

National Alliance of Women Human Rights Defenders (NAWHRD)

RECOGNISING AND PROTECTING THE RIGHTS OF INTERNAL MIGRANT DOMESTIC WORKERS

NEPAL

WOMEN MIGRANT WORKERS IN NEPAL

Internal migration has long played a significant role in the Nepali economy. There are an estimated 2.6 million internal migrants in Nepal, with the majority of them being informal workers, including 1.7 million daily-wage workers and another one million workers on temporary contracts. Among all the internal migrants, around 13 per cent are women¹. While the international migration flows are dominated by men, more women are filling gaps to take on the breadwinner role, perform housekeeping tasks or migrate internally to access employment opportunities, especially when income from male family members is not forthcoming or not enough to support the family.

Domestic work is one of the more accessible options for women to be involved in the labour

¹ ILO (2020) Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers during the Health and Economic Crisis Retrieved from https://www.ilo.org/wcmsp5/groups/public/-asia/ro-bangkok/ilo-kathmandu/documents/briefingnote/wcms_748917.pdf



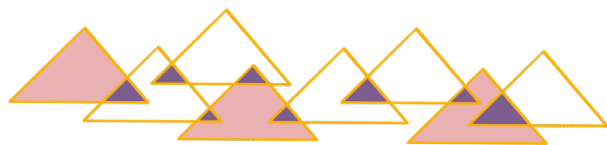
market. However, in the absence of decent wages, job security and inclusion in other social security and protection mechanisms, internal migrant domestic workers (IMDW) are particularly vulnerable to abuse and exploitation. Although the existing legal framework (the Labour Act 2017) covers the protection of domestic workers, weak implementation of the law has led to domestic workers remaining unprotected and subjected to various forms of human rights violations.





FPAR PROCESS

The National Alliance of Women Human Rights Defenders (NAHWRD) conducted this Migration Feminist Participatory Action Research (FPAR) to identify domestic workers' human rights concerns, and to mobilise the domestic workers to demand legal recognition and protection. The data was collected through focus group discussions, interviews and observations between March 2020 and March 2021 in Kathmandu Valley (Kathmandu, Lalitpur and Bhaktapur), the capital region, which is the most developed and populated place in Nepal, and with most domestic workers employed in the households.



FPAR FINDINGS



Domestic work is the only choice of employment for rural minority women

Women make up the main labour supply in the agricultural sectors and informal sectors in Nepal². In this FPAR, 99 per cent of the respondents worked as farmers or unpaid agriculture workers on their family farms before they worked as IMDW, and they believed that they could not find other employment opportunities outside of the agriculture field. However, climate change, landlessness and soil degradation together have undermined the sustainability of farming in rural communities. Cash income is essential to survival for people who live with food insecurity. This pushes women in the rural areas to migrate to the cities to seek better job opportunities and cash income.



Violations of Labour Rights - Low wages, long or unstable working hours with intense workload

The majority of Nepali domestic workers suffer from exploitative working conditions. Ninety-eight per cent of the respondents reported that they had to do all kinds of work including cleaning, washing clothes, cooking and looking after the children or the elderly in the household. Several respondents reported that their daily working hours could be up to 15-16 hours, but they are only paid for eight hours of work. The majority of the domestic workers are on a part-time basis, paid for 2-3 hours per day. This implies that most of the domestic workers only received very low wages, ranging from NPR 2,500-8,000 (USD 21-67) per month. Most of them do not have any leave nor rest days during their employment.



Discrimination, violence and harassment at work and home

Internal migrant domestic workers face multiple forms of discrimination. In a distinctly unequal society, in addition to one's gender identity, ethnicity and caste play an important role in determining the class, wealth and social mobility of individuals in Nepal. In this FPAR, around 60 per cent of the respondents are the marginalised Dalits (lower caste), who are historically excluded and vulnerable. The intersection of gender, caste and class discrimination is captured well by one of the interviewees: "We are the victims of discrimination and violence only because I am a poor, rural Dalit woman." It is a common experience for the IMDWs to be treated disrespectfully by their employers. For example, they are only allowed to sit on the floor and use old, broken tableware to eat on. Even worse, some domestic workers are being sexually harassed by their employers; some reported that they were molested by employers, while some faced dirty looks and gestures from their employers. Many domestic workers had the experience of being touched uncomfortably and without consent at their workplace by male family members. Some IMDWs experienced physical abuse by their husbands. These abusive husbands

² Reliefweb (2019) Country gender assessment of agriculture and the rural sector in Nepal Retrieved from <https://reliefweb.int/report/nepal/country-gender-assessment-agriculture-and-rural-sector-nepal>

blame the IMDWs for having extramarital affairs with other men, as they come home late and go to work early.

Occupational health and safety

Due to overwork, lack of rest and heavy lifting, most of the IMDWs reported that they are currently facing different levels of pain and injuries, including body aches, headaches and undescriptive pain. In addition, severe lack of rest and sleep, constant work calls and being shouted at by employers for making minor mistakes has led to high levels of mental distress amongst migrant workers. The FPAR findings show that 90 per cent of the employers requested that IMDWs with occupational injuries continue to work, without providing medical fees or any allowance.

Impacts of COVID-19 Pandemic

IMDWs experienced unprecedented hardship during the pandemic. The major challenges they faced were job loss, increased workload, mental stress and lack of access to government support. In one case documented in the FPAR, Kabita lost her job during the lockdown imposed by the government; her employer immediately hired another worker to replace her. After she lost her job and income, she was unable to pay her rent and constantly worried if the house owner would evict her and her family. Kabita could not access the national relief distribution system because of her migration status. Lack of organised relief distribution, identification mechanism and insufficient resources were identified as key gaps in supporting internal migrant workers in need.



WOMEN'S ACTIONS THROUGH FPAR

Organising and Capacity Building

Through FPAR, NAWHRD has successfully conducted training and meetings on the human rights of domestic workers and legal protection related to the employment of domestic work. More than 100 internal migrant domestic workers gained knowledge on legal protection and human rights related to the employment of domestic work, and they were able to see the structural barriers to achieve justice, which help them to relate each other's suffering. In addition, IMDW have gained their skills and confidence in organising and mobilising themselves to voice out their situation and demand their rights.

Networking and Advocacy

A series of webinars on women's health and women's issues in the COVID-19 context were conducted where relevant government stakeholders, parliamentarians, media persons, health workers and network partners were invited. NAWHRD used the FPAR story to advocate for the rights of vaccination access, and were able to secure the vaccine for more than 80 IMWDs, especially those who do not have citizen cards to register the vaccination.





RECOMMENDATIONS

The Government of Nepal should:

- Reform the existing Labour Act to include terms to protect domestic workers and internal migrants, namely ensuring proper live-in arrangements, decent living conditions, transparent and fair working time arrangements and freedom of movement and communication.
- Establish help desks, counselling services, information and practical assistance to support domestic workers and internal migrants at different levels of administration.
- Adopt anti-discrimination legislation and policy to end the difficulties and discrimination faced by domestic workers and internal migrants.
- Strengthen law enforcement towards unscrupulous private employment agents, money lenders and abusive employers, and provide an accessible redress mechanism to end the human rights violations experienced by domestic workers and internal migrants.
- Ratify the International Conventions, including UN Convention 1990 on the Protection of the Rights of All Migrant Workers and Members of Their Families, International Labour Organization (ILO) Convention 189 on Decent Work for Domestic Workers, and ILO Convention 190 on Ending Violence and Harassment Against Women and Men in the World of Work.

About National Alliance of Women Human Rights Defenders (NAWHRD)

National Alliance of Women Human Rights Defenders (NAWHRD) is a vibrant, strong and active women's network working from feminist perspective. NAWHRD supports Women Human Rights Defenders by building their capacity, supporting them at times of distress, advocating collectively for recognition of their work as human rights work and creating protection mechanisms for them. NAWHRD also supports women who face rights violations, especially victims of different forms of violence and women from marginalised groups, and further advocates for required policy change to ensure rights of all women.

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About APWLD

The Asia Pacific Forum on Women, Law and Development (APWLD) is the region's leading network of feminist organisations and individual activists. For 35 years, we have been carrying out advocacy, activism and movement building to advance women's human rights and Development Justice. This FPAR is part of APWLD's Migration Programme. APWLD worked with and supported seven partner organisations from six countries to conduct Migration FPAR in Asia and the Pacific between 2019 and 2021.

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