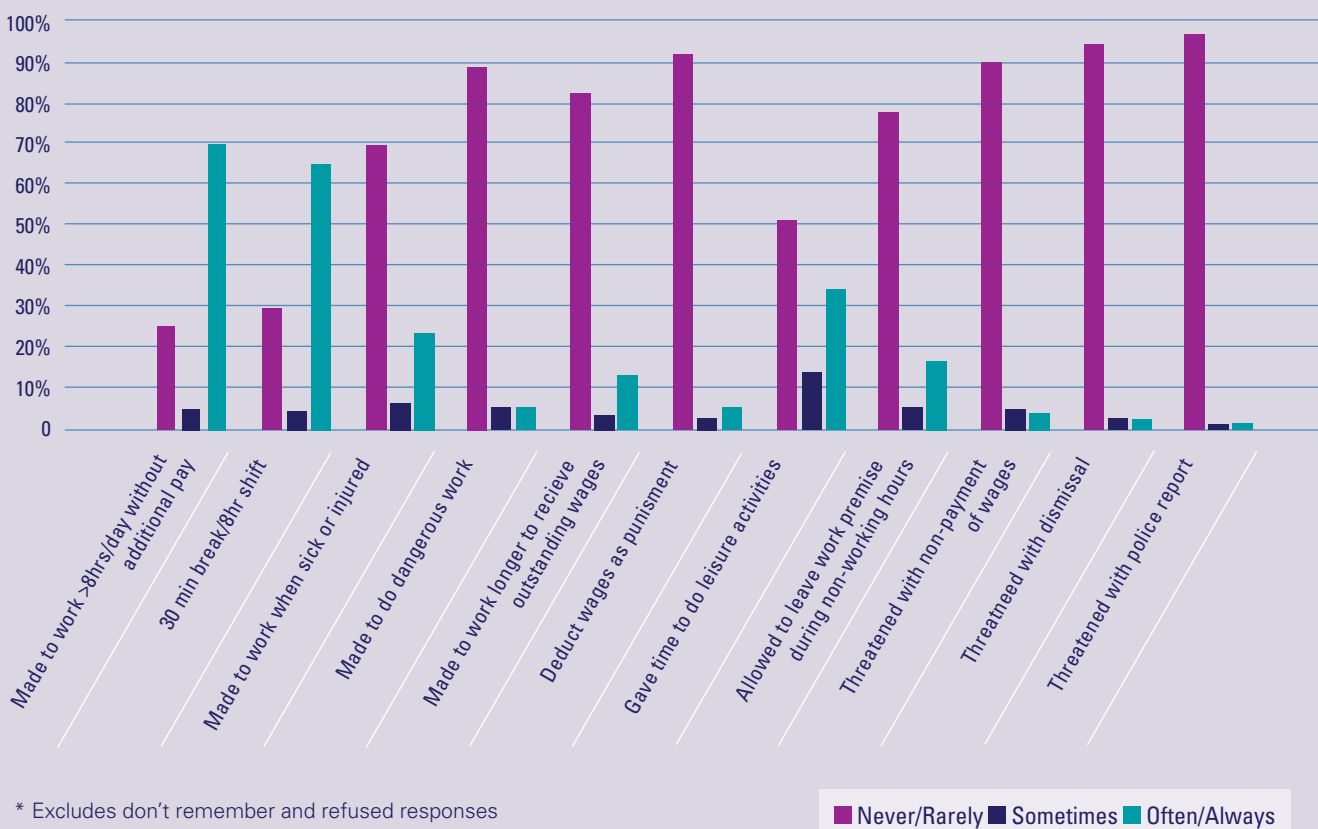
Employers were reported to have held women's identification documents (typically passports) by 90% of the women, of whom 74% reported that they would not have been able to get it back if needed. Importantly, 12% of participants reported being locked in, either during working or sleeping hours, of whom only 13% said they could get out in an emergency. The overwhelming majority of participants (85%) worked seven-days per week, and the median number of hours worked per day was 13. When asked about exploitative experiences

(defined by the International Labour Organization's forced labour indicators<sup>68</sup>) approximately 80% of participants said they were 'never' or 'rarely' allowed to leave the work premises during non-working hours. Nearly 70% reported 'often or always' having to work for more than eight hours per day without additional pay; and just over 50% were never given leisure time. Conversely, other exploitative experiences were rarely reported: fewer than 10% reported threats by the employer to withhold their wages, deduct wages as punishment, or to report them to authorities or dismiss them and 65% reported being given a rest break of 30 minutes for each 8-hour shift. When asked about violence or harassment by an employer, women most commonly reported verbal abuse (39%) threats of violence (15%), and when asked about actual violence, women most commonly reported being hit or slapped (9%) (see Figure 6).

### RE-MIGRATION INTENTIONS

The majority of participants (72%) said they did not plan to migrate again. Of those intending to re-migrate, 53% said they planned to go within the next six months.

FIGURE 6: Working conditions and freedom of movement at destination\*



68. ILO 2012. Hard to see, harder to count. Survey guidelines to estimate forced labour of adults and children, Geneva, ILO.



## Implications

### WOMEN'S AWARENESS OF TRAINING PROGRAMMES AND CONTENT RELEVANCE

The majority of returnee women interviewed did not attend any type of training before migrating for work, primarily because they were not aware of available training options. Interventions for aspiring migrant women need to pinpoint the most effective channels to reach them. Programmes might consider working with community-based organisations and migrant social networks. When designing the content of trainings, the actual role of labour brokers should be addressed more thoroughly. While labour brokers may have a negative reputation, they are often essential to international mobility because they have the key migration knowledge and networks. One might consider drawing on the knowledge and experience of trustworthy labour brokers to design programmes.<sup>69</sup> However, care must be taken to avoid the many potential conflicts of interest based on the financial interests of most brokers.

### IMPORTANCE OF WRITTEN CONTRACTS VERSUS VERBAL AGREEMENTS

Most participants received verbal confirmation about the details for their labour migration. While in most cases agreements were relatively accurate, women with written contracts were more likely to find situations at destination were as described (or better). Importantly, many women who reported having a verbal or written contract were deceived in relation to their pay and working hours at destination. Interventions should seek ways to ensure prospective migrants receive written contracts and these are discussed with a third party capable of ensuring the women's interests. However, this measure alone is unlikely to be sufficient to protect migrants, therefore further work needs to be done to avoid having agreed contracts replaced at destination; to have contracts specify employers' obligations and responsibilities; and identify means of enforcing contractual clauses.<sup>70</sup> One pre-condition for enforcement of contractual clauses is that destination countries

respect the rights of migrants and promotes equal treatment of national and foreign workers in line with international regulations.<sup>6</sup>

### PASSPORTS RETAINED BY EMPLOYERS.

Most returnee migrants reported having their identification documents (e.g. passport) taken by employers, which has been a commonly reported problem among migrant workers.<sup>71</sup> Employers reportedly take migrants' documents to prevent migrant workers from escaping and to protect their original recruitment investment<sup>8</sup>. Destination governments should consider ways to lift restrictions on labour market mobility among migrants by providing alternative contractual arrangements, especially for migrants working in the Middle East. Reforming the current *kafala* system could discourage confiscation of passports, which is often linked to limitations on movement and freedom and foster forced labour.<sup>72</sup>

### WORKING CONDITIONS

Most participants reported working overtime with no breaks or leisure time. There are multiple reasons that migrants don't decide to leave these abusive situations, including feelings of social isolation, limited market mobility and inability to fund their return. Few workers have opportunities to improve their work conditions.<sup>73</sup> Policies and legislation should be targeted and strengthened to support workers' rights to safe work conditions, fair pay and penalty-free procedures for voluntary return.

### RE-MIGRATION IS COMMON

Just under one-quarter of participants planned to re-migrate, of whom over half were planning to leave within six-months of the survey. Returnees often suffer difficulties reintegrating into local labour markets, especially as they have acquired new skills that may not be relevant for local jobs. In addition, many incur migration-related debts.<sup>10,74</sup> More and better responses are needed for returnee migrants to help migrant workers re-integrate, find employment to use for their additional skills, help deal with outstanding debts and to guide them in cases where they may wish to re-migrate.

69. Kern A, Müller-Böker U. The middle space of migration: A case study on brokerage and recruitment agencies in Nepal. *Geoforum*. 2015 Oct 31;65:158-69.

70. Jureidini R, Moukarbel N. Female Sri Lankan domestic workers in Lebanon: A case of 'contract slavery'? *Journal of Ethnic and Migration Studies*. 2004 Jul 1;30(4):581-607.

71. Wickramasekara, Piyasiri. Labour Migration in South Asia: A Review of Issues, Policies and Practices (2011). International Migration Working Paper No. 108. <https://ssrn.com/abstract=1913316> or <http://dx.doi.org/10.2139/ssrn.1913316>.

72. ILO, Regional Office for Arab States. Employer-migrant worker relationships in the Middle East: exploring scope for internal labour market mobility and fair migration. Beirut, ILO. (White paper; Feb. 2017).

73. Smith V, Halpin B. Low-wage work uncertainty often traps low-wage workers. Policy Brief UC Davies. 2014(9).

74. Benach J, Muntaner C, Delclos C, Menéndez M, Ronquillo C. Migration and "low-skilled" workers in destination countries. *PLoS Medicine*. 2011 Jun 7;8(6):e1001043.





# THE INFLUENCE OF PAST FORCED LABOUR ON WOMEN'S MIGRATION INTENTIONS AND PLANNING

## Background

Amidst growing female migration, there has been increasing recognition of situations of forced labour such as violence, intimidation, confiscation of identity papers or debt accumulation (International Labour Organization, 2017), and the range of consequences of extreme forms of exploitation including long-lasting physical and mental health problems.<sup>75,76</sup> Those designing pre-migration programmes often acknowledge the potential role of returnee migrants in lesson-sharing with prospective migrants through, for example, the establishment of migrant networks or returnee-led activities. Recent SWiFT evidence suggests that returnees have important experiences to share; however, they may not have sufficiently detailed practical or procedural migration knowledge to support planning processes among prospective migrants.<sup>77</sup>

Moreover, there is scarce understanding of how female returnees' migration experiences affect their future migration decision-making. Indeed, evidence suggests that repeat-migrants are at significant risk of exploitation, even if they have been previously exploited. For example, a recent study among Nepali male returnees found that 65% of those who had migrated more than once had experienced forced labour during their most recent migration.<sup>78</sup> These findings indicate how past experiences of migration-related exploitation among female returnee migrants might influence their re-migration decision-making.

## Past forced labour experiences and remigration intentions

Among the 653 women who completed the returnee survey, 122 (23%) reported that they intended to migrate again, with a further 26 (5%) saying they didn't know whether they would migrate again. We cross-tabulated their remigration intentions against their experiences (or not) of forced labour during their most recent migration to examine associations between experiences and future migration intentions. Results are presented in Figure 9.

There does not appear to be a relationship between past experiences of forced labour and remigration intentions. In other words, women do not necessarily seem to be deterred from re-migrating because they had previous migration experiences that they considered bad or abusive. Though a slightly lower percentage of those who had experienced forced labour (mostly driven by 'experience of work and life under duress') reported definitely intending to re-migrate, compared to those who had no forced labour experience, the difference was very small and wholly attributable to a greater percentage in this group who were uncertain whether they would migrate again. The extremely high prevalence of forced labour (89%) also hinders interpretation of this result. Findings from SWiFT in Bangladesh suggest that many women who reported negative experiences during their first migration experience explained that they

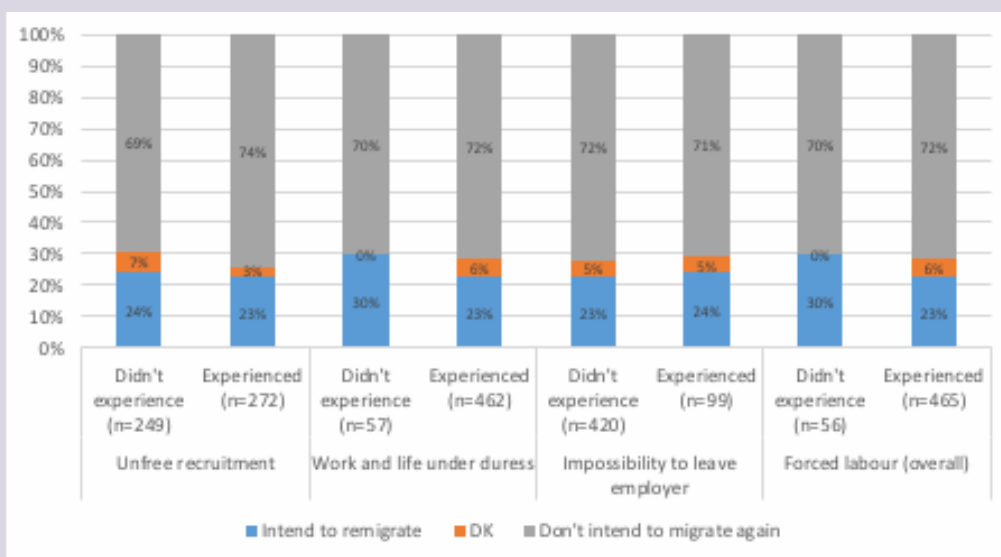
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**FIGURE 7:** Remigration intentions according to forced labour experiences during most recent migration



now believe they are more aware of what to expect from their job and are thus more prepared to re-migrate.<sup>79</sup> It is worth noting that many of these women in Bangladesh were referring to negative experiences that involved sexual coercion or abuse.

### Past forced labour experience and prospective migration planning

We explored how forced labour experiences during women’s most recent migration might be related to subsequent migration planning. Past experiences of forced labour do not appear to be related to whether or not a respondent decides to return to a destination or sector in which they have worked during a previous migration.

**TABLE 3:** Migration plans according to past experience of forced labour

	No forced labour (overall)	Forced labour (overall)
Plans to go to same destination	3/10 (30%)	31/89 (35%)
Plans to work in the same sector	5/10 (50%)	35/89 (39%)

### Migration-related knowledge and awareness

Women who had experienced forced labour appeared to have less knowledge about the necessary migration documents than those who did not. Women exposed to forced labour were also less likely to be aware of the pre-departure training programme that it is compulsory to attend before migrating outside of Nepal for work.

**TABLE 4:** Migration planning according to past forced labour experiences during most recent migration

	No forced labour (overall)	Forced labour (overall)
Number of documents cited as necessary to migrate legally		
Mean (sd)	4.09 (1.92)	3.43 (1.73)
Median (IQR)	4 (2-6)	3 (2-4)
Aware of pre-departure training	5/11 (45%)	20/93 (22%)
Plan to use a broker	7/11 (64%)	71/92 (77%)

79. Blanchet T et al. Risks to Rights: Evaluation of a Training Programme for Women Aspiring to Migrate for Work. 2018. DRISHTI Research Centre/LSHTM. Add link.

## Migration planning

Those with past forced labour experiences were more likely than those without to say that they had contacted or planned to use a broker/agent/manpower company for their prospective migration. Past forced labour experiences did not appear to be related in any systematic way to respondents' plans to take a mobile phone with them to their destination, or which contact details they planned to take with them.

## Implications for programming

Amidst increasing donor investments in community-based programming to help female labour migrants reduce their risks of exploitation and abuse,<sup>80</sup> evidence on migration planning processes is increasing. However, we still have relatively little understanding of the migration planning processes, both for first-time and for repeat migrants. Moreover, our evidence-base is still scant on how negative labour migration experiences might influence future migration and what we need to know for pre-migration support to both returnee and first-time migrants. For instance, although evidence highlights significant risks among repeat migrants,<sup>81</sup> it is commonly assumed that women who have had bad experiences will not want to re-migrate. Moreover, it is thought that this prior experience will equip women with better knowledge and networks for subsequent journeys.<sup>82</sup> Our findings indicate that past exploitative experiences will not necessarily deter women from

**TABLE 5:** Migration-related knowledge and awareness according to past experiences of forced labour

	No forced labour (overall)	Forced labour (overall)
Plan to use a broker	7/11 (64%)	71/92 (77%)
Plan to take a mobile	11/11 (100%)	79/92 (86%)
Plan to take contact details for:		
<i>Family and friends at destination</i>	3/7 (43%)	28/69 (41%)
<i>Broker in Nepal</i>	0/7 (0%)	41/69 (59%)
<i>Local groups</i>	1/7 (14%)	13/69 (19%)

re-migrating or better equip them with practical migration knowledge. These results suggest that returnee migrants should not be excluded from pre-migration information programming because even those who have had negative experiences are likely to consider re-migrating. Moreover, women who report previously having migrated, particularly those who cite elements of forced labour, may not be any better informed about pre-migration planning needs than first-time migrants. However, returned migrants are very likely to be able to offer descriptions of their experiences, help set expectations about work conditions, individual emotional responses and risk around various forms of abuse, especially sexual abuse.

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# EMPOWERMENT AND STIGMA: A QUALITATIVE ANALYSIS OF WOMEN AND LABOUR MIGRATION

## Background

The feminisation of labour migration is largely due to women contributing to low-skilled sectors of gender-segregated occupations such as domestic workers, manufacturing and as caregivers.<sup>83-85</sup> Labour migration among Asian women challenges social and cultural gender norms, and are often bound with official rules and restrictions that are embedded in patriarchal institutions<sup>86,87</sup> and influence women's behaviours by discouraging female mobility.<sup>88</sup>

Labour migration can be empowering for women, but may also cause stigma due to its potential to challenge social and gender norms. This analysis explores the contradictions between empowerment and stigmatisation experienced by prospective Nepalese women labour migrants, some of whom were also returnee migrants.

## Methods

We analysed semi-structured interviews with 55 prospective female migrants. Interviews explored women's perceptions of gender roles; women's work (both inside and outside of the home); household situation; influences, decision-making and plans for labour migration; and, for those who had previously migrated, their past labour migration experiences. The analysis used four domains of stigma: public stigma, self-stigma, stigma by association and structural stigma; and three domains of empowerment: decision-making, access to opportunities and resources and self-worth.<sup>89-95</sup>

## Results

Women described feelings of empowerment through their ability to make decisions to control their own lives and improve their household financial situation by choosing to migrate. Earning

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their own income enabled women to support themselves without relying on others, and to decide how and what to spend money on, without needing to ask their husband for permission. Access to opportunities and resources were also a source of empowerment that migration afforded to women, including an improved understanding of the world through living in a foreign country, learning another language and doing different types of work, such as tailoring and beauty therapy. Empowerment can also be gained through increased self-confidence and inner strength, which women described through migration.

Despite the positive empowerments women obtained through migration, there was also a strong sense of stigma which linked women's labour migration to prostitution and promiscuity, which was evident in official policies, and the attitudes of the media, the general public, family and friends and among women themselves. Structurally, women's migration is intertwined with negative experiences that focus on the impossibility of women to have positive migration experiences. Stigma by association was demonstrated by the family members of migrant women, and in particular their husbands, who made assumptions

about women's activities while abroad, which in some cases resulted in dissolution of marriage and engagements. Women themselves also stigmatised women's labour migration with many ascribing individual woman as being responsible for their own negative experiences, including those of abuse. Women emphasised that female migrants were able to make their own decisions, which reflected their character and honour, and insisted they would not have been forced into any situation.

## Conclusion

Labour migration can empower women by offering new and different opportunities. However, these opportunities are often heavily stigmatised from structural-levels, to community-level and even among women themselves, linking labour migration to prostitution and promiscuity. Governments and other stakeholders can work to reduce the stigma attached to women migrants by shifting the discourse in the media and raising awareness through campaigns and changing gender discriminatory labour migration policies. Programmes led by migrants themselves could encourage more personal empowerment, which may lead to a reduction in self-stigmatisation.





# MALE MIGRANTS FROM DOLAKHA: PREVALENCE OF FORCED LABOUR AND ASSOCIATED RISK FACTORS

Alongside growing evidence on the substantial financial, social and health consequences of exploitation – including debt, isolation and physical and mental health problems,<sup>96</sup> there have been increasing efforts to strengthen responses to forced labour and human trafficking. The Sustainable Development Goal 8.7 specifically aims to eradicate forced labour, modern slavery and human trafficking by 2030. Yet, prevention efforts are hampered by evidence gaps, with notably few rigorous studies quantifying human trafficking and forced labour.<sup>97,98</sup> Challenges to prevalence research include terminological discrepancies (forced labour vs trafficking vs modern slavery) and inconsistent measurements.<sup>99,100</sup>

To date, there has been somewhat limited evidence on male migration and human trafficking. In Nepal, one-quarter of households have at least one member absent or living abroad and the World Bank suggests that one-half of households had a current or ever-migrant.<sup>19,20</sup> To date, the majority of labour migration has consisted of men. This analysis considers men's labour migration, including the extent and nature of forced labour and the associated factors among a sample of Nepali male returnee migrant workers. The analysis is based on ILO guidelines and measures to quantify forced labour.<sup>10</sup>

## Study design and participants

After a household enumeration, household heads were interviewed to collect household member demographic and migration data, which identified 444 men who had migrated outside

of Nepal for work, and 201 men who were away during the enumeration. Among the 444 men identified, 47 could not be located. Of the 397 located, 40.3% were abroad, 17.6% had relocated or were temporary away and 2.0% refused to participate. Overall 159 men from the original sample were interviewed, resulting in a response rate of 40.1%. A cross-sectional survey was designed to capture experiences throughout the migration cycle including pre-departure, travel, destination, and return. The survey focused on their most recent migration and used the ILO's forced labour measure, which includes three dimensions: 1) unfree recruitment; 2) work and life under duress; and 3) impossibility of leaving the employer. Within each dimension are indicators of involuntariness and penalty, further divided into strong and medium categories.<sup>101</sup>

## Study results

### STUDY SAMPLE

Over half of the 194 study participants were under 40 years old at the time of interview (55%). Approximately 35% were of the Chhetree ethnic/caste group (an 'upper caste' group), and one-quarter were Janajatis, the indigenous groups. The vast majority were married (89%) and had attended some secondary school (40%) while 17% had never attended school or only had informal education. Most participants spoke Nepali as their main language (83%) and 79% also spoke Hindi. Nearly 42% spoke English, 23% Malay and 18% Arabic, languages of common destinations.

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## FIRST LABOUR MIGRATION EXPERIENCE

Most participants (62%) had only migrated once for work outside of Nepal (Table 6). Over half of the men (57%) left for their very first labour migration between the ages of 18 and 29, and 4% left when they were aged 40 or older.

Note: All data refer to participants' most recent migration experience.

## MOST RECENT LABOUR MIGRATION EXPERIENCE

Nearly half of the men stayed in the destination country for over three years, while 13% stayed for less than one year. The majority (67%) were under the age of 30 when they left Nepal and 11% were younger than 18.

Common destinations were India and Malaysia (34% each), followed by the GCC countries (29%). A small number of men worked in other countries: China, South Korea, Bhutan and Iraq. Most often, men worked in factories (29%); as general labourer/porter (15%), and 12% worked in more skilled employment (e.g. accountant, mechanic, engineer). See Table 6

## PREVALENCE OF FORCED LABOUR DIMENSIONS

Most men who returned home within the past 10 years (n=140) had experienced exploitation at all stages of the migration process. Half reported deceptive recruitment, in which the employment conditions such as wages, location, employer, duration, or living and working situations, differed from what they were told before leaving Nepal; and 19% reported the actual job was different. Debt-linked recruitment, however, was rare, with very few men reporting their employer at destination or agent in Nepal had provided loans or advances that had to be repaid from their salary at destination.

45% reported limited freedom of movement or communication at destination, which included being unable to speak to anyone they wanted over the phone, to leave the work premises or go out unaccompanied during non-working hours, or to have their phones or address books confiscated; and 91% depended on their employer for housing. Over one-quarter reported having worked overtime without additional pay. Conversely, very few reported not being able to resign, and none reported being forced to stay due to outstanding debts.

Over half the participants reported having their identity documents confiscated with no

**TABLE 6:** Labour migration histories and characteristics of most recent migration, n (%), n=194

No. labour migration experiences	
1	120 (61.9)
2–3	63 (32.5)
≥4	11 (5.7)
Median (IQR)	1 (1-2)
Age at first labour migration	
<18	44 (22.7)
18–29	111 (57.2)
30–39	31 (16.0)
≥40	8 (4.1)
Median (IQR)	22 (18–27)
Marital status at first labour migration	
Unmarried	100 (51.6)
Married	94 (48.5)
Most recent labour migration	
Duration of stay*	
<1 year	24 (12.7)
1–3 years	74 (39.2)
>3 years	91 (48.2)
Median in months (IQR)	34 (18–60)
Age-groups (at departure of most recent labour migration)	
<18	21 (10.8)
18-29	108 (55.7)
30-39	38 (19.6)
≥40	27 (13.9)
Median (IQR)	25 (20-31.5)
Most recent migration destination	
India	66 (34.0)
Malaysia	65 (33.5)
Gulf States (Qatar, Saudi Arabia, UAE, Kuwait, Oman, Bahrain)	56 (28.9)
Others (Iraq, Bhutan, China, South Korea)	7 (3.6)
Most recent migration work	
Construction worker	18 (9.3)
Factory worker	56 (29.0)
Kitchen/food-related work	16 (8.3)
Security	14 (7.3)
General labour/helper	29 (15.0)
Supervisor or other skilled <sup>†</sup>	24 (12.4)
Other <sup>‡</sup>	36 (18.7)

\* Missing duration of stay for five men who did not remember which year they left or returned to Nepal

<sup>†</sup> Includes supervisors, accountant, mechanic, engineer, electrician, priest

<sup>‡</sup> Cleaner, agriculture workers, laundry workers

**TABLE 7:** Experiences of forced labour indicators and dimensions, by most recent destination (India vs others)

	India (n=20)	Other destinations (n=120)	Total (n=140)	
<b>Dimension 1: Unfree Recruitment</b>	<b>Involuntariness: strong indicators</b>			
	Debt-linked recruitment	0	6 (5.0)	6 (4.3)
	Deceived on nature of work	1 (5.0)	25 (20.8)	26 (18.6)
	<b>Involuntariness: medium indicators</b>			
	Deceptive recruitment	2 (10.0)	68 (56.7)	70 (50.0)
	<b>Penalty: strong indicators</b>			
	Reporting to authorities	1 (5.9)	9 (7.5)	10 (7.3)
	Document confiscation	1 (5.0)	68 (60.2)	69 (51.9)
	Threats or actual experience of violence	1 (5.0)	8 (6.7)	9 (6.4)
	Withhold assets	9 (45.0)	29 (24.2)	38 (27.1)
	Threats against family	0	0	0
	<b>Penalty: medium indicators</b>			
	Exclusion from community and social life*	7 (35.0)	43 (35.8)	50 (35.7)
	Financial penalties	6 (31.6)	41 (34.2)	47 (33.8)
<b>Involuntariness + Penalty (at least one strong)</b>	2 (10.0)	60 (50.0)	62 (44.3)	
<b>Dimension 2: Work and life under duress</b>	<b>Involuntariness: strong indicators</b>			
	Forced overtime work	9 (56.3)	27 (22.9)	36 (26.9)
	Limited freedom (movement/communication)*	9 (45.0)	54 (45.0)	63 (45.0)
	Degrading living conditions	2 (10.0)	12 (10.0)	14 (10.0)
	<b>Involuntariness: medium indicators</b>			
	Multiple dependency on employer (housing)	9 (45.0)	118 (98.3)	127 (90.7)
	<b>Penalty: strong indicators</b>			
	Reporting to authorities	1 (5.9)	9 (7.5)	10 (7.3)
	Document confiscation	1 (5.0)	68 (60.2)	69 (51.9)
	Confiscation of mobile phone	1 (10.0)	3 (2.7)	4 (3.3)
	Isolation*	8 (40.0)	54 (45.0)	62 (44.3)
	Locked in work/living place	0	1 (0.8)	1 (0.7)
	Threats or actual experience of violence	1 (5.0)	8 (6.7)	9 (6.4)
	Withhold assets	9 (45.0)	29 (24.2)	38 (27.1)
	Threats against family	0	0	0
	<b>Penalty: medium indicators</b>			
	Dismissal	4 (20.0)	10 (8.3)	14 (10.0)
Financial penalties	6 (31.6)	41 (34.2)	47 (33.8)	
<b>Involuntariness + Penalty (at least one strong)</b>	11 (55.0)	88 (73.3)	99 (70.7)	
<b>Dimension 3: Impossibility of leaving employer</b>	<b>Involuntariness: strong indicators</b>			
	No freedom to resign	0	6 (5.0)	6 (4.3)
	Forced to stay due to unpaid wages	4 (20.0)	10 (8.30)	14 (10.0)
	Forced to stay to repay outstanding debts	0	0	0
	<b>Involuntariness: medium indicators</b>			
	None			
	<b>Penalty: strong indicators</b>			
	Reporting to authorities	1 (5.9)	9 (7.5)	10 (7.3)
	Document confiscation	1 (5.0)	68 (60.2)	69 (51.9)
	Locked in work/living place	0	1 (0.8)	1 (0.7)
	Threats or actual experience of violence	1 (5.0)	8 (6.7)	9 (6.4)
	Constant surveillance	6 (30.0)	44 (36.7)	50 (35.7)
	Withhold assets	9 (45.0)	29 (24.2)	38 (27.1)
	Threats against family	0	0	0
	<b>Penalty: medium indicators</b>			
	Dismissal	4 (20.0)	10 (8.3)	14 (10.0)
	Financial penalties	6 (31.6)	41 (34.2)	47 (33.8)
<b>Involuntariness + Penalty (at least one strong)</b>	4 (20.0)	15 (12.5)	19 (13.6)	
<b>Forced Labour</b>	11 (55.0)	91 (75.8)	102 (72.9)	

\* Similar questions were used to build these indicators including being locked in the work place or home; not being allowed to communicate with anyone they want or to go out during non-working hours; having their mobile phone or contact details confiscated. Where these were represented more than once in a given dimension, they were only included as one indicator requiring a second indicator to fulfil a positive outcome for that dimension.

possibility of getting them back if needed (52%); 44% reported isolation, which includes elements of being excluded from community and social life, or being under surveillance. One-third experienced financial penalties such as having wages deducted as punishment or while on sick leave, or being threatened with non-payment of wages. Additionally, 27% reported having assets (i.e., mobile phone, address book, wages) withheld.

Among those who worked in India, over half were forced to work overtime without pay and just under half (45%) had some of their assets withheld, or restrictions of movement or communication. Very few experienced unfree recruitment or impossibility of leaving employer, while 55% experienced work and life under duress and forced labour.

Overall, 44% of participants experienced *unfree recruitment*, 71% for *work and life under duress*, and 14% for *impossibility of leaving employer*. Experience of any of the three dimensions constituted experience of forced labour and 73% of the participants were thus classified.

## FACTORS ASSOCIATED WITH FORCED LABOUR

Demographic and key exposures were examined in relation to each of the dimensions, and to the overall forced labour outcome. For most exposures, similar prevalence ratios (PR) were observed. While men who had migrated for work more than once had a lower prevalence of forced labour (PR 0.87, 95% CI: 0.70-1.09) compared to those who had migrated only once, nearly 67% of those with repeat migrations still experienced forced labour. There was some suggestion that men who had taken out loans for their migration experienced a higher PR for forced labour, although the associations were only statistically significant with the *unfree recruitment* dimension: PR 1.67 (95% CI: 1.00-2.79) for *unfree recruitment*; PR 1.18 (95% CI: 0.91-1.55) for *work and life under duress*; and PR 1.12 (95% CI: 0.43-2.91) for *impossibility to leave employer*; and PR 1.23 (95% CI: 0.95-1.60) for the *overall forced labour*. Those who had attended trainings before leaving Nepal had a higher prevalence of all three dimensions, as well as of *forced labour*: PR 1.24 (95% CI: 0.72-2.14) for *unfree recruitment*; PR 1.15 (95% CI: 0.30-4.45) for *impossibility to leave*; PR 1.35 (95% CI: 1.11-

1.64) for *work and life under duress* and PR 1.30 (95% CI: 1.07-1.58) for *forced labour*, with the latter two outcomes reaching statistical significance.

## Implications

Findings from this research component indicate that 73% of male returnee migrants had experienced forced labour at their most recent labour migration. It is worth recalling that this prevalence figure does not take account of anyone's previous labour migration experiences. These figures are consistent with those from research conducted by Verité on workers in the electronic sector in Malaysia, also using the ILO measures (66%) when they included the indicator 'confiscation of passport' (which was not included in the overall estimates).<sup>102</sup> While prevalence estimates by sector are still limited, numerous other studies on migrant workers and exploitation in many low-wage labour sectors, in both formal and informal work around the world have shown similar, indicating the embedded nature of these global practices in pursuit of low-cost goods and services.<sup>103</sup> Further research using comparable measures and disaggregated by sector would be a welcome addition to this field.

Importantly, 'forced labour' is not a single act, rather, it is generally comprised of multiple abuses by multiple actors, which indicates the profound challenges involved in developing interventions. For example, over 44% of men in our analysis reported *unfree recruitment*, including deceptive recruitment, suggesting practical information and guidance are needed so prospective migrant workers can assess recruiters and agencies, employment agreement terms and conditions, and to be informed of their legal rights and strategies for redress, particularly once at destination. Other studies have linked recruitment practices to subsequent exploitations<sup>104</sup> while others have highlighted the important role brokers play and the need to involve them in safer migration strategies<sup>105</sup>. Many workers at destination experienced restrictions in their movements and communication and were almost always dependent on their employer for housing. Therefore, programmes should consider interventions that do not rely on migrant workers' ability to seek help at destination. Further

102. Verité. Forced labor in the production of electronic goods in Malaysia. A comprehensive study of scope and characteristics. Verité, 2014.

103. Anthony B, Kimball Penrose J, Jakiel S. The typology of modern slavery. Defining sex and labor trafficking in the United States. Washington, DC, USA: Polaris, 2017.

104. Verité. Labor brokerage and trafficking of Nepali migrant workers. Amherst, MA, USA: Verité, 2012.

105. Kern A, Muller-Boker U. The middle space of migration: a case study on brokerage and recruitment agencies in Nepal. *Geoforum*. 2015;65:158-69

development and use of mobile technology could be an option, given that very few participants reported having their phones confiscated and data from our household census indicate that nearly all migrants stayed in touch using mobile phones.

Nepal has introduced various policies and governmental entities to promote and regulate labour migration.<sup>106</sup> Most of these mechanisms are focussed on managing the migration process while protection for workers, particularly once abroad, is lacking, despite the inclusion on provisions of redress in some bilateral agreements.<sup>41</sup> Critically, the governments of sending countries cannot be expected to take on the challenge of protection for individuals who are working abroad. Therefore much, much greater advocacy is needed to lobby destination countries to implement measures to protect and respect the rights of migrant workers.

Our results indicate that previous experience of labour migration may not be protective of future forced labour experiences. Although lower prevalence of forced labour was found among those who had migrated more than once, 67% still reported forced labour during their most recent labour migration. However, previous migration may have shaped men's assessment of their experiences, which may have influenced how they responded to certain questions – although forced labour was determined using a large number of questions on actual experiences and acts (versus perceptions). Because previous migration experience does not seem to be protective, interventions will need to target both experienced and first-time labour migrants. However, at the same time, experienced migrants may not recognise the benefits of participating, possibly believing that their prior experience provides sufficient knowledge and awareness. Moreover, it would not be surprising for experienced migrant workers to have 'normalised' their experiences as the realities of labour migration rather than as violations of their rights. Interventions may

have to reach out differently to these two groups. Interventions that make use of returnee migrants to offer guidance to other prospective migrants should also recognise that returnees may not have sufficient or up-to-date knowledge, particularly with the changing labour migration regulations in Nepal.

Many Nepali migrant workers do not consider India a foreign destination because of the countries' open border policy, which ensures that citizens of both countries are given equal rights to move, live and work freely without specific documentation in either country.<sup>107</sup> It is worth noting that forced labour was lower among men who worked in India.

Our findings confirm previous research that debt increases vulnerability to forced labour. Excessively high fees charged by recruitment agencies and agents may lead prospective migrants to take out loans at far higher interest rates, resulting in workers remaining in exploitative conditions until the debts are repaid.<sup>108,109</sup> Furthermore, if men had taken loans to fund their migration and only learned of the actual job and conditions after arrival at destination, returning home empty-handed and in debt is a very difficult option. Our results indicate that longer stays are associated with higher prevalence of forced labour, which may also be related to the increased pressure to repay debts.<sup>110</sup> Current policies aimed at restricting the costs to prospective migrants and initiatives such as 'free ticket free visa' may help protect migrants from such exploitations.<sup>111</sup>

Somewhat surprisingly, men who reported that they were aware of the possibility of agreement breaches had a slightly higher prevalence of forced labour than those who reported being unaware. Recall bias and reverse causality are possible explanations. Although we phrased the question to ask about awareness *prior* to leaving Nepal, it is possible men reported current awareness resulting, in part, from their experience.

106. Government of Nepal. Foreign Employment Act, 2064 (2007) Kathmandu, Nepal: Ministry of Labour and Employment, Department of Foreign Employment; 2007 [10 August 2014]. Available from: [http://www.dofe.gov.np/uploads/cmsfiles/file/foreign-employment-act\\_20120420110111.pdf](http://www.dofe.gov.np/uploads/cmsfiles/file/foreign-employment-act_20120420110111.pdf)

107. Kansakar VBS. Nepal-India open border: Prospects, problems and challenges: Inst. of Foreign Affairs; 2002.

108. The Asia Foundation. Labour migration trends and patterns: Bangladesh, India, and Nepal 2013. 2013.

109. Andrees B, van der Linden MNJ. Designing trafficking research from a labour market perspective: the ILO experience. International Migration. Geneva, Switzerland: International Organization for Migration, 2005.

110. Andrees B. Forced labour and trafficking in Europe: how people are trapped in, live through and come out. Geneva, Switzerland: ILO, 2008.

111. Nepal Human Development Report 2014. Beyond Geography, Unlocking human potential. Kathmandu, Nepal: National Planning Commission, UNDP, 2014.

## Conclusion

The fact that large numbers of Nepali labour migrants experienced forced labour across a variety of destinations and work sectors indicate the widespread nature of migration and labour-related abuses. Until there are shifts in the structural factors that underpin labour exploitation, migrant workers will need better protective mechanisms and greater guidance on recruitment agencies and brokers. Undoubtedly, violations will continue, which means that countries of origin and countries of destination must work together to ensure that workers can access reliable and affordable (or free) assistance services at destinations, especially health services and repatriation support. Interventions

need to consider the restrictive realities of migrant workers and formulate outreach activities to their places of work and residence. Simultaneously, states that employ a large migrant workforce need to establish measures to prevent and punish employment and recruitment tactics used to exploit workers, and implement laws and regulations that promote these protections and punishments. Further research should disaggregate exploitative experiences by sector as well as assess the strength and direction of the associated factors, accounting for confounders and mediators. As labour migration from Nepal is unlikely to slow in the near future, interventions need to address the specific challenges that are often associated with poor health and recurring financial problems.





# LABOUR EXPLOITATION OF NEPALESE MIGRANT WOMEN: PATHWAYS TO PREVENTION

## Background

Efforts to prevent human trafficking have substantially increased in the past decade. Anti-trafficking interventions have focused on possible risk factors related to labour migration such as pre-departure migration awareness, livelihood options, recruitment practices and immigration controls. Yet, to date, investments to prevent trafficking have not been guided by robust evidence on population-specific determinants or intervention-focused data. This paper uses data collected as part of the evaluation of the WiF programme in Nepal to inform future intervention development and evaluation.

## Methods

The paper applies Bayesian Networks to interrogate commonly held programmatic and intervention assumptions for pre-migration anti-trafficking interventions. It uses data from 519 returned female migrants in Nepal to describe migration patterns and forced labour. The analysis then estimates a directed causal model of relationships between hypothesised predictors and simulates potential effects of interventions for key outcome variables.

## Results

The vast majority of the women in the sample (90%) experienced forced labour, as defined by the ILO. A woman's risk of forced labour was not influenced by her age, sociodemographic characteristics, awareness of risks, or the motivations for her migration. Instead, it was affected by her destination country, whether she used a recruiter and if she was exposed to legislative migration bans. Women who migrated to the GCC countries (especially to Saudi Arabia and Kuwait), and to Malaysia were at higher risk of forced labour, whereas those who went to India were less likely to experience exploitation and abuse. Legal bans to riskier destinations or sectors had a protective effect on women's exposure to forced labour.

## Conclusion

The findings suggest that trafficking prevention should address risks related to the recruitment process, specific destinations and labour sectors and the working conditions at destination. Interventions that tackle the asymmetry of information between migrants and recruiters and migrants and employers may also help reduce deception and abuses. The results of this study challenge widely-held assumptions, and thereby confirm that programmes will benefit from more robust, context-specific evidence.



## CONCLUSION

Throughout this report, each section has described the different study implications and related recommendations. To achieve real impact for migrant workers, the most substantial gains will come from improvements in labour destination countries. Policies and regulations are needed to promote respect for the rights of labour migrants, regulate and monitor workplace health and safety, set decent standards for employment terms, provide health and social insurance and enforce penalties for employer violations. Governments will also have to work on strategies to foster safe, healthy living conditions for low-wage workers.

However, to date, the most attention and resources by both governments and donors have addressed pre-migration policies and programmes in countries of origin. These programmes seem to show a naïve belief in the exertion of worker empowerment in destination settings. But, these programmes make sense when one considers the perspective of sending governments and intervention leads. For sending country governments, pre-migration strategies, such as migration bans, recognise the limited power these governments believe they have (or wish to exert) on the policies and practices in destination locations. For donors and programme implementers, pre-migration activities can easily reach the target groups, can be implemented in safe settings where governments will approve of their activities and where the results have quicker calculable outputs (e.g., training sessions; numbers of participants, posters or radio announcements).

Yet, the reality is that as an aspiring migrant worker moves along a migration trajectory from household discussions to broker negotiations to employer terms and conditions, their ability to manage their own safety and rights becomes smaller and smaller and smaller. That is, for migrant workers, exploitative arrangements increase over time and geography. Pressures often start prior to migration with extortionate money-lending and unscrupulous recruitment and increase as migrants are rendered almost powerless against the rules of the employer

and authority of the hosting state. Laws, regulations and enforcement authorities in most destination states rarely act in the interest of migrant workers. In general, local institutions are designed to support the interests of employers and the state.

Similarly, strategies to improve labour migration will require a gender perspective to highlight the additional power differentials for women. Currently, the Nepali government's contradictory policy positions on women and migration means that women's rights and decision-making power related to migration is often curtailed rather than protected. The government's failure to institute equal rights for women migrant workers, despite the many policy interventions is generally couched as a problem of implementation. However, in reality, the government needs to shift the focus to reconsider the basic inequitable and restrictive premises of the policies themselves. Instead of viewing women as needing 'protection,' the focus should be on empowering women to exercise agency through making informed choices, upholding women's rights at home and especially abroad.

To make genuine progress on the rights, safety and well-being of migrant workers, government policies and programmatic interventions must adopt a 'migration trajectory approach' that recognises the increasing power differentials throughout the labour migration process. Taking a 'trajectory approach' means focussing on contextual realities and power inequalities at each stage of the migration process in order to identify the ways people are exploited and the most critical points to intervene. Although policy shifts in destination countries are most crucial, migration-related interventions in countries of origin can, for instance, ensure families have accessible, accurate and timely information to make more informed decisions about where and how to migrate. Individuals also require reliable and fair labour intermediation to secure an overseas job, and this must include giving individuals easier access to acquire their own identity documents. But, states and donors should not deceive themselves into

believing that these types of knowledge-building and empowerment activities in home countries is going to protect workers. There is no current evidence for this assumption. In fact, nearly all of the evidence from SWiFT has shown that these types of pre-migration interventions have little effect and some evidence has shown the contrary. Findings from Bangladesh, in particular, have indicated that pre-migration activities can lead women to believe that they will be safe in migration and their job if they adhere to the messages offered by pre-migration training programmes.

While shifts in destination country policies and treatment of workers may be the most difficult outcome to achieve, governments of sending countries must make much greater effort. Especially if they work collaboratively, sending countries have leverage through their labour migration agreements and the strength of their potential labour force to negotiate for strong health and safety measures for migrant workers in destination countries. Regulatory frameworks must include stronger protections for workers in both their work settings, in civic life and their treatment by authorities. Work settings, especially the most hazardous and low-wage work sectors require regular health and safety – and exploitation-checks. These types of inspection mechanisms are ripe for bribes and corruption, so there must be oversight mechanisms that include tools from worker-driven social responsibility programmes. Destination and sending countries must provide accessible pathways for complaints and assistance. For instance, sending states need

to strengthen the capacity of their embassies to provide assistance to workers in need and destination countries need to train authorities to recognise and refer workers to appropriate assistance where available and to their embassy.

There is little question that much of the abuse could be stemmed if employers would treat their workers well, but this is unlikely to happen without government pressure and oversight. Governments must begin to invest in regulations and implementation mechanisms that are informed by workers and which cannot be corrupted. Worker-informed strategies are needed to enforce fair employment terms and pay agreements, regulate availability and use of personal protective gear for common occupational hazards, and where injuries occur, employers must be obligated to fund appropriate treatment and compensation for damages.

Ultimately, because of the harm caused by labour exploitation, it should be treated as a pressing global health concern. That is, initiatives to address human trafficking will benefit from including actions to prevent exploitation and harm among the worldwide populations of low-wage laborers – in what is often known as 3D work: dirty, dangerous, and demeaning. In an era in which the value of human labour appears to be systematically degraded and political rhetoric further marginalizes already disregarded migrants and disadvantaged workers, now is a propitious moment to launch, in earnest, global health actions to tackle endemic labour exploitation.



