

Nepal's Civil Society Position Paper
Advancing Rights-Based, Gender-Responsive, and Climate-Sensitive Migration
Governance
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Despite existing international frameworks, millions of migrant workers, especially from the Global South, face systemic exploitation, social exclusion, and legal invisibility. Implementation gaps in the Global Compact for Safe, Orderly and Regular Migration (GCM) remain vast. In this light, *National Consultation for Nepal's preparation for the 2nd International Migration Review Forum* participated by **members and partners of the National Network for Safe Migration** calls for urgent action on social security portability, 24-hour insurance, equal treatment, climate mobility under the Paris Agreement, fair recruitment, dismantling of employer-tied visa systems, and rights-based reintegration. We demand enforceable bilateral labour agreements (BLMAs), grassroots voices, and accountability mechanisms placing worker dignity and economic independence at the center.

Key Demands and Recommendations

1. Social Security, Insurance & Equal Treatment

- Guarantee **portability of social security** between countries of origin (CoO) and destination (CoD) via bilateral agreements.
- Mandate **24-hour insurance coverage** from recruitment to return (accidents, illness, and death).
- Ensure **equal treatment** – eliminate wage discrimination based on nationality.

2. Climate Mobility & Health

- Recognize **climate-induced health risks** as occupational hazards and include measures in the labour migration policies of CoD and CoOs.
- Integrate all **climate mobility** issues (social, economic, political) in the migration governance.

3. Fair Recruitment & Employer Accountability

- Ensure universal **employer-pay recruitment model** – no recruitment related costs to workers.
- **Strengthen regulation** and **cross-border monitoring** of recruitment agencies and agents:
- Promote **Fair recruitment** across the employment corridors to ensure accountability in the whole supply chain and the responsibilities of employers and the governments.

4. Grassroots Voices & Policy Documentation

- Strengthen **grassroots voices** from local to global levels.
- Ensure **women participation and representation** at all levels.
- Systematically **document and archive** policy documents.
- Ensure **disintegrated database management** at local level (aspirants, working and returnees).
- **Exchange of database** between the countries ensuring firewall, confidentiality and reprisal.

5. Reintegration & Trafficking Awareness

- Extend reintegration to **human trafficking awareness** for families and communities.
- Provide **psychosocial support** and **socio-economic reintegration** (skills, capital, jobs).
- Ensure **gender-friendly, rights-based reintegration** (safe spaces for women and LGBTQ+).

- Incorporate **indigenous knowledge** and climate-resilient livelihoods.
- Ensure that **CoD has the shared responsibility** for the reintegration of the returnees.

6. Labour Contracts, Wage Theft & Working Conditions

- Mandate **standard contracts** in accessible languages, reviewed pre-departure.
- Zero tolerance for **wage theft** – strong grievance mechanisms.
- **Invalidate exploitative contracts** (bad contract = bad conditions).
- Ratify **ILO Conventions 189** (domestic workers) and **190** (violence/harassment).

7. Protection of Rights & Legal Identity

- Record **disaggregated data** of leaving/returning workers (gender, age, skill).
- Remove **discriminatory travel restrictions of women** honoring international commitments.
- Institutionalize **rights-based, gender-responsive migration governance**.
- Mandatory **consular registration** of workers at embassies abroad for legal protection.

8. Implementation of GCM & BLMAs

- Enforce **existing BLMAs** – weak enforcement is the main failure.
- Engage in **regional consultative processes** for coordination.
- Establish **strong BLMA cooperation** with monitoring and review.
- **CoD liability** for CoO's socio-economic development (skilling, diaspora investment).

9. Abolition of Employer-Tied Visa & Freedom of Association

- **Abolish the employer-tied visa system** (kafala/sponsorship) – end forced labour.
- Guarantee **dignity of life, economic independence, freedom of association, and collective bargaining**.

10. Pre-Departure & Post-Arrival Orientation (PDOT)

- Address policy illiteracy through **mandatory PDOT** ensured by CoD (not fee-based).
- Provide **country-specific content** on rights, culture, and grievance channels.
- CoD to deliver **post-arrival orientation and training** (safety, insurance, complaints).

11. BLMAs with major Destinations & Civil Society Space

- Conclude BLMAs with **all destinations, especially sensitive ones** (conflict, abuse hotspots).
- Guarantee **civil society space** in BLMA implementation, monitoring, and revision.
- Recognize: **poor BLMA = poor health outcomes**.

12. Legal Access, Complaints & Rapid Response

- Provide **access to legal services** in CoD (free/low-cost aid).
- Establish **anonymous, multilingual complaint mechanisms** at destination.
- Ensure **timely rapid response and referral mechanism** for abuse, detention, or medical emergencies.

13. Trafficking Survivors, Regularization & Re-Trafficking Prevention

- Build **proactive identification mechanisms** for trafficking survivors.
- Allow **regularization through documentation** – no deportation without status review.
- Include **anti-trafficking follow-up** in reintegration.

14. Diaspora Engagement, Skill Empowerment & Information Gaps

- Engage **diaspora and migrant communities** for peer support.
- Focus on **skill empowerment and capacity building** pre-departure.
- Close **information gaps** on government services (mobile apps, hotlines, outreach to families).
- Ensure systemic and functional mechanism in place to proactively engage diaspora and migrants communities in the protection of migrant workers at CoD.

15. Enforcement, Accountability & the “One Death” Principle

- Enforce BLMAs with **penal provisions** for non-compliance.
- **Employer liability** for family compensation and insurance claims after death/injury.
- **Align post-mortem reports** across jurisdictions.
- **One death = enslavement of five persons at CoO** – trigger systemic investigations.
- Establish **joint CoO-CoD monitoring committees** with civil society representation.

The IMRF must move from voluntary commitments to binding, time-bound, verifiable actions. We demand a paradigm shift: from managing migration to protecting migrants as rights holders. All States must abolish employer-tied visa systems, ratify ILO 189 and 190, enforce ethical recruitment, integrate climate mobility into Paris Agreement governance, and ensure no migrant worker dies without justice or lives without dignity. We believe, a strong global framework reflected in the regional processes and agreed upon by the meaningful BLMAs is foundation to the protection, promotion and fulfillment of the rights of the migrant workers and the members of their family.

Nothing about us without us – grassroots voices from the Global South must lead this reform.

Endorsed by the members and partners of the National Network for Safe Migration, Nepal.