

# GENDER-RESPONSIVE LABOUR MIGRATION GOVERNANCE IN NEPAL

Position Paper 2024



National Network for Safe Migration (NNSM)

# Gender-Responsive Labour Migration Governance in Nepal

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National Network for Safe Migration  
Kathmandu, Nepal

Position paper on gender-responsive labour migration governance in Nepal

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# POSITION PAPER ON GENDER-RESPONSIVE LABOUR MIGRATION GOVERNANCE IN NEPAL

This position paper is a living document developed with assistance from the International Labour Organization (ILO), as part of Migrants Rights and Decent Work (MiRiDeW) Project, which is funded by the Swiss Agency for Development and Cooperation (SDC). The paper strives to create a shared understanding of gender-responsive migration governance in Nepal. This document has been prepared to address the need for all concerned stakeholders to work together to advocate for gender-responsive migration governance in the country.

To maintain ownership in the process of developing the position paper, a series of consultations were held with right holder groups, returnee women migrant workers, government stakeholders, trade unions, civil society organizations, LGBTIQ+ groups, development workers, migrant experts, and others.

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# POSITION PAPER ON GENDER-RESPONSIVE LABOUR MIGRATION GOVERNANCE IN NEPAL

## CONTEXT

The labour migration has become an integral aspect of Nepali society, creating significant socio-economic impacts for the migrants, their family members and the country as a whole. Statistics of the Department of Foreign Employment shows that 9,717,586 labour permits have been issued between 1993/94 and 2023/24<sup>1</sup>. The statistics says that 5.43 percent (528,133 permits) issued during the same period were for the women migrant workers<sup>2</sup>. The statistics, however, do not have any record of non-binary gender obtaining the labour permit, it is probably because the major labour destinations of Nepali workers do not recognize them<sup>3</sup>. These figures, moreover, do not include migrants going abroad for employment through various routes and channels not recognized by the Nepal Government. In addition, despite being one of the major destinations for employment and an exit point of the irregular channels, India is not accounted as a foreign employment destination.

Nepal Government has approved 111<sup>4</sup> countries as labour destinations with restrictions on Iraq, Afghanistan<sup>5</sup> and Libya. It has signed bilateral labour migration agreements (BLMAs) with 12 countries including the governments of Qatar, United Arab Emirates (UAE), Saudi Arabia, Japan, South Korea, Israel, Jordan, Malaysia, Mauritius, United Kingdom, Romania and Germany<sup>6</sup>. The major destinations for Nepali women migrant workers are the UAE, Qatar, Malaysia, Kuwait, Cyprus, Jordan, Saudi Arabia, Maldives, Turkey, Malta, Bahrain, and Poland<sup>7</sup>.

The country received Rs.1 trillion as remittances in the fiscal year 2021-22, setting a high record since Nepal started to look for overseas employment more than two decades ago. The remittances increased by 4.8 per cent in Nepali Rupees<sup>8</sup>. The country sustained the adversities of the global COVID-19 pandemic mainly because of the remittances sent back home by the migrant workers<sup>9</sup>. The data shows

### GENDER:

“Gender is not only about women. It is important to emphasize that the concept of gender is not interchangeable with women. Gender refers to women, men [and other gender groups], and the often unequal relations between them. In practice, debates on gender often focus on women because they as a group have been most affected by gender inequality. However, all gender groups have important roles to play in working toward full equality. Consequently, a gender perspective does not mean women’s perspective.”

(United Nations Entity for Gender Equality and the Empowerment of Women 2017)

<sup>1</sup> Labour Migration Report 2020, Labour Migration Report 2022, Annual report of DoFE for FY 2022/23 and FY 2023/24

<sup>2</sup> Data source (1993/94 to 2007/2008): Labour Migration Report 2020, Page 4; Data source (2008/09 to 2016/17): Labour Migration Report 2020, Page 12; Data source (2017/18 to 2021/22): Labour Migration Report 2022, Page 58-59 and DoFE annual Report FY 2022/23 and FY 2023/24

<sup>3</sup> None of the 7 major countries hosting the largest Nepali migrant population, GCC countries and Malaysia, recognize non-binary gender, ([available at](#))

<sup>4</sup> Department of Foreign Employment, ([available at](#)) (Retrieved on November 12, 2022). The GoN has approved 111 countries for labour migration through recruitment agencies, however Nepali are allowed to go to other countries (170+countries) after obtaining labour approvals from DoFE.

<sup>5</sup> Labour approvals are currently not provided to 3 countries including Libya, Iraq and Afghanistan (excluding to the green zone).

<sup>6</sup> The GoN signed a bilateral agreement with the UK in August 2022 with Romania and Germany in October 2023. ([available at/and at](#))

<sup>7</sup> Nepal Labour Migration Report, 2020

<sup>8</sup> Kathmandu Post, August 17, 2022, Nepal’s remittance earning crosses Rs1 trillion mark, ([available at](#))

<sup>9</sup> ADB report on the remittance to the Asian Countries, ([available at](#))

that Nepal received NPR 1,220.56 billion as remittances during FY 2022/23 which is 21.2 per cent more compared to an increase of 4.8 per cent in the previous year<sup>10</sup>. Nepal Rastra Bank, the central bank of Nepal's report of 2023 shows that the GDP ratio to the remittances received in the FY 1990/91 was at 0.5 percent while it has increased to about 23 per cent in 2022/23 which is relatively high among the other South Asian countries<sup>11</sup>.

The statistics of the Department of Foreign Employment shows that the women migrant workers constitute a small proportion of workers obtaining the labour approval for foreign labour migration through the government's regular channels. This indicates that many women migrate through irregular channels to avoid restrictive policies<sup>12</sup> imposed by the Nepal Government. The available data on women's labour migration from Nepal is still lacking to maintain accuracy and reliability. As a result, women's contribution to social and economic remittances is hampered by a lack of data on gender and migration.

Labour migration is a complex, multi-dimensional and gendered phenomenon in which, many migrant workers benefit from their foreign labour migration experiences, while others do not. Gender is a major factor in shaping every stage of the migration experience from the decision to migrate, transit, to working or settling in a foreign country, or choosing to return home. Moreover, the societal perception towards the women workers tends to confine women to the traditional gender roles of care works. It is believed that majority of the women are engaged in the care sector work in foreign employment.

In the global context, the sexual division of labour is deeply embedded, with a demand for women migrant workers in specific gendered stereotyped sectors only, such as domestic and care work, where they are frequently excluded from social and labour protection and face serious decent work deficits. Similarly, in Nepal, workers working in the informal sectors made up 84.6 percent of the workforce, with women having a higher share of informal employment than men (90.5 percent vs. 81.1 percent)<sup>13</sup>.

Gender stereotypes deny women's agency in making decisions about their lives, work, and mobility, and make them more vulnerable to systematic violations of their human rights. Many Nepali women migrant workers aspire to make their life better along with their families, but the reality is that the journey is often harshly different for them at every stage of the migration. The major driving factor for Nepali women's overseas migration is lack of recognition for women's work, reproductive work, gender based violence<sup>14</sup>, poverty, lack of equal employment opportunity, unequal pay for equal work, and climate-related disaster<sup>15</sup>. Majority of Nepali women migrate for domestic work. Domestic work is considered one of the most precarious sectors as it is largely informal, mostly unpaid or low paid, unrecognized, undervalued, and invisible<sup>16</sup>.

**'Gender-responsive' refers to "a planning process in which programs and policy actions are developed to deal with and counteract problems which arise if the socially constructed differences between women and men are not adequately addressed".**  
([www.unterm.un.org](http://www.unterm.un.org))

This means it addresses the differential needs of women, men or LGBTQI+ and has equitable participation of all sexes, addressing the equitable distribution of benefits, resources, status, and human rights for aiming gender equality.

<sup>10</sup> National Strategic Implementation Framework of the GCM, MoLESS 2024, ([available at](#))

<sup>11</sup> National Strategic Implementation Framework of the GCM, MoLESS 2024, ([available at](#))

<sup>12</sup> Please refer to Table no. 2: Timeline of Government restrictions imposed on migration of Nepali women for foreign employment

<sup>13</sup> Report on the Nepal labour force survey 2017/18, ([available at](#))

<sup>14</sup> ILO (2017), Migrant women workers and overt migration policies in Nepal, A law and policy baseline study, ([available at](#))

<sup>15</sup> ILO (2015), No easy exit: Migration bans affecting women from Nepal, ([available at](#))

<sup>16</sup> ILO (2020), A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers, ([available at](#))



In most Nepali families, married women are primarily responsible for everyday household management. When married women migrate for work, the women members of the family such as mother, daughter, mother-in-law, sisters, and sister-in-laws support the male members of the home, especially the husbands, to take on the responsibilities of women migrant workers<sup>17</sup>; conversely, when husband migrate for work, wives are the only ones who face an additional burden of workload (absence of redistributing care work for women) in their husband's absence<sup>18</sup>.

During the migration process, women face different unfavorable circumstances than men do. When they return, they are met with varying reactions (negative) from their families and communities. The continued limited access to information on safe and regular migration pathways, fair recruitment, employment contracts, gender inequalities in access to skills training and education, unequal distribution of reproductive labour, and lack of gender-responsive migration policies and practices

has significant short-and long-term consequences, especially for Nepali women migrant workers working in the informal economy. This has put them at high risk of sexual abuse, gender-based violence, and racism with limited or no labour protections at their workplace.

In this light, we are in urgent need of Gender Transformative Approach in labour migration governance. The imbalances in the gender roles and the inadequate power relations that has been dominant in the society has to be reviewed gender sensitively. Then the existing laws and policies along with the structural framework governing the labour migration should be reformed gender responsively. And upon identifying the root causes of the unequal power relations and imbalance in gender roles they should be challenged in order to transform the Gender dynamics to attain the social justice and inclusive society.

Gender Transformative Approach tends to identify the root causes of the inequalities and discrimination on the basis of gender and address them by reforming the imbalances in the power relations and the gender roles.

*“A gender transformative approach is a methodology that seeks to challenge and transform harmful gender norms and power dynamics, ultimately promoting gender equality and social justice. This approach goes beyond simply addressing gender inequalities by providing equal opportunities or services to women and men, instead, it aims to fundamentally alter the underlying structures and systems that perpetuate gender-based inequalities.”*

<sup>17</sup> Bhadra C. (2007), International Labour Migration of Nepalese Women: The Impact of Their Remittances on poverty reduction.

<sup>18</sup> Bhurtyal Y.M. (2015), Effects of Male International Migration on Wives Left Behind in Nepal.

# GAPS IN GENDER-RESPONSIVE POLICY AND PRACTICE ON LABOUR MIGRATION GOVERNANCE

The GoN has introduced several numbers of progressive policies regarding labour migration governance (*Please refer to Table 1*) in Nepal. The provincial and local governments have also been developing laws and policies pertaining to the gender equality and inclusive society under the new federal structure. However, the existing migration laws, policies, and programmes in the country is not effectively adequate in terms of gender- responsiveness.

Constitution of Nepal envisions right to freedom (article 17), right to equality (Article 18), right to employment (Article 33), right to labour (article 34) and right of women (article 38) as the fundamental rights and have also provisioned special opportunities for women in different spheres including employment in article 38.5. Similarly, Universal Declaration of Human Rights (UDHR), which Nepal has pledged its alignment to, has envisioned the entitlement of right and freedom without discrimination (article 2) to everyone ensuring equality before law and its protection (article 7) and has provisioned the right to movement (article 13). On the other hand, Nepal is a party to the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) that focuses on the elimination of discrimination against women in employment regime (article 11). CEDAW article 11 states that States Parties shall take all appropriate measures to eliminate discrimination against women in employment and shall ensure, on the basis of equality of men and women, the same rights to work, to the same employment opportunities, to free choice of employment, to promotion, benefits, vocational training, equal remuneration, equal treatment in respect of work of equal value, the right to social security, and protection of health.

Despite all these provisions and commitments the state has implemented, repealed and re-implemented various restriction on the migration of women migrant workers and/or migrant domestic workers since 1985 (*Please refer to Table 2*). These restrictions on mobility for employment has increased the risk of trafficking and exploitation<sup>19</sup>, especially for women as majority of them are noticed going for the care and domestic works. Nepali women migrants make the best choices available, but these choices are highly constrained by their economic position, lack of adequate information, and limited access to specific countries for work, consequently they migrate without much choice to the lowest-paying jobs. Due to a series of conditional restrictions on women's mobility to migrate for domestic work, they are forging new paths and channels to find foreign employment<sup>20</sup>.

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<sup>19</sup> ILO (2015), No easy exit: Migration bans affecting women from Nepal, ([available at](#))

<sup>20</sup> ILO (2017), Migrant women workers and overt migration policies in Nepal, A law and policy baseline study, ([available at](#))

Table 1: Key gender-responsive provisions in national frameworks

S.N	National Frameworks	Key Gender-Responsive Provisions
1.	<b>The Constitution of Nepal (2015)</b>	<ul style="list-style-type: none"> <li>- Art 17: Right to Freedom (Fundamental Rights and Duties)</li> <li>- Art 18: Right to Equality</li> <li>- Art 33: Right to Employment</li> <li>- Art 38: Right of Women</li> <li>- Art 50: Gender equality, proportional inclusion, participation and social justice</li> <li>- Art 51: End all forms of discrimination, and injustice</li> </ul>
2.	<b>Foreign Employment Act (2007)/ Foreign Employment Regulations (2008)</b>	<ul style="list-style-type: none"> <li>- Section 8: Prohibition on Gender Discrimination</li> <li>- Section 9: To provide Facility and Reservation including women</li> </ul>
3.	<b>Foreign Employment Policy (2012)</b>	<ul style="list-style-type: none"> <li>- Commitments to address the needs of women migrant workers and migrant domestic workers, including skills-based training and orientation for women, information dissemination, elimination of violence and discrimination against women,</li> <li>- Support mechanisms for returnee women migrant workers, and preferential loans for women migrants</li> <li>- Encourages incorporation of Women Migrant Workers into BLAs and MoUs</li> <li>- Appointment of women labour attachés in principle diplomatic missions abroad (DoL, 2012).</li> </ul>
4.	<b>Human Trafficking and Transportation (Control) Act (HTTCA) (2007)</b>	<ul style="list-style-type: none"> <li>- Defines human trafficking and human transportation</li> <li>- Outlines rules and procedures for reporting suspected offences</li> <li>- Certification of statements by victims, arrests and investigations, rescue, rehabilitation and reconciliation, and more (Law Commission of Nepal, 2007).</li> <li>- Focuses on sex trafficking of women and girls, with no mention of forced labour in any of its provisions and minimum acknowledgement of trafficking of men.</li> <li>- The law also conflates prostitution with human trafficking, even if it is voluntary (ILO, 2017; GAATW, 2017).</li> <li>- Does not outline standard operating procedures for the identification of victims and the provision of rehabilitation services (NHRC, 2018).</li> </ul>
5.	<b>Directive on the Management of Sending Domestic</b>	<ul style="list-style-type: none"> <li>- Set of guidelines related to the recruitment, employment, and migration of Nepali migrant domestic workers.</li> <li>- Establish a minimum age of 24 years for Nepali citizens who wish to</li> </ul>



	<p><b>Workers for Foreign Employment (MDWGs) (2015)</b></p>	<p>take up jobs in domestic work sectors in Gulf countries, Lebanon and Malaysia (ILO, 2015).</p> <ul style="list-style-type: none"> <li>- Only allows migrant domestic workers and women migrant workers to migrate to countries with which Nepal has signed a bilateral labour agreement (BLA) or memorandum of understanding (MoU).</li> <li>- Require mandatory pre-departure orientation trainings, prohibit recruitment costs, require monitoring and inspection of working conditions for domestic workers, and require a separate registration system and application structure for recruitment agencies that wish to send domestic workers (MoLESS, 2020; ILO, 2017).</li> </ul> <p><b>Note: Due to restrictions, the MDWGs (2015) stipulations remain unimplemented)</b></p>
<p>6.</p>	<p><b>The Labour Act of 2017</b></p>	<ul style="list-style-type: none"> <li>- Recognize domestic workers and their labour rights on equal level with other Nepali workers' labour rights (IDWFED, 2017).</li> </ul>
<p>7.</p>	<p><b>16<sup>th</sup> Periodic Plan of Nepal</b></p>	<p><b>1.5.2 Objectives:</b> (1) Good governance (2) Social Justice (3) Prosperity</p> <p><b>1.5.3 Overall Strategy</b> (3) Gender mainstreaming in all sector and aspects of the development</p> <p><b>1.5.4 Major areas of structural transformation:</b> (7) Gender equality, Social Justice and Inclusive Society</p> <p><b>1.6.2 National Goal for Social Justice:</b> (7) Gender equality indicator at 0.885 in FY 79/80 to reach 0.967 by FY 85/86 (8) Gender inequality indicator at 0.495 in FY 79/80 to reach 0.225 by FY 85/86 (9) Male and Female participation ration in employment at 1:1.7 in FY 79/80 to reach 1:1.2 by FY 85/86 (10) Number of family whose house/land is registered in the name of female member at 23.8% in FY 79/80 to reach 35% by FY 85/86</p> <hr/> <p><b>4 Productive employment, dignified work and sustainable social security</b></p> <p><b>4.1 Context</b> It is equally important to regulate the informal employment and care related works and economy for the dignified work.</p> <p><b>4.2 Current status:</b> 36.5% of the workforce are involved in formal sector and the rate of work force participation is 38.5%. Women working without paid is 6 times more than the male. Despite the efforts in formalizing the informal sector and care related work and economy significant results has not been achieved yet.</p> <p><b>4.3 Main issues and challenges</b> (3) Improvement in the labour management: management of the informal and care related work and economy; maintain the good governance by eliminating the gender discrimination and inequality in the labour market;</p>

- (4) Management of foreign employment: protection of the security and human rights of the women in the foreign employment;

#### 4.4 Strategy of transformation

- (5) Improving the labour management: eliminate the gender discrimination and inequality in the labour market; manage the care related work and economy; review and reformation of the existing laws;

#### 4.5 Major Programs

- (6) Program on promoting dignified work: conduct programs on formalizing the economy and employment; program on Prevention of gender discrimination and inequality in labour market; documentation and management of the care related work; drafting and implementation of the national care policy and the care related laws; Implementation of the program on the promotion of the labour friendly culture; conducting of the care training at the local level and increase the women participation in income generation;

#### 4.6 Quantitative Target

- (3) Share of the informal sector in employment at 36% in FY 79/80 to reach 50% by FY 85/86
- (4) Rate of workforce participation (15 years and older) at 38.5% in FY 79/80 to reach 50% by FY 85/86

## 8 gender equality, social justice and inclusive society

### 8.3 main issues and challenges

- (3) End of all the forms of violence, discrimination and exploitation: ending all forms of violence including the domestic violence, discrimination and exploitation against women and make the justice mechanism simple, affordable and accessible.
- (4) Ensuring meaningful participation of the targeted class and groups
- (5) Development of the culture to respect the contribution of the women

### 8.5 Transformative strategy

- (1) Gender equality and empowerment, social justice and inclusiveness, mainstreaming and localization
- (3) Ensuring the meaningful participation of the targeted class and group
- (4) Special protection for the targeted class and group
- (8) Improvement in the legal system
- (10) Adoption of the positive discrimination policy

### 8.5 Main programs

- (1) Program on improving the Governance management and policy and laws
- (2) Program on implementation of the international commitments and the national work plan
- (5) Program on gender equality, economic empowerment and reduction of violence
- (7) Program on social development and integration to specific target community

- (11) Program on social awareness and information campaign
- (12) Program on self-reliance for the targeted class and community

#### 8.6 Quantitative targets

1. Gender development indicator at 0.885 in FY 2079/80 to reach 0.967 by FY 2085/86
2. Gender empowerment measurement indicator at 0.46 in FY 2079/80 to reach 0.59 by FY 2085/86
3. Social empowerment indicator at 0.58 in FY 2079/80 to reach 0.65 by FY 2085/86
4. Percentage of women facing physical or mental or sexual violence during their lifetime at 23.4% in FY 2079/80 to reach 20% by FY 2085/86
5. Percentage of Women representation at Federal level at 33.6% in FY 2079/80 to reach 40% by FY 2085/86;  
Percentage of Women representation at Provincial level at 34.5% in FY 2079/80 to reach 40% by FY 2085/86; and  
Percentage of Women representation at Local level at 40.9% in FY 2079/80 to reach 45% by FY 2085/86
6. Percentage of women representation in the public service at 29.5% in FY 2079/80 to reach 35% by FY 2085/86
7. Percentage of the women with ownership of property at 23.8% in FY 2079/80 to reach 35% by FY 2085/86
8. Rate of women participation in labour force at 26.3% in FY 2079/80 to reach 35% by FY 2085/86
9. Percentage of women participation in the policy making level in public service at 13.7% in FY 2079/80 to reach 20% by FY 2085/86
10. Proportion of the gender responsive budget at all levels of government at 40% in FY 2079/80 to reach 50% by FY 2085/86
11. Percentage of Senior citizen affiliated to the social security at 90% in FY 2079/80 to reach 100% by FY 2085/86
12. Number of Senior citizen day service or reunion center at 225 in FY 2079/80 to reach 753 by FY 2085/86
13. Number of Districts operating the rehabilitation center for the survivors of the human trafficking at 10 in FY 2079/80 to reach 15 by FY 2085/86
14. Percentage of the schools with the availability of the necessary menstrual materials and toilets with the sanitary facility at 0% in FY 2079/80 to reach 80% by FY 2085/86
15. Percentage of women absent in the school or the workplace because of the menstrual reason in the last 12 months at 9.4% in FY 2079/80 to reach 4% by FY 2085/86

In addition to the national frameworks, Nepal has committed to some of the international conventions and treaties that pertain to the gender equality, social justice and inclusive society. United Nations covenants and International Labour Organizations conventions on the protection of the rights of the women has been ratified and some are in the process of ratification. The state is also a party to the regional and sub-regional compacts that requires the state to be gender responsive in all its governance mechanisms.

**Table 2: Timeline of Government restrictions imposed on migration of Nepali women for foreign employment**

Month/Year	Restrictions
1985-1990	Women require the consent of a "guardian" (parent, husband or other relative) to go for foreign employment
1998-2003	A complete ban on the migration of women worker to Gulf countries
2003-2010	A partial ban on the migration of women workers to Gulf countries
March 2003	Requirement of women migrants to get re-approval from the government for continuation after returning home for holidays or other reasons
May 2003	A requirement that women obtain prior approval to migrate from both their local government and their family
May 2005	Conditions imposed on women migrant workers seeking to travel to Malaysia
September 2008	Ban imposed on embarking to Gulf countries and Malaysia
Jan 2009-May 2009	A complete ban on women domestic workers going to Lebanon
December 2010	Lifting of ban on the migration of Gulf countries for all women, and new protection measures put in places
May 2011	Ban lifted for Nepali women to migrate for work to any country in the world as per Foreign Employment Regulations 2008
2012- May 2014	Prohibition on women under 30 years of age to work as domestic workers in the Gulf
May 2014	Ban on Nepali women going to Malaysia for employment
July 2014	Ban on all women migrating as domestic workers (worldwide) except for those who have already obtained a visa
September 2014-April 2015	A complete ban on women migrants being recruited for domestic work in the Gulf countries
April 2015 onwards	Prohibition on women under 24 years of age and older to work as domestic workers in eight countries
April 2017	Ban on sending Nepali workers as domestic help in the Gulf
September 2020	Parliamentary Committee revises that ban of 2017 and replaces it with seven preconditions to allow domestic workers to migrate for domestic work (Please refer to the text box above)

Sources: ILO (2020), A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers, ([available at](#)) and Nepali Times (2021), History of female (im) mobility in Nepal, ([available at](#))

**Seven Pre-Conditions:**

1. Countries of destination have a strong and separate law for ensuring services, conditions, and protection of migrant domestic workers;
2. GoN must have signed a Bilateral; Labour Agreement with labour receiving countries;
3. Labour agreements should ensure workers' basic rights like wages, weekly and annual leave;
4. Inclusion of domestic migrant workers in social security mechanism in country of destination;
5. Provisions on Occupational safety and health;
6. Provisions on working hours and additional benefits for extra work;
7. 24-hour insurance coverage at workplace of destination.

Women are channeled into the unauthorized and irregular pathway not recognized by the Government of Nepal. Most of them are found to take the advantage of the open border to enter India and take the route ahead to different destinations unknowingly or sometime with no choice becoming undocumented. This restricts them from pursuing any legal remedy, or accessing information regarding their rights and entitlements, and makes them severely vulnerable to exploitation. The private nature of domestic work and the absence of government's presence in countries of destination makes the implementation of laws and protection of the rights of women migrant workers further challenging. After various efforts from civil society organizations, networks, and women human rights advocates, on **29 September 2020**, the Parliamentarian Committee on Commerce, Labour, and Consumer Welfare introduced seven pre-conditions to ease the ban on Domestic workers migrating to GCC, Malaysia, and Lebanon. However, there are seven pre-conditions led (*Please refer to the text box*), among which many of them seem challenging to fulfill. The restriction on women's mobility had never been the solution.

NNSM asserts that the restrictions on the mobility of the women has opened the door of taking irregular pathways, consequently, increasing the vulnerability of the aspirant migrant workers falling prey to the human trafficking, smuggling and illegal transportation. All the parties concerned should work on empowerment of the women migrant workers and provide employment opportunities and other livelihood options in the country to eventually enabling them to take up migration as a choice based on informed decision.

## NNSM Women Rights Group

In response to the present context of gender based discriminations and scantiness in the gender sensitive and responsive governance in the labour migration sector National Network for Safe Migration has formed an informal group of leading organizations in women rights sector among its members to facilitate, coordinate and lead the gender responsive programs and activities more frequently, regularly and with affluence.

Five themes have been prioritized in the current phase based on the assessment of the members and partners where each theme has a leading organization that



coordinates, manages and organize the programs and activities supported by the group members and facilitated by the Network.

## Violence against women

Women in Nepal face significant challenges in asserting their identity, securing their right to work, and gaining recognition for their bodily autonomy. Despite constitutional guarantees for the right to work, societal perceptions remain deeply discriminatory, failing to acknowledge women's labour as legitimate work. Although the Nepalese government has implemented various plans and policies to protect migrant workers' rights local governments have yet to fully adopt these measures, and the specific issues facing migrant women are often overlooked.

Without dismantling unequal power relation based on different social structure, equality cannot be achieved. Therefore, the mission is to promote women's human rights and end all forms of structural discriminations through collective actions. In response to this neglect, raising mass awareness against gender-based violence (GBV), and fostering mass conscience has been observed. These collective actions have not only amplified their voices but also strengthened their resolve for further networking and solidarity.

The undertaking will continue on holding all the parties concerned accountable for the implementation of these policies and ensuring that the voices and experiences of women workers are at the forefront of the labour rights discourse. Evidence-based advocacy to influence policy at both the national and international levels have to be continued. The organizations have to be actively engaged in public awareness campaigns, emphasizing the importance of women's right to work and mobility by highlighting the gaps in existing laws and pushing for gender- transformative legislation to ensure the recognition, respect, and protection of women workers.

*WOREC Nepal, focused on preventing violence against women, addressing its causes and effects, and advocating for ecological justice and right to decent work and mobility through the economic, social, environmental, and cultural well-being of women and other marginalized groups, leads the theme.*

## Mobility Rights of Women

The government has always responded to the need of the women and other vulnerable group in a protectionist approach. Instead of strengthening the capacity of its institutions and those groups to take the right decisions based on the correct and timely information the government has always looked at the travel restrictions as the resolution to the sufferings of the women on the move in the pursue of social and economic freedom.

Conditions put on mobility has worsened the situation of labour migration as the cases of trafficking in person and smuggling is on rise. The women are taking up the irregular routes in desperation to leave in search of better life and in many instance to evade the social and economic hardship back in their community. The government's prohibitory policies and rules has a spillover effect resulting to the increased vulnerability.

The government should steps ahead lifting all forms of restrictions in mobility of the women



unconditionally and work towards empowering the women through trainings and other forms of capacity building so that they are able to take the informed decision. If all the parties concerned could work towards ensuring the decent work and living wages for all the women and other vulnerable groups will earn the economic freedom and refrain from taking irregular pathways. Ensuring the easy and simple mobility of the workers can resolve the issues of irregularity and to the great extent the issue of vulnerability.

***POURAKHI Nepal, pioneer returnee migrant workers' organization lead by women working in all the stages of the labour migration from the awareness at the community level to the reintegration of the returnee migrants, leads the theme.***

## International Mechanisms

Nepal has shared its commitment to respect, fulfill and promote the rights of the migrant workers and the members of their family at various international forums and platforms. Nepal has been recognized as the champion state of GCM implementation (for the objective 6). And its role in the international negotiations for the safe, orderly and regular migration has always been remarkable. After a long campaigns and advocacy the Government has shown sign of moving on the way towards ratification of the conventions ILO C 189 and ILO C 190.

There is a long way ahead in ensuring the rights of the migrant workers and specially the women in the context of their socio-economic contribution going unrecognized. Discriminatory restrictions are still in practice and the gender stereotype is still dominant in the governance mechanism. In this shade, the parties concerned are putting their effort in progressing towards creating an equitable society where the contributions of all are equally recognized and the dignified work and adequate pay is ensured.

The time for cooperation and collaboration in recognizing the international laws, policies and standards has come where NNSM and rights groups make their synergetic effort in supporting government to take step in honoring the international principles and adhering to the international laws by ratifying them. Active participation in the different national and international forums raising the voices for the vulnerable communities, partnership on the ground and the involvement in the national initiatives and the feminist groups in and beyond the national sphere has created synergy.

***AMKAS Nepal, returnee migrant women organization advocating for the rights of the women workers at national, regional and international level working in all the aspects of the labour migration at all stages of foreign employment cycle, leads the theme.***

## Trafficking in Person

Recently, the destinations, dimensions and mode of trafficking has changed. India has

developed from a traditional destination to a transit while Nepal is also becoming a transit hub for the traffickers gradually. The cases of internal trafficking is also on the rise. Individuals are coming or often brought into Kathmandu with the promise of better employment opportunities in the country and abroad. While on 'waiting' they are forced into the entertainment sector and often abused.

Despite ratification in 2020, domestication and naturalization of the Palermo Protocol has not been completed. Similarly, the Supreme Court judgment of 2007 on internal trafficking, other directives and laws on prohibition of the human trafficking and transportation has not been localized in the present federal context and the Human Trafficking and Transportation Act of 2007 could not be amended as anticipated.

Trafficking in the guise of foreign employment is complex and difficult to distinct, consequently, the cases are in rise. The government, however, has not been able to take firm action towards addressing the situation adequately. Similarly, at the destinations where the survivors of trafficking and smuggling seek refuge and support the physical, human and financial capacity of the embassy is presented as the hurdle in addressing the issue.

There is an immediate need to prioritize the internal trafficking issues that can, in a way, respond to the trafficking in the guise of foreign employment as well. Similarly, the employers should be held responsible and accountable in making towards the dignity of work in the entertainment and hospitality sector. There is also a pressing need to form a rapid response team immediately to response to the issues related to the trafficking in person within and beyond the borders.

*MAITI Nepal, globally recognized organization working towards ending the trafficking in person and providing rescue, repatriation and rehabilitation services to the survivors and advocating for the rights of the vulnerable groups, leads the theme.*

## Informal sector workers

Informal sector is one of the most vulnerable sectors where women face violence and abuse at work. Working conditions are unsafe for women because of the lack of the social justice and social protection in the informal sector. According to ILO reports vulnerable situation prevails in 89 per cent of countries from Southern Asia. Nepal Labour Force Survey 2022/23 shows that 63.5 percent of employed Nepali are working in the informal sectors while it is claimed that 90 percent of the working women are in the informal sector and are vulnerable to all forms of violence and exploitation. Similarly, work force participation is 38.5%. Women working without paid is 6 times more than the male. Over 90 percent of them are paid below the minimum wage. Overwork, gender wage gap, and low remuneration are some of the pertinent issues in the informal sector and are found to be more vulnerable to trafficking, child labour, unsafe migration, and violence.

The Labour Act 2017 provides national labour and employment standards comprehensively but fails to define the informal sector and informal employment. The patriarchal social norms have been deeply-rooted in our governance structures. Therefore, women and girls are subjected to sexual and physical violence. There are cases of workers escaping from the abuse falling prey of the traffickers and smugglers.

In order to address the issues pertaining to informal sector workers, formation of a capital

fund has been felt necessary from awareness raising, capacity building to rescue and rehabilitation. An urgent need for evidence-based policy advocacy from all the parties concerned including trade unions, associations of informal workers as well as civil society organizations has also been felt necessary. The need of more sheltering facilities is observed as the women and girls facing abuses require to be separated from their families and society in the course of justice and integration. There is a need for empowerment programs for women with engagement of community, family members and all other social partners. The issues in the informal sectors can be resolved gradually by establishment of a simple and easy safety, protection and justice mechanisms for women in informal economy.

*ABC Nepal, pioneer organization dedicated to the rights of the women by combating adversities like trafficking in person and working in the sector of social economic empowerment of the poor and marginalized, leads the theme.*

## KEY CHALLENGES

- The lack of harmonization between relevant laws [For example: Foreign Employment Act (2007) and Human Trafficking and Transportation (Control) Act 2007 as in current form they do not recognize human trafficking for labour exploitation].
- Women, gender experts, gender rights advocates, women migrant workers, and returnee women migrant workers are underrepresented in decision-making processes.
- The realities and complexities of inequalities, as well as the intersectional experiences of migration, go unnoticed in the absence of sex and gender-disaggregated data, as well as data on other intersectional factors. As a result, the experiences of migrants with disabilities, migrants with various sexual orientations and sex characteristics, indigenous peoples, and others who are marginalized in other ways continue to be hidden and ignored<sup>21</sup> and it is also hindering the ability of the state to estimate the contributions of migrant women to the economies of both countries of origin and destination.
- Nepal has bilateral agreements with 12 countries of destination, and the majority of them do not contain clauses that particularly address gender-specific provisions. The MoU between Nepal and Mauritius, for instance, mentions "specific vulnerabilities of

"If you are aware of how gender influences the opportunities of individuals in society, you are "gender-sensitive". If you actively address the causes of gender inequality, you are being "gender-responsive". [Source](#)

Addressing the different situations, roles, needs, and interests of women, men, girls, and boys in the design and implementation of activities, policies, and programs. A program, policy, or activity that is gender-responsive addresses gender-based barriers, respects gender differences, enables structures, systems, and methodologies to be sensitive to gender, ensures gender parity is a wider strategy to advance gender equality, and evolves to close gaps and eradicate gender-based discrimination. [Source](#)

<sup>21</sup> IOM (2021), Gender and migration data, A guide for evidence-based, gender-responsive migration governance, [\(available at\)](#)

the women worker and her protection from any violence, threats, and physical, mental, and/or sexual abuse.”<sup>22</sup> Workers from Nepal who are lawfully employed in Jordan “shall obtain equal treatment under the Jordanian Labour Law, without discrimination in respect of nationality, race, religion, or sex,” according to the BLA with Jordan<sup>23</sup>. In the agreements with Malaysia (2018) and the UAE (2019), gender is briefly discussed. In addition, aside from the agreement with Jordan, no other agreements offer domestic workers protection.

- Despite guidelines for gender-responsive budgeting being introduced in 2007 and a committee being formed at the ministerial level at the same time, mainstreaming gender perspectives into the local budgeting process has remained a gap<sup>24</sup>.
- The current pre-departure orientation training is not effective enough to train women workers on the range of rights, protections, and access to accountability mechanisms they would have as workers in host countries.
- The GoN has yet to ratify some of the key international instruments related to migration including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), Domestic Workers Convention 2011 (C189), and other relevant international instruments for the protection of rights of migrant workers. (For example: If the GoN ratifies ILO C189 on domestic workers and ILO C190 on workplace harassment and abuses, the government will have more bargaining power with destination countries).
- The limited avenues for access to information and access to justice due to limited decentralization of gender-responsive services for both aspirant migrant workers and migrant workers.
- Restrictions in the free mobility of the women and the willful choice of employment for the women has always been the major reason for the vulnerability of the women.

## Advocacy Message on Gender and Labour Migration Governance

We urge Nepali policymakers, parliamentarians, civil society organizations, Trade Unions, networks, and other partners to take action towards ending the stereotype gender perceptions and move towards gender sensitive awareness and gender responsive action on labour migration governance. Let us all come together in order to ensure the immediate reform and effective implementation of the legislations governing women migrant workers' safe, orderly, productive and dignified access to foreign employment;

### 1. Amend the legislative framework to mainstream gender perspective to ensure the rights of migrant workers, particularly the vulnerable population

- Ensure coherence and harmonization of existing laws governing labour, foreign labour migration, and trafficking to ensure that there are no contradictory provisions<sup>25</sup> that

<sup>22</sup> Memorandum of Understanding between the Government of Nepal and the Government of the Republic of Mauritius on the Recruitment and Employment of Workers from Nepal, 2019.

<sup>23</sup> General Agreement in the Field of Manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal, 2017

<sup>24</sup> Policy Brief, Climate and Development Knowledge Network (2021), ([available at](#))

<sup>25</sup> Human Trafficking and Transportation (Control) Act (HTTCA) does not include labour exploitation as a purpose of trafficking. The definition of “exploitation” in HTTCA does not include labour exploitation and is not in line with Palermo Protocol. Rescue of trafficked person is limited to any Nepali citizen “sold, transported or put into prostitution” in foreign land. However, there is no provision for rescue of person in forced labour or labour exploitation.

have an adverse human rights impact on migrant workers. Ensure that law enforcement agencies and justice systems interpret and implement the laws correctly and consistently and in line with principles of labour rights.

- Restructure and revise the legislative framework to facilitate decentralization of migration services in order to improve equitable and inclusive access to justice, information, gender-responsive services (for example, fair recruitment, financial services, both physical and psychosocial health services, shelter support, Pre-departure Orientation Training (PDOT), and other welfare schemes) regardless of migration status.
- Inclusion of migrant women to the panel to share their desires and concerns during policy formulation and evaluation of policy interventions.
- The GoN currently uses two methods of keeping data on migrant workers-new labour permits and re-entry labour permits, which is not adequate to show the real picture of labour migration. Enhance the data sharing in the existing Foreign Employment Information Management System (FEIMS), particularly across Ministries, among various administrative sources, through population censuses and thematic surveys, and between Nepal and the countries of destination.
- Improve collecting and analyzing sex-disaggregated data to help uncover the socioeconomic realities of women and gender-diverse people which ultimately helps to inform evidence-based migration policy that captures the realities of all migrants and counter gender discrimination.
- The GoN is encouraged to focus on collecting data on particular categories of migrants, such as those following irregular routes, as these data gaps mean that policymakers, civil society organizations, and migrant rights advocates cannot respond to the gender-based experiences and needs of migrants, such as Gender Based Violence (GBV) experienced by gender groups in transit<sup>26</sup>.
- Ensure appropriate allocation of resources to the missions abroad and provide competent gender-responsive services and budget resources to their citizens in need.
- Through enhanced labour diplomacy, the GoN can take initiatives to explore new safe labour migration corridors for women migrant workers. Additionally, review and revise existing BLMA documents from a gender perspective, taking intersectionality<sup>27</sup> into account. Further, when negotiating BLMAs take measures to include provisions to specifically address the rights of migrant domestic workers.

## 2. Incorporate Gender-responsive planning, programming, and budgeting in all the federal structures of the country

- Eliminate present “protectionist” approaches to migration planning, programming and policymaking on women migrant workers and move away from using “victim-based” narrative to describe migrant women, which affects the everyday treatment that they receive as well as policy narratives and interventions.

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The definition of “exploitation” in Human Trafficking and Transportation (Control) Act needs to be expanded for covering labour exploitation, child labour, debt bondage and other illegal forms of labour

<sup>26</sup> IOM (2021), Gender and migration data, A guide for evidence-based, gender-responsive migration governance, [\(available at\)](#)

<sup>27</sup> Intersectionality is “a way of thinking about identity and its relationship to power.” “It recognises that people’s lives are shaped by their identities, relationships and social factors. These combine to create intersecting forms of privilege and oppression depending on a person’s context and existing power structures such as patriarchy, ableism, colonialism, imperialism, homophobia and racism”- Intersectionality resource guide and toolkit by UNPRDP & UN WOMEN

- Recognize and value unpaid care and domestic work by the state while Labour Act 2074 recognizes domestic work in the country. The GoN is encouraged to enact more comprehensive legislation that recognizes domestic work and care work as legitimate work and establish centers where women can obtain specialized assistance for entering the labour market.
- Promote equitable access to training institutions for skills development and information on foreign labour migration as most of them are based in cities only addressing the needs of people who have access to resources and not women, disadvantaged groups, and other marginalized groups.
- Ensure gender-responsive budgeting and programming are incorporated to address gender inequality, GBV, and gender discrimination among all gender groups of migrant workers.
- Reduce vulnerabilities in the entire migration cycle from the pre-decision stage to return by ensuring that women migrant workers know about their rights and fully aware of how to exercise these rights during the entire migration process.
- Conduct gender audits of existing policies and programs and take necessary measures to address the identified gaps from a gender perspective.

### **3. Design and implement gender-specific positive action measures to redress the effects of past or continuing discrimination until equality of outcomes for all genders is achieved**

- Design and conduct positive measures to recognize differential needs of different genders and programs to address inequalities (for example: affirmative action, gender specific activities to achieve equality)
- More representation and participation of women migrant workers, women advocates, and gender experts in the policy and program designing process, management of labour migration, implementation, and evaluation.
- Ensure gender needs (both practical and strategic)<sup>28</sup> of migrant workers so that they have more choices and can access resources and benefits and claim rights.
- Public information campaigns such as media outlets (radio, television, and newspapers) provides comprehensive and nuanced information on migration practices. Civil society organization, networks and other community members can help disseminate information on safe women labour migration targeting rural, displaced, vulnerable, and Dalit women.

### **4. Reinforce regular pathways for women migrant workers to have access to decent employment opportunities both in the countries of origin and destination**

- Remove restrictions on mobility that have compelled women to migrate through irregular routes and become undocumented which is making them vulnerable for exploitation and rights violation and introduce measures that ensures protections of human and labour rights for women migrant workers. For e.g. Revising BLMAs/understandings with destination countries through a gender-responsive lens is a critical step toward protecting and securing women migrant workers rather than restricting their mobility.

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<sup>28</sup> Practical needs are basic needs; about improving immediate shortcomings in living and working conditions of men and women whereas Strategic needs are needs for equality and empowerment of both women and men; redressing unequal power relations, and addressing the root causes of inequalities.



- Ensure the job opportunities<sup>29</sup> are accessible to all women, including marginalized, disabled and vulnerable Nepali women in rural and urban areas and engage in efforts to identify and recognize women informal sector<sup>30</sup> workers in Nepal, as well as to ensure that their labour rights are protected.
- Enhance institutional capacities, promote fundamental principles and rights at work, ratify and apply fundamental conventions<sup>31</sup>, focus on international labour standards implementation, ensure access to social security and improve social dialogue surrounding women Nepali workers<sup>32</sup>.
- In accordance with national and international labour standards on women's human rights and labour rights (*Please see Table No. 1*), take the necessary steps to strengthen regular pathways to a more diverse array of destination countries and in a wider range of employment sectors, investing in skills, education, vocational, and life skill training for women migrant workers to facilitate equal rights to migration opportunities, services, and benefits<sup>33</sup>.
- Eliminate all forms of violence and harassment in public and private spheres and promote safe and secure working environment for all workers<sup>34</sup>.
- Ratification<sup>35</sup> of the relevant International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); ILO Convention C189 on Domestic Workers (2011); ILO Convention C190 on Violence and Harassment (190); ILO C097 - Migration for Employment Convention (Revised) (1949) (No. 97); ILO C143 - Migrant Workers (Supplementary Provisions) Convention (1975) (No. 143); ILO C181 - Private Employment Agencies Convention (1997) (No. 181); and the Protocol of 2014 to the Forced Labour Convention (1930) including implementation and alignment of conventions with national laws and policies even if not ratified.

## 5. Repatriation, Return and Reintegration

- Ensure the dignified and safe return of migrant workers regardless of their migration status.
- Ensure that vulnerable groups, such as undocumented migrant workers, who are disproportionately female, are rescued and not excluded from the reintegration process and programs funded by the Foreign Employment Welfare Fund (FEWF). This is an important issue because workers may have traveled irregularly without obtaining labour approvals or overstayed their visas abroad without timely renewing their labour approvals, but are now returning home and require assistance<sup>36</sup>.
- Encourage local government to enhance the database management system of returnee

<sup>29</sup> The Prime Minister Employment Programme guarantees every citizen at least a hundred days of employment per year, and those who do not receive minimum employment are entitled to government compensation. However, due to their limited scope, these programs face implementation challenges. New Business Age, July 22, 2022, ([available at](#))

<sup>30</sup> Women have a higher share of informal employment than men (90.5 percent vs. 81.1 percent), Report on the Nepal labour force survey 2017/18, ([available at](#))

<sup>31</sup> Nepal has ratified 7 out of 8 of ILO's fundamental conventions.

<sup>32</sup> ILO (2020), A comprehensive analysis of policies and frameworks governing foreign employment for Nepali women migrant workers and migrant domestic workers, ([available at](#))

<sup>33</sup> Migration Group Nepal's Advocacy Message on Gender and Migration, Version: 16 September 2022

<sup>34</sup> Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206, ([available at](#))

<sup>35</sup> International labour standards serve as targets for harmonizing national law and practice in a specific field; actual ratification may occur later in the implementation process. Some countries decide not to ratify a Convention but to align their legislation with it anyway; these countries use ILO standards as models for drafting their legislation and policy. Others quickly ratify ILO Conventions and then work to align their national law and practice after ratification, ([available at](#))

<sup>36</sup> Nepal Policy Institute and Migration Lab (2020), Rapid Assessment of Nepali Migrant Workers' Situation in Major Destination Countries During the COVID-19 Pandemic, ([available at](#))

migrant workers including information of the social and economic remittances and facilitate their sustainable social and economic reintegration.

- The Government of Nepal is encouraged to give returnee migrant workers adequate and accessible services such as financial literacy, entrepreneurship development skills and capacity building trainings, job referral, and networking with support organizations.
- Put an emphasis on certifying and testing returnees' skills. Increase the number of job opportunities to returnees in their local community, including job fairs, websites/apps that help people find jobs, counseling, and on-the-job training, to ensure a direct correlation between formal certification and the employment results of returning migrants.
- It is important to support women returnees in developing networks or collectives for peer support and sharing their migration journeys in order to strengthen their voice in the community. It will also foster an environment for individuals interested in making collective investments in commercial agriculture, cooperatives, small-scale industry, and hospitality services.
- Encourage the adoption of an inclusive strategy that ensures the engagement of the target beneficiaries, i.e., the returnees, from the program's design stages onward in order to assure their ownership and success<sup>37</sup>.

## 6. Gender Transformative Approach to the labour migration Governance

- In order to realize the formation of a society where good governance, social justice and prosperity is a reality the underlying causes of the inequality and discrimination based on the gender must be identified and addressed.
- The laws and policies has to be transformed to ensure the just gender roles and equal power relations.
- The awareness through different social interventions has to be introduced to intensify the transformation.
- The gender stereotypical perception of the society has to be gradually blurred by encouraging the participation of people of all gender in all forms and sectors of work. For instance, more men in the care work and more women in formal corporate jobs.

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<sup>37</sup> Ibid

# ANNEXES:

## Annex 1: National and International Instruments and Frameworks

Normative Framework of Migration Governance in Nepal	International Conventions ratified by Nepal	ILO Conventions Ratified by Nepal	Regional agreements/ International forum
Foreign Employment Act (2007) (and its subsequent regulation)	The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979	Forced Labour Convention, 1930 (No. 29),	The Global Compact for Migration
Foreign Employment Policy (2012)	The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965	Weekly Rest (Industry) Convention, 1921 (No. 14),	Colombo Process
National Employment Policy (2014)	The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984	Right to Organize and Collective Bargaining Convention, 1949 (No. 98),	Abu Dhabi Dialogue
Five-year National Strategic Action Plan (2015-2020)	The Convention on the Rights of the Child (CRC), 1989	Minimum Wage Fixing Convention, 1970 (No. 131),	Bali process
The 2015 Directive on the Management of Sending Domestic Workers for Foreign Employment	The Convention on the Rights of Persons with Disabilities (CRPD)	Minimum Age Convention, 1973 (No. 138),	Global Forum for Migration and Development (GFMD)
Directives for domestic workers, 2017	Vienna Convention on Consular Relations, 1963	Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144),	SDG-especially SDG Target 5.2, Target 8.7, 8.8., Target 10.7 and SDG 17

Legal representation for foreign employment, 2019,	The Convention against Transnational Organized Crime, 2000	Worst Forms of Child Labour Convention, 1999 (No. 182),
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Directives for monitoring team, 2019	Equal Remuneration Convention, 1951 (No. 100),
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Fifteenth five-year plan of National Planning Commission (2019/20 to 2023/24)	Force Labour Abolition Convention, 1957 (No. 105),
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Human Trafficking and Transportation (Control) Act	Discrimination (Employment and Occupation) Convention, 1958 (No. 111),
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Local Government Operation Act, 2017	Indigenous and Tribal Peoples Convention, 1989 (No. 169)
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#### Conventions pertaining to the labour migration that needs to be ratified by Nepal

- UN Migrant Workers Convention,
- Migration for Employment Convention (Revised), 1949 (No. 97),
- ILO Domestic Workers Convention, 2011 (No. 189),
- Migration for Employment Convention (Revised), 1949 (No. 97),
- Private Employment Agencies Convention, 1997 (No. 181),
- Violence and Harassment Convention, 2019 (No. 190).

## Annex 2: Gender in Bilateral Labour Migration Agreements

Countries		Jordan (2017)	Malaysia (2018)	UAE (2019)	Mauritius (2019)	Israel (2020)	UK (2022)
Specific Group	Gender	✓	✓	✓	✓	–	–
	Profession	✓	–	–	–	–	✓
	Skill	–	–	–	–	–	✓
Recruitment/selection Procedure		✓	✓	✓	✓	✓	✓
Committees for implementation		✓	✓	✓	✓	✓	✓
Health care and other social benefits		✓	✓	–	✓	–	✓
Information on working conditions		✓	✓	–	✓	–	–
Irregular Migration		–	–	✓	✓	✓	✓
Skill recognition		✓	✓	–	✓	✓	✓
Pre- departure training /orientation		✓	✓	✓	✓	–	–
Gender and discrimination		✓	✓	✓	✓	–	–
Social Safety nets		✓	–	–	–	–	–
Mark:		✓ : Provision Made		– : No provisions made			



# National Network for Safe Migration

Kathmandu, Nepal

