

Governance at a Glance, Issue 3: February 2021

THE STATUS OF WOMEN

An Exploration of the Complexities and Challenges Faced in Health, Education, and Migration Governance in Nepal

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What is the current status of Health, Education, and Migration governance? How are governance systems organized, what progress have we made, and what changes can be expected in the coming future?

Our 'Governance at a Glance' series explores these questions from a lens of key thematic areas that have or have the potential to characterize Nepal's overall development and affect governance systems. The pages enclosed in this report represent a summary of the status of female citizens in Nepal – explored through an assortment of key indicators, trend analyses, official government communications, and brief discussions of likely challenges that will be faced by relevant stakeholders in each of our three areas of focus.

About GMC Nepal

Governance Monitoring Centre Nepal is a research initiative by Kathmandu-based NGO Centre for Social Change. Using a variety of investigative methods and the latest in qualitative & quantitative research tools, GMC Nepal is dedicated to strengthen Nepali democracy and empower its citizens through accurate & up-to-date information.

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Glossary of Abbreviations

Certain commonly used shorthand abbreviations are used through the pages enclosed in this document to represent names of specific organizations, projects, studies, statistical composites, and/or governmental & non-governmental bodies for brevity.

They are listed below in their order of appearance in this report:

GoN	Government of Nepal
MoEST	Ministry of Education, Science, and technology
CBS	Central Bureau of Statistics
Covid-19	Novel Corona Virus Disease, Discovered in 2019
LAA	Legal Aid Act of 1997
NTA	Nepal Treaty Act of 1990
PIL	Public Interest Litigation of 2006
NGO	Non-Governmental Organization
INGO	International Non-Governmental Organization
MoHP	Ministry of Health and Population
GESI	Gender Equality and Social Inclusion
GESI-2018	Gender Equality and Social Inclusion Strategy of the Health Sector of 2018
UN	United Nations
NHP	National Health Policy
NHSS	Nepal Health Sector Strategy of 2015-2020
NSRU	National Strategy for Reaching the Unreached of 2016-2030
SDG	Sustainable Development Goals
WHO	World Health Organization
NDHS	National Demographic Health Survey
NCASC	Nepal Centre for AIDS and STD Control
DoHS	Department of Health Services
UNESCO	United Nations Educational, Scientific and Cultural Organization
MoEST	Ministry of Education, Science, and Technology
GPI	Gender Parity Index
RtoR	Room to Read
UNDESA	United Nations Department of Economic and Social Affairs
GCC	Gulf Cooperation Council
MoLESS	Ministry of Labour, Employment and Social Security
ILO	International Labour Organization
UAE	United Arab Emirates
DoFE	Department of Foreign Employment

Women's Rights in Nepal

Nepal's history has been characterized by a number of different unfavorable realities. These include chronic poverty, unique geographical difficulties, longstanding political instability, and a number of different social injustices across sociological dimensions including caste, ethnicity, language, and gender. Political science experts have also posited that Nepal's large section of history marked by undemocratic rule has further worsened these conditions, as many marginalized communities were unable to voice their issues as direct representatives in the government.

Although Nepal's Constitution provides for the protection of women across sectors and socio-economic realms – such as equal access to healthcare, education, freedom of mobility, equal pay, democratic participation, etc. – there are still high levels of gender discrimination prevalent in society today. Women's rights advocates and activists have expressed the issue of legalized channels of patriarchal norms, both direct as well as indirect, in Nepali society as a means of reinforcing social structures unfavorable to the goal of achieving gender equity. The remainder of this publication is an attempt to spotlight the differences in status, as well as policy and implementation level successes that has been observed over the past few decades. However, in order to fully understand how current scenarios have evolved, it is worthwhile to take a brief look at the history of gender dynamics in Nepal.

A Brief History

The practice of Sati, in which a widow sacrifices herself by sitting on her deceased husband's funeral pyre, is one of the earliest notable examples of institutionalized forms of discrimination against women. Other notable ancient issues highlighted by scholars include child marriage practices, nonconsensual sex, dowry, gender-based violence, trafficking, and low political representation and participation. Other issues surrounding health such as contraception, menstrual taboos, low awareness of female hygiene, etc. have also played key roles in studies exploring Nepal's historical female oppression. Although remarkable progress has been achieved in the past few decades, as discussed in detail in the Education Governance section below, one of the other historically notable indicators of gender inequality is literacy rates. As recently as 2001, according to a Central Bureau of Statistics (CBS) study published then, female literacy rates remained dangerously low at 42.49%. Given the near 95% net-enrollment rates observed according to the most recent government data today, it is certainly one of our government's key celebratory achievements of recent times.

Low historical levels of literacy and school enrollment are often contrasted with indicators measuring female participation in subsistence agriculture, where the 2001 CBS study found women participated almost 160%, or 1.6 times more than men. This stark difference serves as a reminder of the deeper mechanisms that have caused differences in gendered development indicators, as social norms dictated that women stay at home and contribute their time in child rearing and farming, while men were often encouraged to seek work elsewhere.

After democratic rule was established in the early 1990s, the gender inequality discourse began firmly taking shape, as a number of newly elected government officials began ratifying old laws considered unfavorable to the status of women as equal citizens. Most notably, the **Nepal Treaty Act of 1990** formally announced the national adoption of international human rights provisions, thus allowing hundreds of women to seek policy and legal support to escape abusive circumstances. Responding to high numbers of cases of violence against women, the **Legal Aid Act of 1997** was introduced, that made free legal support available for women, children, and disenfranchised groups to seek justice. The **Public**

Interest Litigation (PIL) of 2006 further specified the rights of women in detail, directly informed by the decade of cases that had shed light on issues faced across the country, particularly in rural areas.

Another major change of the 1990s decade came in the form of changes in civil-society laws in Nepal. Along with a democratic setting, newer provisions facilitated the formation of non-governmental organizations (NGOs), and strengthened their positions by creating legal pathways to accept both national and international funding. This began the movement of active mobilization of NGOs and international NGOs (INGOs) engaged in elevating the status of women. Today, there are hundreds of such examples – where women’s issues are addressed directly by organizations that are founded and run by women themselves. Gender studies scholars across the world place great emphasis on the importance of female voices in government as well as civic-space organizations for opening the pathways of eventually achieving true gender equality facilitated by citizens who themselves have faced social problems they campaign against. From that perspective, Nepal’s near-future looks to be headed in the right direction, as more and more women are engaging themselves in issues surrounding gender inequality and discrimination across the country.

The 2015 Constitution

The largest socio-economic-political milestone in Nepal’s recent history has been the promulgation of the 2015 constitution, the currently used governing document of the country. It restructured the country’s political framework into a three-tier federal republic, along with the introduction of a bicameral parliament and a mixed electoral system.

True to the essence of federalism, it has made a number of major policy-level declarations aiming to empower local political bodies and has placed great emphasis on the rights of minorities, including women, being protected with provisions and special laws aiming to develop mechanisms that can fuel long term female empowerment in the country. The rights of women have been explicitly addressed in Article 43 of the document, with the declaration reading “women shall have equal human rights and ancestral rights without any gender-based discrimination.”

Activists and advocates have recognized significant improvements achieved in the official policy-defined status of women since the constitution was promulgated in 2015. While some elements of the document have been controversial – including provisions surrounding issues of gender identity, private-sector participation, and various localized customs unaddressed in the text – overall, the changes are considered to be largely positive for female empowerment. Notable issues addressed include rights to lineage and ancestral property, citizenship laws, right to safe maternity and reproduction, and rights against various forms of gender-based exploitation. Certain longstanding practices such as Chhaupadi, the custom of women living outside the house in often unhygienic and unsafe menstrual sheds during menstruation and childbirth periods, have been definitively criminalized in the legal code. While there is still the universal acknowledgement that Nepal’s journey to gender equity has a long way to go, the 2015 constitution is considered a step in the right direction by many experts people active in the space.

नेपालको संविधान
Constitution Of Nepal
वि. सं. २०७२ (२०१५)



संविधानसभा सचिवालय

Figure 1: Constitution of Nepal, 2015

Health Governance

The Status of Women's Health in Nepal

The Constitution of Nepal declares the right to equality, justice, and freedom to all citizens, irrespective of their standing across social dimensions such as caste, religion, disability status, gender, etc. This includes equal access rights to free basic health services.

Health concerns that are unique to, or more prevalent among women are specifically mentioned in the constitution as one of the fundamental public health rights. These include issues surrounding topics of gender-based violence, menstrual health, reproductive health, and specific diseases or illnesses that are relatively more prevalent among female patients. As the constitution has radically transformed the structure of the government and its power sharing mechanisms to fit the new federal framework, there are also provisions outlined describing the impetus for revisiting the 2009 Gender Equality and Social Inclusion (GESI) strategy of the health sector to align plans with the new governance arrangements. In line with protections mentioned in the constitution, the government of Nepal has also ratified a number of different international conventions, using United Nations (UN) guidelines as a reference, to promote the elimination of gender-based discrimination in the health sector.

Policies

At the constitutional level, the fundamental policy-directive guaranteed rights include clauses of substantive equality, non-discrimination, and social justice across sectors and federal tiers of the government. Affirmative action provisions are outlined for minority populations that have relatively less representation in governance, including citizens living under extreme poverty, female citizens, Dalits, and those belonging to endangered ethnic communities. Among these groups, the role of women in the health sector is unique, in that there are many health concerns and vulnerabilities that are directly exclusive, or disproportionately more prevalent among female citizens. Thus, a number of health-specific policy directives have been passed aiming to address such concerns.

Article 43 of the **2015 Constitution** lists two specific rights of women in the public health sphere. Firstly, it guarantees the right to safe motherhood and good reproductive health to all female citizens. Secondly, the document states that no woman shall be subjected to violence or exploitation, whether physical, mental, sexual, psychological, or in any other form, pointedly expressing that such acts are directly punishable by law, while the victims are afforded the right to obtain compensation based on existing directives.

The **Nepal Health Sector Strategy (2015-2020)** is another often cited policy document that strives to improve the health status of citizens through accountable and equitable health service delivery systems in the progress towards eventually achieving universal health coverage. A multi-sector approach is used to address the social determinants of strong physical and mental health status among communities, where sharp emphasis is placed on the role of women empowerment at local level institutions, in accordance with the federal framework, to promote healthy cultural practices unique to individual communities and social norms.

The latest **National Health Policy (2019/20)** was also written with a clear human-rights based approach, providing strong foundations for the social inclusion of women in the process of achieving gender equality. This is achieved by outlining ambitions of not just reaching healthcare services to female citizens, but also by actively promoting and encouraging the inclusion of women in the health sector as a means to empower the population and to better understand their health concerns. Provisions are included in the NHP that take fundamental healthcare access rights a step further by including plans to increase the quality of health services provided via training programs and equipment upkeep guidelines.

The **National Strategy for Reaching the Unreached (2016-2030)** is a policy directive written as a fifteen-year plan to contribute towards the goal of achieving universal health coverage by increasing access to and utilization of health services for unreached populations. Marginalized groups including gender and sexual minorities are targeted along with a host of other groups such as people living in remote areas, citizens living in extreme poverty, people with disabilities, commercial sex workers, prisoners, and refugees. The outlined goals are accompanied by targeted interventions to address barriers currently present in reaching each of the specified populations. Even though implementation success and federal structure adaptation ease is yet to be seen, especially in the context of disruptions caused by the ongoing Covid-19 pandemic, this document stands out as one of the most well-outlined and ambitious directives published by the Ministry of Health and Population (MoHP) so far.

The **Disability Management Ten-Year Action Plan** currently in effect is also an important policy document in public health practice, as it includes specified targets designed to achieve objectives of increasing access to preventive, promotional, and rehabilitative health services for people with disabilities. Certain guidelines, particularly ones concerning access to feminine hygiene products and reproductive health, are important in the context of analyzing Nepal's public health space for women.

Finally, the **Sustainable Development Goals (2030)**, or SDGs that have been adopted by a number of countries all across the world specify the elimination of poverty and the empowerment of women and children, leaving no citizen behind in conditions reflecting extreme socio-economic depravity. Nepal's national SDGs were developed under the coordination of the National Planning Commission. Some of the most notable targets relevant to women's public health status are listed below:

1. Level of extreme poverty reduction to 5 percent
2. National social protection budget increment from 11 to 15 percent
3. Maternal mortality ratio reduction to 70 deaths per 100,000 live births
4. Proportional increase of the health sector budget from 5.5 to 7 percent
5. Preparation and utilization of skilled birth attendants from 75 to 90 percent of births
6. All forms of gender-based violence criminalized and ended
7. Marriage of citizens under 18 years of age criminalized and ended

Indicators in Maternal and Child Health

The indicators highlighted below represent the status of maternal and child health through statistics ranging across the pregnancy care stage. While reported family planning satisfaction does not relate to a specific stage in the pregnancy spectrum, the others do. Antenatal care, presence of skilled attendant at birth, and postnatal care each represent stages directly before and after delivery. Meanwhile, breastfeeding frequency and immunization indicators represent stages after delivery into childhood.

While many of the indicator's low corresponding statistics are cause for concern, particularly the presence of a skilled attendant during birth and postnatal care availability, it is worth noting that many of these data points are over 5 years old. Due to the ongoing Covid-19 pandemic, the schedules of studies producing this data have been delayed. However, narrative reports from MoHP as well as the WHO suggest significant improvements have been made in each of the indicators since this data was obtained. Latest national figures highlighting this will be of interest to researchers and activists alike.

Indicator	Unit	Statistic	Data Source
Satisfied with family planning services	% women aged 15-49	65	NDHS, 2011
Antenatal Care	% of women attended at least four times during pregnancy	50.1	NDHS, 2011
Skilled Attendant at Birth	% of births attended by a skilled professional	36	NCASC, 2014
Postnatal Care	% of mothers who received care within two days of birth	45	NDHS, 2011
Exclusive breastfeeding	% of women who reported breastfeeding for first six months	70	NDHS, 2011
Immunization	% of children under 12 months receiving DTP3 immunizations	92.8	DoHS, FY 2012/13

*Figure 2: Maternal and Child Care Indicators
Sources Compiled from 'Success Factors for Women's and Children's Health' MoHP, WHO
Individual statistic sources cited in the table itself*

Key Current Challenges

1. Lack of competent, functional institutional mechanisms that can be used to formally execute strategies and directives laid out in documents such as the MoHP GESI strategy.
 2. Stigmatization and lack of social support for women seeking access to reproductive and menstrual healthcare.
 3. Lack of systematic, institutionalized empowerment mechanisms for disadvantaged groups among communities, including women in vulnerable groups such as Dalit women, women with disabilities, women in remote areas, and women living under extreme poverty.
 4. Lack of mobile clinics, health centres, and hospitals in centrally located areas of settlement based on the health infrastructure information system in remote areas.
 5. Missing visible narratives of marginalized communities in the ongoing Covid-19 pandemic contexts, particularly in the realm of pregnancy management and women's health issues.
 6. Policy-level target too ambitious at the documentation stages and too ineffective at the implementation stages.
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Education Governance

Gender Inequality in Education

Recognized universally as one of the major barriers in social development across countries and cultures, issues surrounding gender inequality have long played the roles of prevailing determinants of discrimination in access and opportunities in Nepal. Over the decades, as empirical tools and research methodologies have allowed for a better understanding of the country's social evolution, it has become apparent that no sector has been immune from gender disparity – health, labor, justice, political representation, and of course, education.

While the right to education is accepted as a fundamental and non-negotiable human right, women in Nepal are still far from achieving a status characterized by gender equity. As mentioned in the 'Women's Rights in Nepal' section above, the 2015 constitution ensures equal access rights indiscriminate of gender and declares opposing practices to be punishable by law. Still, longstanding patriarchal norms and resulting systemic barriers have proven to be difficult to overcome and beyond the scope of legislation alone. *Ceteris Paribus*, gender is a strong determining factor of educational attainment in Nepal. Issues restricting girls from receiving (or continuing, in contrast to boys) formal education include disproportionate burden of household chores, relative parental favor of educating male children, early marriage, lack of familial support, social stigmas – especially surrounding marriage eligibility of girls, and lack of agency to name a few. Such circumstances are often further amplified among members of marginalized groups, such as those belonging to lower caste communities and those living under conditions of chronic poverty.

Policies

Despite the government's well-documented policy-level acknowledgement and continued investment in women's literacy and educational attainment improvement, the gap continues to prevail. The reasons perhaps suggest a lack of women's adequate representation and participation in governance matters, indicative of a larger issue lacking multi-dimensional approaches towards dismantling social stigma, harmful perceptions, limiting norms, and undesirable value systems.

Nepal's National Population Census (2011) states that despite women occupying the slightly larger share of the total population, their participation in various areas of development is minimal. Realizing a wide gender disparity in education (and other social spheres), Nepal has formulated various gender sensitive guidelines, policies, and strategies in the past few years aiming to safeguard equality and promote social inclusion. Although a small number of directly actionable policy documents have been promulgated targeting gender parity exclusively, a substantial number of recent acts have pointedly focused on closing the gender gap. The Constitution, National Education Plan, School Sector Development Plan, Enrollment Guidelines for schools, power-sharing mechanisms within the localization of education governance, and various status-defining documents released by the MoEST have placed emphasis on the promotion and prioritization of equal participation of girls in schools. Additionally, a number of awareness campaigns have been launched through the decades by the

government (or by media outlets in conjunction with the government) with the aim of encouraging girls' educational attainment.

The 2015 Education for All initiative, alongside its synonymously titled publication, made great strides in reporting the growth of girls' education in Nepal. One important issue raised pertained to the education access of an extremely underrepresented group, girls with disabilities. The World Health Organization's (WHO) World Health Survey of 2002-2004, one of the largest global surveys on the subject, estimated disability prevalence rates at 11.8% in higher income countries and 18% in lower income countries. Nepal's official record shows 3.6% (even lower at 3% among women and girls), which suggests dramatically low disability status recordkeeping. Since this group is so underrepresented in national datasets, their concerns have likely been largely ignored at the policy level. Given the strides achieved through effective policy in keeping girls in school, targeting female students with disabilities is likely to emerge as the next major policy frontier aiming to further improve the lives of citizens from marginalized groups through education.

Key Comparative Indicators

Literacy Rates

The clustered bar graphs attached alongside show literacy levels as proportions of reading/writing eligibility among children aged 6 years and above.

At first glance, it is instantly noticeable that women's literacy rates are lower in both urban and rural area clusters. Given that the populations are naturally distributed around 50%, it thus follows that total literacy rates in both clusters lie equidistantly between the male and female rates.

What is perhaps more telling about the status of women's education is the fact that the women's literacy rate in urban areas, while still lower than that of men, is significantly higher than that of the women's rate in rural areas. In fact, the literacy rate of women in urban areas is higher by a small margin of 2.3% than that of men in rural areas, suggesting a mechanism of strong geographical determinism. This finding thus points to the elevated need for the empowerment of a doubly vulnerable group - women in rural areas.

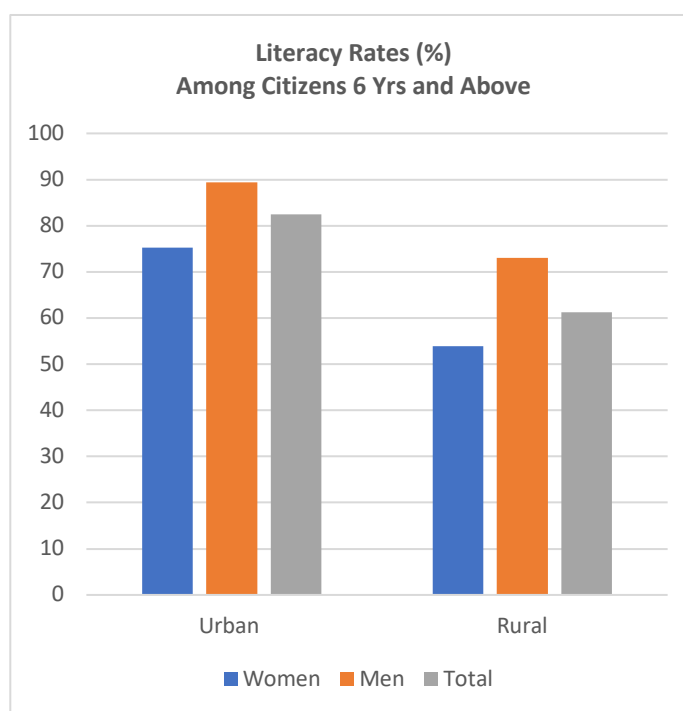


Figure 3: Literacy Rates (%)
Source: CBS, 2011; UNESCO, 2015

Optimistic Developments in Net-Enrollment Rates

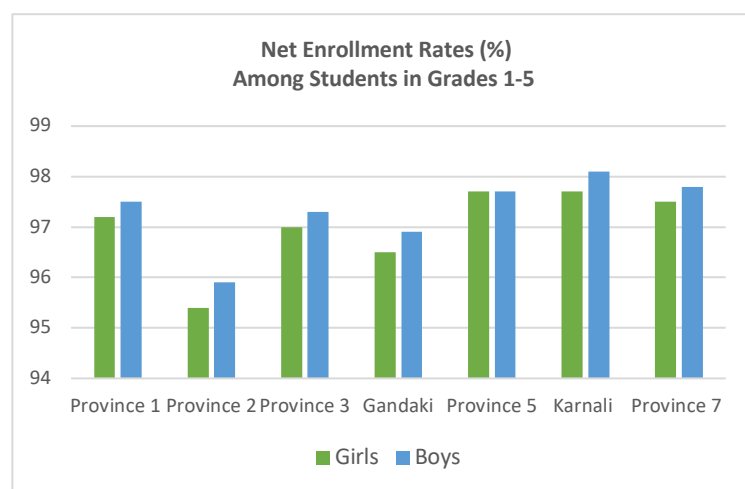


Figure 4: Net Enrollment Rates in Grades 1-5
Source: Education in Figures, 2017, MoEST

The bar chart shown alongside plots the net enrollment rate for boys and girls, clustered by province of residence, in grades one to five. We can see here that net enrollment rates, while still consistently higher among boys, have reached an almost equal status across provinces. Relative variations observed result largely from geographical differences rather than gender, unlike the case observed in the figure in the previous page. While it is true that gender disparity is deeply rooted in all aspects of social life in Nepal as well as elsewhere, improvements in net enrollment rates is a cause of much optimism for the long-term future of education access.

Composition Dynamics

One of the most commonly cited metrics in gendered perspectives on education is United Nations Educational, Scientific and Cultural Organization's (UNESCO) Gender Parity Index (GPI). The GPI is a socioeconomic indicator designed to measure the relative access to education of males and females. While it exists in various forms across disciplines and academic fields, in its simplest form it can be interpreted directly as the quotient of the number of females by the number of males enrolled in a given educational context. Thus, while a GPI measure of 1 indicates absolute gender parity, a GPI measure of less than one represents the magnitude to which there is a disparity that favors males over females. According to the World Economic Forum, Nepal's overall GPI for the year 2016 (most recent fully reviewed dataset) was measured at 0.661, ranking 110th out of 144 countries. While the low ranking and relatively low GPI score is certainly a cause of concern, optimistic developments such as the improvement in net enrollment rates highlighted above are an indication that Nepal's educational access development is on the right path, at least up until the pre-pandemic period.

Yet another interesting perspective on Nepal's formal education-sector composition lies in the analysis of teacher compositions. The government of Nepal has stated in multiple policy directives that increasing the number of female teachers is a priority. A quota of at least one female teacher per school was established in 2015. Similarly, policy documents over the years have also further emphasized on the diverse education perspectives, by encouraging teacher recruitment from Dalit and Janajati communities. Consequently, MoEST's 2015 National Review reported that GPI values have increased in accordance with the proportions of Dalit and Janajati teachers in the last few decades. However, while hiring decisions have been made on paper, the enhancement of equity and inclusion has been rather slow in implementation, the report states.

Disproportionate Pandemic-Period Disruption

While progress such as the indicators highlighted above is certainly cause for optimism and institutionally commendable, it is also important to note that emphasis must be shared with measures of education quality, along with educational attainment. This issue has been highlighted especially in the pandemic-period, as many socio-economic circumstances have barred students from accessing online platforms to continue their education. Even among those fortunate enough to participate online, education activists and opinion writers have expressed a dramatic decrease in the quality of teacher experienced online, thus causing concern for the educational and cognitive development of an entire generation that has had to engage with over a year of their education virtually. As the pandemic period continues, the long-term developmental effects of educational disruptions is likely to emerge one of the key areas of inquiry for the research community post-pandemic.

A 2020 UNESCO study exploring Covid-19 induced disruptions in the educational sector in Nepal reports that girls disproportionately dropped out of school than boys during the pandemic period. As families prioritized girls' involvement in household chores during periods of mandated isolation, the practices continued after measures were lifted as well. Yet another 2020 pandemic-period survey conducted by Room to Read found that over 16% of their sample of school-age girls reported having stopped studying since the closure of schools, and another 7% admitted they had no plans to return to school once they reopened. Given that the pandemic is still ongoing, future research inquiries into the long-term effects of drop-out rates during this unprecedented time will surely be a subject of great curiosity for researchers, activists, and government bodies alike.

Many studies and reports in Nepal are seen to be reporting the raising number of girls' school enrollment rate, but other forms of discrimination like harassment by teachers and peers, unsupportive learning environment, lesser time to focus on schoolwork due to added responsibility of family and household duties that greatly influence their will to study remain largely ignored. Policy makers in this matter must recognize the systematic disparities and disadvantages that diminish girls' opportunities to education, career and their life of choice and restrict them from entering formal channels of the work force.

Key Current Challenges

1. Current policies need to address girls who have dropped out or are likely to drop out due to school closures and restrictions prompted by the Covid-19 pandemic.
2. Gender parity must also be promoted in higher education through official government channels, and not just limit scope to school level enrollments.
3. Policies must be designed and implement with the recognition of a positive relationship between women's education and their participation in formal labour markets, which can then inform further empowerment and reflect on economic gains in the long-term.
4. Gender interventions in the education sector must take into account in-depth analysis of the various social constructs, perceptions, and practices that influence perceived gender roles and expectations.

Migration Governance

Gender and Migration in Nepal

As per most recent data from the United Nations Department of Economic and Social Affairs (UNDESA), nearly half of all international migrants across the world are women and girls, occupying around 47.9% of the share. Thus, unlike the case with health and education governance, explored in the previous pages, public discourse, policy demands, and activism campaigns in migration tend to revolve less around inclusion and more around issues such as ensuring the safety of female migrants, ensuring equal employment opportunities for qualified candidates, protecting women against forced migration circumstances, etc.

In the Nepali context, migration among women has significantly increased after the decade of the 1990s, as large-scale labor migration trends to Gulf Cooperation Council (GCC) countries substantially increased. Similarly, marriage migration has also contributed to the increase in the number of female migrants, particularly to Nepal's neighboring South-Asian countries. According to the most recent data from the Ministry of Labour, Employment, and Social Security (MoLESS), more than one million Nepali women were issued labour permits during the fiscal year 2018/19. Today, many women across the country are using labour migration as a means to establish their own financial independence, in many cases escaping from restrictive social/familial circumstances. Similarly, migration practices have also positioned many women as the primary or secondary wage earners of their families, thus contributing to positive gender relations development in various communities.

However, although many women's socio-economic positions have been uplifted by migration practices, there are issues of exploitation and certain vulnerabilities that women face disproportionately more than men do. Despite labour migration being a strong source of remittance income and growth of skill and knowledge-base for women, issues such as freedom of mobility, employment, empowerment, and dignified living status have been constrained by deep rooted patriarchal power-imbalance hierarchies and gender inequalities, along with unfriendly migration policies at both origin and host countries alike. As a result, many migrant women and girls become the victims of human trafficking, gender-based violence, and sexual exploitation. Various forms of institutionalized, systemic, as well as informal gender-discrimination practices have threatened the voice, life, democracy participation and financial freedoms of female migrants.

Notable Policies and Institutional Gaps

The Government of Nepal has introduced and amended various legal instruments aiming for the protection, promotion, and safeguarding of women and girls' fundamental rights against any kinds of discrimination and violence during migration. However, many of these laws have been critiqued for fueling, or even promoting further gender-based migration vulnerabilities rather than benefitting women migrant workers due to lack of proper representation and inclusiveness.

Activists and opinion writers have often voiced their views regarding how women and girls are institutionally restricted from using their freedom of mobility and employment in the name of

protectionist policies. Issues of gender inequality also arise in cases of human trafficking and sex crimes, as legislatively men are not afforded the same judicial instruments as victims of such instances. Thus, for these reasons, gender-based migration policies often become linked with controversy. A lack of faith in institutions also then leads to alternative, undocumented means of migration, with often cause citizens to suffer from various unwelcome consequences of migration malpractices, gender-based crimes, and international criminal activity.

The following timeline lists notable reforms and policies endorsed by the Government of Nepal in the last few years:

Year	Provision Proposed/Adopted
2021	Women under 40 years of age required to obtain consent from family and permission certificate from local ward office to travel internationally. (Currently Proposed)
2017	Women migrant workers prohibited from working in the domestic section in Gulf countries once again, following the 2015 provision.
2015	Women migrant workers under the age of 25 prohibited from migrating to Gulf countries as domestic workers.
2014	Temporary ban on sending female domestic workers amidst fears of exploitation.
2012	Women under the age of 30 years barred from migrating as domestic workers to Saudi Arabia, Qatar, Kuwait, and United Arab Emirates.
2009	Blanket ban on female domestic workers wishing to migrate to Lebanon.

Figure 5: Notable Reforms for Female Migrant Workers

Source: Migration in Nepal: A Country Profile 2019, IOM; “New rule requiring women under 40 to take approval from family, local ward office to go abroad draws criticism,” *The Kathmandu Post*, 2021.

Key Migration Indicators

Although the 2015 Constitution definitively abolished discrimination on the basis on gender across sectors and ensured women’s right to employment on paper, implementation has been challenging in the migration realm. A few key indicators highlighted below are useful to understand migration issues in Nepal from a gender-based perspective.

Labour Approvals

According to data from MoLESS, the share of female migrants accounts for only 5% of the total 4,099,939 labour migrant population from fiscal year 2008/9 to 2018/19. This startling contrast between the genders is even more pronounced when viewed visually, as shown in the figure attached alongside this text.

Through the years, many Nepali women have used foreign employment opportunities as a means to become socioeconomically independent and in some cases, to escape hostile conditions at home. This practice has had the larger effect of challenging stereotypes, social practices, and the balance of power between the genders in society. However, the advocacy community has stated that discriminatory legislation of migration policies, as described above, has significantly discouraged the growth of Nepali women migrant flows, keeping the proportions low through the years.

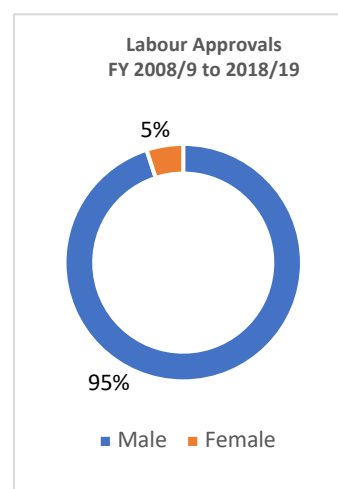


Figure 6: Labour Approvals by Gender, 2008-19
Source: Nepal Labour Migration Report 2020, MoLESS

Remittance Flows

Nepal Rastra Bank recently published data showing the Government of Nepal received a total of over 495.31 billion rupees in the first half of the current fiscal year in the form of incoming remittance flows, accounting for a staggering 11.1% economic growth rate, despite the severe global economic disruptions that were observed at the wake of the Covid-19 pandemic. As the world resumes over the course of this year to pre-pandemic levels of migration flows, the role of female migrant citizens in incoming remittance would be a good indicator of active female participation economically and could serve as inspiration for other women to empower themselves through financial independence. As recent as the latest reports from MoLESS and other concerned authorities, there is no data dissemination disaggregated to reflect the contributions made by gender for further analysis. The release of gendered contributions in future reports would thus be immensely useful for both research as well as public-interest perspectives and could potentially trigger further research areas worth investigating to uncover deeper mechanisms at play.

Destination Countries by Gender

The latest labour approval data shows that Saudi Arabia shares the highest number of male migrant workers (4968), followed by Qatar (4864) and UAE (4549), as shown in the bar chart below. New labour reforms safeguarding greater mobility, minimum wage, and autonomy of migrant workers in certain organized labour sector have influenced the flow of male migrants in those countries. However, the same is not true for women – as a clear majority number of female migrants are choosing the United Arab Emirates (659) as their destination, followed by Cyprus (111) and Qatar (102). While labour approvals have decreased across the board for international migration, female migrant approvals have been disproportionately reduced following the Covid-19 pandemic. Malaysia, the most preferred destination for both men and women, has been the most affected due to the high death rate in the country, as evident in the chart below. Social security schemes fostered by both governments aiming to facilitate a regrowth of migration to Malaysia is currently in the works. Nevertheless, female migration for foreign employment has decreased drastically compared to male migration since the pandemic was declared, perhaps also representing a reflection of their mobility restrictions in destination countries during the crisis.

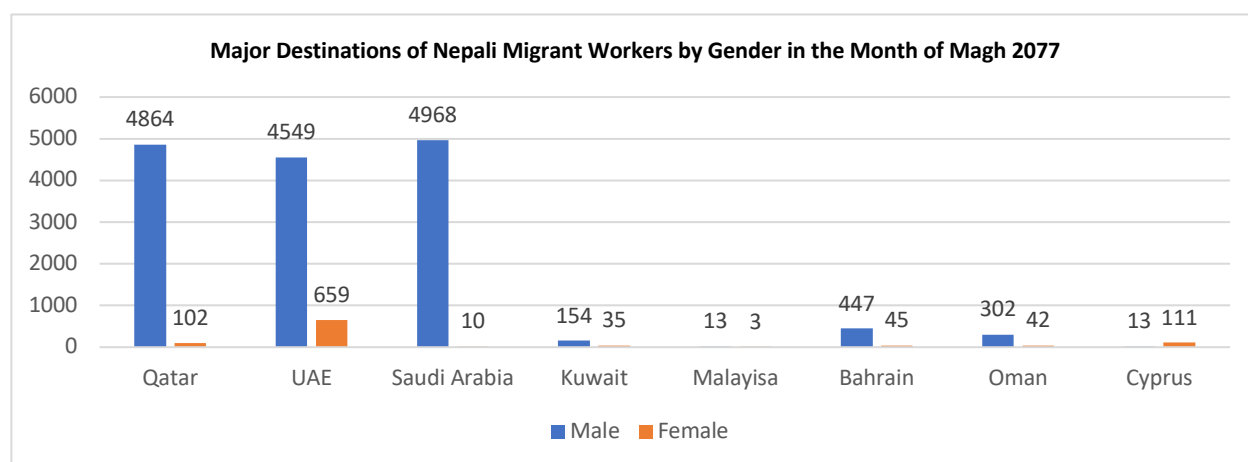


Figure 7: Destinations of Nepali Migrant Workers by Gender, Magh 2077

Source: Country-wise Labour Approval Record, 2077/10/01 to 2077/10/30, DOFE

Origin Districts by Gender

The bar chart attached below shows some of the key origin districts within Nepal where labour approvals were analyzed by gender for the month of Magh 2077. Here, we can see that Dhanusa district (1141) is the overwhelmingly leading district for individual male labour approvals, followed by Siraha (902) and Mahottari (802). On the flipside, the district for female labour approvals were Jhapa (162), followed by Sindhupalchowk (101), and Morang (92).

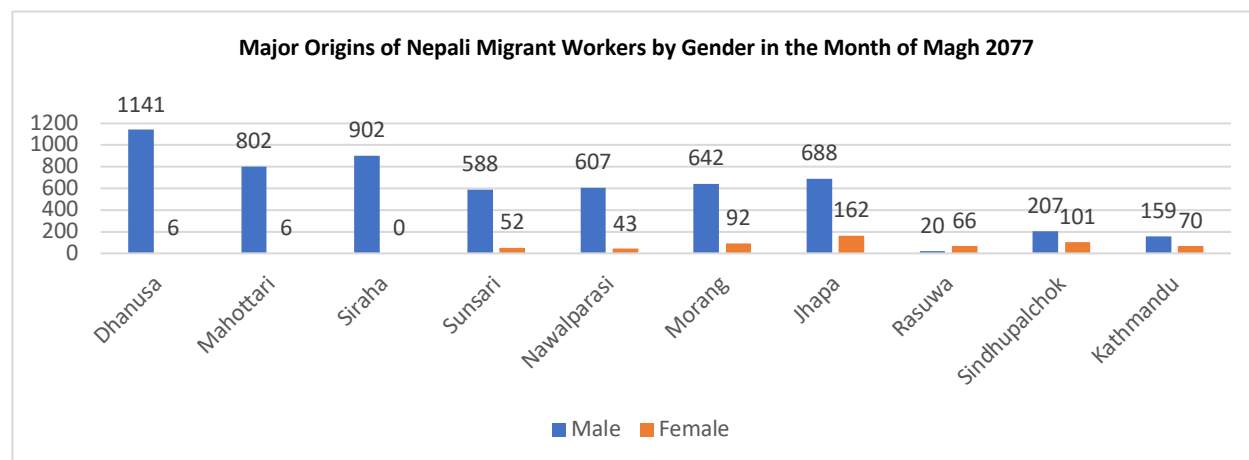


Figure 8: Origins of Nepali Migrant Workers by Gender, Magh 2077

Source: Country-wise Labour Approval Record, 2077/10/01 to 2077/10/30, DOFE

When this data is viewed across all districts, a rough trend can be observed – there is a stronger aspiration for foreign employment among female citizens in the Hilly or Mountainous regions, as compared to male citizens, whose numbers are higher among the Terai belt. This is an interesting trend that could be mechanized through a number a socio-economic reasons. Speculatively, factors could include women’s agency based on local customs, expectation of earning from women based on local cultures, women’s political representation at the community level, women’s conditions at home, etc. that is worth investigating in further research inquiries to uncover what the deeper factors at play are.

Key Current Challenges

1. Gender-roles driven stereotypical behaviors and gender discriminatory conditions, both institutionalized as well as informal, at origin and destination countries remain the primary reasons for women to feel discouraged from pursuing foreign employment despite there being a strong need and direct socio-economic benefit.
2. Prevalence of gender hierarchies and power imbalances determine the impact of migration activity, and influence decisions to continue taking advantage of opportunities.
3. Decentralization and locations of national labour laws in accordance to the federal framework.
4. Inadequate integration of experiences of returned female migrants to inform decision-making processes and future policy-development activities.
5. Lack of monitoring mechanisms and weak jurisdiction for policy implementation, especially aiming to safeguard female migrants.
6. Lack of awareness and gender sensitization of issues such as sex crimes and forced migration.

References

Governance Monitoring Centre Nepal works with and/or relies on a number of partner organizations, open data sources, government and quasi-government institution reports, policy-briefs, multi-lateral organization reports, and mainstream/independent media houses – including digital, print, and audio/video content producing publications for information.

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2. International Labour Organization
3. National Planning Commission
4. National Law Commission

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21. Nepal Rastra Bank

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