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# IMPLEMENTATION OF THE GLOBAL COMPACT FOR MIGRATION IN NEPAL

## TRADE UNION REVIEW

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## INTRODUCTION

Nepal is part of the Global Compact for Migration (GCM) Champion Countries Initiative,<sup>1</sup> a voluntary collective of Member States committed to promoting effective implementation, follow-up and review of the GCM. As a GCM champion country, Nepal has consistently participated in regional and international migration forums. Migration is seen as an important contributor to Nepal's goal of graduating from least-developed country status to a developing-country status by November 2026.<sup>2</sup> Remittances account for up to 30 per cent of the GDP annually and represent a significant driver of the national economy.<sup>3</sup>

### MIGRATION TRENDS

Migration from Nepal is characterised by two main trends: 1) a largely unregulated movement of Nepalis to India through an open border, and 2) a highly regulated system of employment permits and bilateral labour migration agreements. The main destinations for Nepali migrants are Gulf countries and Malaysia.<sup>4</sup> A third trend of migration towards wealthier Asian, European and North American destinations is gaining increasing significance. Many Nepalis

transit through India to migrate irregularly. Unregistered migrant workers, often women, do not appear in official data and are vulnerable to trafficking and exploitation.

Over the past five years, Nepal has recorded the highest percentage increase in the outflow of migrant workers among Asian countries with the number of workers going abroad more than doubling.<sup>5</sup> As of the most recent census (2021), 7.5 per cent of the total population of 29 million – approximately 2.2 million Nepalis are abroad for work or study.<sup>6</sup>

An increasing number of women choose to emigrate.<sup>7</sup> Women who remain in Nepal shoulder the vast majority of unpaid care, domestic and subsistence agricultural work and face a heightened risk of poverty if their male family members fall ill or lose their income abroad.<sup>8</sup> However, the share of women migrants is on the rise year-on-year, reflecting an evolving trend.

Nepal is also a destination for labour migration and hosts around 20,000 refugees from Tibet and Bhutan.<sup>9</sup> Refugees and asylum seekers of other nationalities are considered as undocumented migrants, even when recognised as refugees by international organisations.<sup>10</sup>

<sup>1</sup> Champion countries | United Nations Network on Migration

<sup>2</sup> See UNDP/Government of Nepal, Least Developed Country Graduation - Smooth Transition Strategy, May 2024, <https://www.undp.org/nepal/publications/ldc-graduation-smooth-transition-strategy>.

<sup>3</sup> Jagannath Adhikari et al., "Labour Migration from Nepal: Trends and Explanations", in: Migration in South Asia, IMISCOE Regional Reader, 2023, <https://link.springer.com/book/10.1007/978-3-031-34194-6>.

<sup>4</sup> Centre for the Study of Labour and Mobility (CESLAM), *State of Migration in Nepal*, 2023, <https://archive.ceslam.org/books-and-reports/state-of-migration-in-nepal-2023>.

<sup>5</sup> See ILO Public Statement, 19 September 2024, <https://www.ilo.org/resource/news/between-pre-and-post-covid-19-nepal-experienced-highest-percentage-increase>.

<sup>6</sup> CESLAM, *State of Migration in Nepal*, 2023.

<sup>7</sup> CESLAM, *State of Migration in Nepal*, 2023.

<sup>8</sup> Anand Chandrasekhar, *The good wife: Nepali migrants' wives struggle to fill in for husbands and the state*, October 2023, <https://www.swissinfo.ch/eng/business/the-good-wife-nepali-migrants-wives-struggle-to-fill-in-for-husbands-and-the-state/48905750>.

<sup>9</sup> UNHCR Nepal Country Page, <https://www.unhcr.org/countries/nepal>.

<sup>10</sup> US State Department, Trafficking in Persons Report: Nepal, 2024, <https://www.state.gov/reports/2024-trafficking-in-persons-report/nepal/>.

## GCM IMPLEMENTATION

Nepal has had limited success in addressing the adverse drivers and structural factors that compel people to leave the country (Objective 2). Nepali nationals continue to emigrate in increasing numbers due to various economic factors, including unemployment, a large informal economy with precarious working conditions, food insecurity and high living costs. Research indicates that, in addition to economic motivations, political instability and corruption have further driven Nepalis to emigrate.<sup>11</sup>

Climate change is another adverse factor contributing to both internal (rural-to-urban) and international migration. Reductions in agricultural production, strained water resources, loss of forests and biodiversity, frequent natural disasters, and damaged infrastructure have compounded the issue.<sup>12</sup>

Emigration to a third country (other than India) requires a foreign employment labour permit. To obtain this, aspiring migrant workers must have valid passports, visas, contracts, and insurance policies, and must also complete mandatory pre-departure orientation training. The government has established pre-departure migrant resource centres and migration health assessment centres with international support.<sup>13</sup> However, a lack of cooperation

with trade unions representing migrant workers – particularly in relation to the content of pre-departure training - limit the effectiveness of the centres in reducing the challenges faced by migrants.

Surveys conducted through ITUC's Recruitment Advisor indicate that the recruitment process in Nepal remains flawed. Common issues reported by migrant workers include a cumbersome, non-transparent and lengthy recruitment process; high costs that often exceed the legal maximum; limited access to mandatory pre-departure orientation training due to high costs and limited geographical availability; and fraudulent agents and agencies that charge exorbitant service fees or fail to comply with employment agreements. Other persistent concerns include the continued practice of withholding workers' passports by employers – restricting their freedom of movement and ability to return – and the denial of migrant workers' right to freedom of association.<sup>14</sup>

Nepal's regulated emigration regime has continuously limited women's ability to access foreign employment on equal terms with men<sup>15</sup> (Objective 5). Lawmakers justify total or near-total bans on women migrating for work in certain sectors and destinations as measures to protect them. However, without decent work opportunities in Nepal, these bans do little to reduce women's migration and instead push them towards irregular channels. Lacking equal access to insurance, pre-departure training and consular support, women migrant workers face

<sup>11</sup> Vidhu Prakash Kayastha, *How Development Failures Fuel Labour Exodus in Nepal*, September 2024, <https://blogs.lse.ac.uk/southasia/2024/09/02/how-development-failures-fuel-labour-exodus-in-nepal/>.

<sup>12</sup> USAID/Climatelinks, Nepal country page, <https://www.climatelinks.org/countries/nepal>. <https://climateknowledgeportal.worldbank.org/country/nepal>.

<sup>13</sup> Swiss Agency for Cooperation and Development, *Swiss Cooperation Programme Nepal 2023–26, 2022*, <https://www.eda.admin.ch/deza/en/home/deza/publikationen.html/content/publikationen/en/deza/programme/swiss-cooperation-programme-nepal-2023-2026>; IOM, *Annual Report 2023*, [https://nepal.iom.int/sites/g/files/tmzbd1116/files/documents/2024-07/iom\\_nepal\\_annual\\_report\\_2023.pdf](https://nepal.iom.int/sites/g/files/tmzbd1116/files/documents/2024-07/iom_nepal_annual_report_2023.pdf).

<sup>14</sup> See: *Analysis Report of Recruitment Reviews from Nepali migrant workers, 2022*, <https://www.recruitmentadvisor.org/about/analysis-report-recruitment-reviews-nepali-migrant-workers>; and *Common Problems in the Recruitment Process in Nepal*, <https://www.recruitmentadvisor.org/law/np/common-problems-recruitment-process-nepal>.

<sup>15</sup> ILO, *A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers, 2020*, [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40asia/%40ro-bangkok/%40ilo-kathmandu/documents/publication/wcms\\_792239.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40asia/%40ro-bangkok/%40ilo-kathmandu/documents/publication/wcms_792239.pdf).

worse working conditions and greater risks during their journey and employment abroad compared to men.<sup>16</sup>

Migrant men from Nepal also face significant challenges to their safety, health, and well-being. Between 2008 and 2022, the Ministry of Labour, Employment and Social Security (MoLESS) recorded the deaths of more than 10,000 Nepali migrant workers abroad, for which compensation could be claimed at the Foreign Employment Board.<sup>17</sup> However, the actual number, including the deaths of those who migrated irregularly, is estimated to be higher.

The leading reason for these deaths was categorised as “natural causes” (20 per cent), followed by cardiac arrest (15 per cent) and traffic accidents (13 per cent), while 11 per cent of migrant deaths were recorded as suicides.<sup>18</sup>

A recent study focusing on the health of migrants returning from the Gulf revealed that serious physical and mental health issues affect a large portion of the migrant workforce. Commonly reported conditions included cold and fever, pneumonia, kidney disease, mental health problems, and experiences of verbal abuse. With rising temperatures due to climate change in many migration destinations, heat stress is increasingly becoming a critical occupational health and safety concern. Forced labour and other abuses have also been documented and<sup>19</sup> women reported facing stigma after returning home from abroad.<sup>20</sup>

According to the 2024 *Trafficking in Persons Report* by the US Department of State, the Nepali government plans to authorise foreign employment in more countries, “including previously prohibited destinations.”<sup>21</sup> However, experience has shown that regular migration pathways alone are insufficient to protect the rights and well-being of Nepali migrant workers abroad. It is essential that the government collaborates with trade unions to ensure the rights of migrant workers are upheld in those new destinations (Objective 5).

The measures taken by Nepal to combat trafficking in persons remain inadequate (Objective 10).<sup>22</sup> As previously noted, women, in particular, continue to face discriminatory restrictions on migrating for work, which increases their vulnerability to irregular migration channels and trafficking risks. Furthermore, members of traditionally marginalised castes and ethnic minority communities, who often have limited economic opportunities, also remain at heightened risk of trafficking.

The Government of Nepal has taken steps to address vulnerabilities in migration, by adopting a number of strategies and policies. In December 2023, it endorsed the first National Action Plan on Business and Human Rights (2024–2028), aiming to promote economic development while safeguarding the rights of its citizens and the environment.<sup>23</sup> In August 2024, the government approved the National Implementation Strategic Framework for the GCM.<sup>24</sup>

<sup>16</sup> Ibid.

<sup>17</sup> CESLAM, State of Migration in Nepal, 2023.

<sup>18</sup> CESLAM, State of Migration in Nepal, 2023.

<sup>19</sup> Amnesty International, *Unpaid and abandoned: the abuse of Mercury MENA workers*, September 2018, <https://www.amnesty.org/en/latest/news/2018/09/mercury-mena-abuses-nepal/>; UN Special Rapporteur on the human rights of migrants, Press Release, February 2018, <https://www.ohchr.org/en/press-releases/2018/02/un-expert-calls-better-protection-against-abuse-and-exploitation-nepali>; Padam P Simkhada et al., *Workplace harassment faced by female Nepalese migrants working abroad*, in: Global Health Journal, Volume 8, Issue 3, 2024, pp. 128-132, <https://www.sciencedirect.com/science/article/pii/S241464472400040X>; Antonio Donini, *Social Suffering and Structural Violence: Nepali Workers in Qatar*, in: International Development Policy 11/2019, <http://journals.openedition.org/poldev/3077>.

<sup>20</sup> Priyamvada Paudyal et al. *Health and wellbeing of Nepalese migrant workers in Gulf Cooperation Council (GCC) countries: A mixed-methods study*, in: Journal of Migration and Health, March 2023, <https://pubmed.ncbi.nlm.nih.gov/37063650/>.

<sup>21</sup> Trafficking in Persons Report, Nepal - United States Department of State

<sup>22</sup> Ibid.

<sup>23</sup> UNDP, Nepal Government Unveils National Action Plan on Business and Human Rights, January 2024, <https://www.undp.org/nepal/press-releases/nepal-government-unveils-national-action-plan-business-and-human-rights>.

<sup>24</sup> Government of Nepal/MoLESS, National Implementation Strategic Framework of the Global Compact for Migration, August 2024, [https://giwmscdnone.gov.np/media/pdf\\_upload/Final\\_GCM\\_National\\_Implementation\\_Strategy\\_of\\_Nepal\\_13Aug2024.pdf](https://giwmscdnone.gov.np/media/pdf_upload/Final_GCM_National_Implementation_Strategy_of_Nepal_13Aug2024.pdf).

Both documents seek to protect the rights of migrants and ensure their reintegration into society upon their return, with a particular focus on gender and inclusion. They also seek to ensure that migrants have access to fair and ethical recruitment practices and that bilateral labour migration agreements include guarantees of minimum wages in line with national laws in destination countries.

The Foreign Employment Board under MoLESS has started certifying the skills acquired by returning migrant workers (Objective 18). In December 2022, MoLESS adopted two guidelines aimed at expanding the contribution-based social security scheme to include Nepali migrant workers, informal sector workers and the self-employed.<sup>25</sup> Nepali migrant workers can now enrol in the scheme and receive benefits (Objective 22).

While this measure addresses long-standing trade union demands for the scheme to cover

all workers, trade unions have highlighted the need for improvements in its implementation.

Nepal is yet to ratify several key conventions and instruments that would strengthen rights protection for migrant workers both domestically and abroad. These include the *ILO Freedom of Association and Protection of the Right to Organise Convention* (No. 87), the *Social Security Convention* (No. 102), the *Occupational Safety and Health Convention* (No. 155), the *Domestic Workers Convention* (No. 189), and the *Violence and Harassment Convention* (No. 190). Additionally, Nepal has not ratified the ILO's migration specific conventions (No. 97 and No. 143) and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*.

Although Nepal has ratified the *Forced Labour Convention*, 1930 (No. 29), it has yet to ratify the *2014 Protocol to the Forced Labour Convention*, 1930 (P029).

## ARE TRADE UNIONS AT THE TABLE?

The Foreign Employment Board, established by the Foreign Employment Act of 2007,<sup>26</sup> is chaired by the MoLESS and includes four workers' representatives alongside employer and government representatives. National trade union organisations – including the All Nepal Federation of Trade Unions (ANTUF), the General Federation of Nepalese Trade Unions (GEFONT), and the Nepal Trade Union Congress (NTUC) – can provide input on some migration policies and their implementation through the Board. However, many decisions, particularly those related to

bilateral labour migration agreements, are not necessarily discussed within the Board, and key decisions are often made without fully considering workers' views.

Beyond the Board, the government has not actively engaged the most representative trade unions working on migration issues when developing the National Action Plan on Business and Human Rights (2024-2028) and the National Implementation Strategic Framework for the GCM. Neither have trade unions been able to effectively participate in the newly launched Nepal Forum on Migration and Development (NFMD).<sup>27</sup>

<sup>25</sup> The Kathmandu Post, [Migrant workers enlisted in social security scheme, March 2023](#).

<sup>26</sup> International Labour Organization, NATLEX - Database of national labour, social security and related human rights legislation, 2008, [Foreign Employment Act-24.03.2008.doc](#)

<sup>27</sup> IOM News, [Government and IOM Hosted the Nepal Forum on Migration and Development Ahead of Global Compact for Migration Sub-regional and Regional Reviews](#), October 2024, <https://nepal.iom.int/news/government-and-iom-hosted-nepal-forum-migration-and-development-ahead-global-compact-migration-sub-regional-and-regional-reviews>.

## TRADE UNION ACTIONS FOR RIGHTS-BASED MIGRATION

Trade unions in Nepal are active in supporting Nepali workers abroad, their families in Nepal, and those returning home, guided by the principles of social justice, solidarity and international labour standards. They advocate for stronger legal protections, enhanced pre-departure preparations, and improved support services for migrant worker both overseas and returning.

GEFONT has been focusing on migration policy and the rights of migrant workers for more than three decades. It currently operates Migrant Support Groups led by elected Nepali migrant workers affiliated with GEFONT in 11 key destination countries.<sup>28</sup> In addition to other forms of assistance, these support groups help Nepali migrant workers navigate legal and employment-related challenges in the destination country, facilitate legal support in cases of disputes with employers, and raise awareness on rights.

Additionally, GEFONT has signed cooperation agreements (MOUs) with trade unions in nine destination countries to support Nepali migrant workers and organise them, thereby strengthening their ability to collectively raise their concerns and demands. GEFONT's Migrant Desk also helps returning migrant workers with reintegration into the Nepali labour market. The organisation provides pre-departure information to workers going abroad and connects them with the relevant GEFONT Support Group in their destination country.<sup>29</sup>

Similarly, NTUC has established a Foreign Employment Cell and a Migrant Help Desk in its central office and established support groups in destination countries, including the Middle East, Malaysia, South Korea and Japan. NTUC's work focuses on protecting the human and trade union rights of Nepali workers – including social protection, living wages and job security – through evidence-based advocacy; organising migrant workers, and delivering services such as orientation and awareness programs.<sup>30</sup>

## TRADE UNIONS DEMAND A NEW SOCIAL CONTRACT FOR MIGRANT WORKERS

Trade unions call for a New Social Contract for all workers, including migrant workers, with SDG 8 at its core. A New Social Contract should address workers' demands for decent, climate-friendly jobs with a Just Transition; rights for all workers regardless of migration

status; minimum living wages and equal pay; universal social protection; equality to end all discrimination; and inclusion of all countries in decision-making processes to build a rights-based development model. These elements are crucial to advancing the GCM objectives.

<sup>28</sup> Bahrain, Dubai, Hong Kong, Japan, Kuwait, Lebanon, Malaysia, Qatar, Saudi Arabia, South Korea and the USA.

<sup>29</sup> General Federation of Nepalese Trade Unions (GEFONT): <https://www.gefont.org/issue/5>

<sup>30</sup> Nepal Trade Union Congress: <https://ntuc.org.np/pages/details/migration>

Trade Unions call on the government of Nepal to:

- As a GCM Champion Country, Nepal should enhance the involvement of non-state actors, particularly trade unions representing migrant workers and migrant worker communities, in GCM implementation efforts.
- Address adverse drivers and structural factors that compel Nepali people to migrate by creating economic opportunities, addressing adverse impacts of climate change, ensuring respect for human rights, achieving universal social protection and living wages, eradicating poverty, and providing decent work opportunities locally.
- Involve trade unions representing migrant workers and migrant communities in the design, implementation, and regular monitoring of labour migration pathways.
- Collaborate with other origin countries to ensure that bilateral agreements with the same destination countries do not undermine the rights and protections – including wages – of migrant workers from any origin country.
- Achieve fair and ethical recruitment by monitoring recruitment agencies and intermediaries involved in labour recruitment and placement, with the involvement of trade unions, to prevent abusive and fraudulent recruitment practices and ensuring an employer-pays model.
- Include trade unions in pre-departure training to improve information on rights and help departing migrant workers connect with support structures in destination countries, such as NTUC and GEFONT support groups, trade unions, and civil society organisations.
- Invest in skills development and skills recognition of Nepali migrant workers to enhance their employability and earning potential both abroad and in Nepal.
- Facilitate the portability of social security benefits for migrant workers and their families through agreements with destination countries.
- Ensure equal access to labour migration for Nepali women by upholding principles of non-discrimination, gender equality, and freedom of mobility enshrined in the 2015 Constitution and the 2007 Foreign Employment Act, while protecting and fulfilling their human and labour rights.
- Support family members of migrant workers by implementing measures that enable their participation in economic activities.
- Design and implement targeted programmes in collaboration with trade unions and other stakeholders to support Nepali migrant women working abroad in an irregular migration situation.
- Ratify key international instruments, particularly the *ILO Freedom of Association and Protection of the Right to Organise Convention (C87)*, *Social Security (Minimum Standards) Convention (C102)*, *Occupational Safety and Health Convention (C155)*, *Domestic Workers Convention (C189)*, and the *Violence and Harassment Convention (C190)*, as well as the ILO's migration-specific conventions (C97 and C143).



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