

Nepali Women Find Their Freedom of Movement Under Threat

A controversial proposal to require women to get permission to travel abroad has reignited a debate on patriarchy in Nepal.

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The Nepali Department of Immigration caused a major uproar when it [proposed a legal amendment](#) this month requiring women under the age of 40 to seek approval from their families and local wards to travel to other countries with a visit visa. The proposed amendment is in clear contradiction with articles 13 and 14 of the Universal Declaration of Human Rights, of which Nepal is a signatory, that guarantee the rights of freedom of movement and asylum. Credit: [Pixabay](#)



[Speaking](#) with The Record, Ramesh Kumar KC, director-general of the Department of Immigration, stated that the proposal aims to prevent human trafficking while also making it easier for government authorities to help women when they are in trouble abroad. He added, “Many women have been stranded in foreign lands. Many women don’t even know the name of the country they are going to.”

The proposed amendment is a continuation of the Nepali government’s paternalistic views of women traveling abroad – a view that the government has maintained from a unitary constitutional monarchy through the adoption of a federal republican structure. “Traditional gender norms constrain women’s decision-making power to mostly within the household and farm. While men increasingly migrate for work, women take over more of the agricultural labor, and temporarily, all farm-management decisions,” [notes a 2019 study on Nepali gender norms](#). “However, cultural conflicts arise when women engage in social spheres outside the farm and household, such as in financial, public, or political matters.”

The ugly tendrils of these traditional restrictions on the autonomy of women have made their way into [Nepali emigration policy](#). In 1988, during the days of the monarchy, the erstwhile Foreign Employment Act expanded its previous restrictions on female foreign employment by requiring permission from guardians as well as the Nepali government. As the Nepali Times explained, “‘Guardian’ referred to the mother or father of an unmarried woman or husband of a married woman, or elder or younger brother aged 21 years or more of an unmarried woman living in the same family, or father-in-law or mother-in-law of a married woman.”

Upon the toppling of monarchy, when the country was going through a wave of progressivism, the [2007 Foreign Employment Act](#) was made to state that “No gender discrimination shall be made while sending workers for foreign employment pursuant to this Act,” However, as the news of this latest proposal has shown, deep-seated reactionary elements still persist in the bureaucracy of the current state apparatus. The very wording of the Nepali Department of Immigration’s [justification](#) for the proposal betrays its patriarchal qualities.

In [an interview](#) with The Republic, Teknarayan Paudel, director of the Department of Immigration, was adamant about the proposal and stated that every female under 40 years of age would need to obtain the permission letter. It appears, however, that officials from the Department of Immigration are themselves confused regarding the applicability of this proposed amendment. Some sources show that the department’s current stance is that the requirement would apply “only for women who are travelling alone on a visit visa for the first time in risky countries such as the Gulf and African countries and for those who do not even have general information about their travels.” But through interviews like Paudel’s we can see that the intention was to try and approve a blanket ban. The terminology used and statements made by officials have further perpetuated the confusion, but based on the current understanding it seems the proposed amendment has tried to cover every nation.

In response to the backlash, the Department of Immigration has backpedaled on the previous requirements and [issued a clarification](#) that women only will require paperwork to travel to “high risk” countries, while women traveling abroad for the first time will need to give details about their residence and point of contact.

According to a [2018 UNODC report](#), there were 35,000 victims of human trafficking in Nepal that year, “including 15,000 women and 5,000 girls.” If this proposed amendment seriously aims to curb human trafficking within Nepal, then its priorities are lopsided and myopic. The actual movements of women traveling abroad paint a different picture.

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As Nepal shares an open border with India, this route is favored by human traffickers. The [Nepal-India human trafficking nexus is well documented](#), and has been facilitated by the porous nature of the Nepal-India border. According to the [Migration Report 2020](#), in the fiscal year 2018-19, of the 236,208 labor permits issued, just 20,578 were for women, and that too because the government decided to renew permits for women who had earlier received approval for work in the informal sector. This barrier has resulted in women going abroad via India instead of seeking labor permits. Consequently, it has been difficult for women to return during the COVID-19 pandemic due to their lack of proper paperwork. This route also leaves women vulnerable to trafficking.

The government cannot use its arbitrary power to pass such an amendment, which further entrenches patriarchy by denying women equal rights. Such an exploitation of basic human rights goes against the [Constitution of Nepal](#), and also international conventions such as the [Universal Declaration of Human Rights](#) and the [Convention on the Elimination of All Forms of Discrimination Against Women](#).

As a modernizing country, Nepal has undergone drastic sociopolitical changes in the last few decades. That culminated with the promulgation of a new Constitution in 2015, which has started to move toward the ideals of inclusiveness, socialism, and increasing representation of all ethnic groups in the political process. However, it seems that the country's bureaucracy has been slow to adapt to the changing cultural tides in Nepal. The proposed travel restrictions on women are just one of many examples. As the Record [notes](#), "Women are still not able to independently pass down citizenship to their children without first proving that the husband is dead or missing."

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