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# SUMMARY OF NEPAL EVALUATION STUDIES

## Evaluation context

The South Asia Work in Freedom Transnational Evaluation (SWiFT) is a five-year programme of research and evaluation funded by the UK Department of International Development (DFID/UKAID). SWiFT assesses and informs the International Labour Organisation's (ILO) DFID-funded Work in Freedom (WiF) multi-country intervention to minimise women's vulnerability to labour trafficking in South Asia and the Middle East. SWiFT Nepal was conducted in three of the five districts where the WiF programme was operating: Chitwan, Rupandehi and Morang. In Nepal, SWiFT was designed to inform the WiF programme and other trafficking prevention programmes on the nature and scale of adverse migration outcomes; factors that increase or decrease a woman's risk of being trafficked; prospective women migrants' pre-departure knowledge and decision making and examine the potential influence of WiF's community-based programmes to foster safer labour migration. This report aims to summarise this body of research and consider the implications of the findings.

## What do we know about labour migration in Dolakha, Nepal?

A household census was conducted among 1w T3 29.64 -21.3 TD(Evaluat[(d census forms 5,961khadve women idFEF

off trainings. However, some women reported that they were unable to attend the 2-days in full, which raises questions about the value of adding days to the training. Women also reported forgetting some of the information given at the training, which may be due, in part, to the potential lag time between starting the migration process and their actual departure. See <http://same.lshtm.ac.uk/files/2015/11/Nepal-briefing-note-02.pdf>

## Transnational female labour migration: the perspective of low-wage Nepalese workers

Low wage female migrants, and especially domestic workers, are vulnerable to notoriously imbalanced employment relations and precarious work conditions. Research on paid domestic work has concentrated on exploitative recruitment and employment practices, lack of policies and legislation to protect workers' rights, and the virtual absence of collective action and worker's representation. Yet, there has been limited evidence on the migration processes from the perspective of female migrants. This brief describes Nepalese female workers' migration circumstances and experiences, highlighting potential protective mechanisms and opportunities for intervention. It presents findings from surveys conducted among a sample of 521 returnee migrant women in the Nepalese districts of Morang, Chitwan and Rupandehi. It concludes by suggesting that women have limited awareness of available training options at the pre-departure stage. It also indicated that written contracts have a protective effect against labour exploitation. See [http://same.lshtm.ac.uk/files/2018/02/SWiFT\\_-Nepal-briefing-note-03-Dec2017-V2.pdf](http://same.lshtm.ac.uk/files/2018/02/SWiFT_-Nepal-briefing-note-03-Dec2017-V2.pdf)

## Are past experiences of forced labour associated with future migration intentions and planning among women migrants?

Nepali women's participation in foreign employment has increased over the past decade, with figures indicating that between 1985 and 2001, only 161 women migrated for foreign employment, while numbers rose substantially to approximately 30,000 in 2013-2014. For this study, surveys were completed by 653 women returnee migrants, among whom 122 (23%) reported they intended to migrate again, with a further 26 (5%) saying they

didn't know if they would migrate again or not. No relationship was found between past forced labour experiences and remigration intentions. In fact, past experiences of forced labour do not appear to be related to whether or not a respondent decides to return to a destination or sector in which they have worked on a previous migration. Though a slightly lower percentage of those who had experienced forced labour ('experience of work and life under duress') reported intending to re-migrate, compared to those who had no forced labour experience, but the difference was very small and wholly attributable to a greater percentage in this group who were uncertain whether they would migrate again. However, the extremely high prevalence of forced labour (89%) hindered interpretation of these results. Those with forced labour experiences appear to have less knowledge than those without forced labour experiences about the documents required to migrate legally outside of Nepal for work. They cite fewer of the necessary documents overall, as well as being less likely to have knowledge of each of the individual documents (e.g. work contract, labour permit, etc). They are also less likely to be aware of the pre-departure training programme that it is compulsory to attend before migrating outside of Nepal for work. See

44% experienced unfree recruitment, 71% work and life under duress and 14% impossibility to leave employer. Overall, 73% experienced forced labour. Forced labour was more prevalent among those who had taken loans for their migration (PR 1.23) and slightly less prevalent among those who had migrated more than once (PR 0.87); however the proportion of those who experienced forced labour was still high (67%). Forced labour experiences were common during recruitment and at destination. Migrant workers need better advice on assessing agencies and brokers, and on accessing services at destinations. As labour migration from Nepal is not likely to reduce in the near future, interventions and policies at both source and destinations need to better address the challenges migrants face so they can achieve safer outcomes. See

## Nepali women's labour migration: between protection and proscription

With the increase in female migration, especially in the domestic sector,<sup>1-4</sup> and accompanying reports about exploitation and abuses experienced by these workers,<sup>5-7</sup> labour-sending countries are grappling with the need to proa ce of and er o understand the implications of current policies, it is useful to draw on a critical feminist policy analysis that considers Nepal's policy and regulatory

to power, patriarchy and the state.

<sup>8-12</sup> Most policies are gender-neutral, and even where gender issues are considered, the policies rarely refl ce of ways in which they will influence social, economic and power relations.<sup>13-15</sup> Over the past decade, Nepal's policy regime has been simultaneously liberal, proa ceive and restriceive, especially in light of recent measures to proa ce women by curtailing their migration through various bans. Yet, the structural and economic drivers for women's migration persist. And, for women who do migrate despite the bans, overseasd are not aff ceed by sending country policies.

## Empowerment and stigma: a qualitative analysis of women and labour migration

Labour migration among Nepali women is an increasing and important ph[(sour) migration amoioninssiess 7(E)mgplications Tm(E)TJEMr7,scn/T1\_3 2 1rTu safusspecially





## Study setting

Nepal is a landlocked country sharing borders with India and China. Migration in Nepal is generally attributed to: poverty, limited employment and livelihood opportunities,<sup>16,17</sup> conflict<sup>18,19</sup> and social networks<sup>20,21</sup>. Migration from Nepal to or via India is not officially recorded due to the open border policy between the two countries.<sup>22</sup> In 2014, nearly one-fifth of the remittances sent to Nepal came from India which may be indicative of the numbers of Nepalis living in India.<sup>23</sup> Apart from India, Nepali labour migrants commonly work in Malaysia and the Gulf Cooperation Council (GCC) countries, which include Qatar, Saudi Arabia, United Arab Emirates, Kuwait, Oman and Bahrain. Migrants primarily work in low-skilled jobs such as manufacturing and construction.<sup>24,25</sup> Studies and government reports suggest Nepali migrants often have limited understanding of their future work conditions and rights, and fatalities at destination have been increasing.<sup>26,27</sup> At the same time, labour migration has been credited with poverty reduction and contributing significantly to Nepal's economy, as official remittances have steadily increased since the 1990s, now representing over 30% of the Gross Domestic Product in 2015.<sup>28</sup>

## Study designs

- **Cross-sectional surveys with: 521 returnee migrant women who migrated** (including to India) and returned to Nepal within the past five years, to capture women's experiences from initial preparations through to return and possible remigration.
- **Cohort study with: 340 prospective migrant women at baseline**, identified by WiF peer educators; and **188 interviewed during round 1** (pre-departure) to explore women's migration decision-making and planning.
- **Qualitative semi-structured interviews with: 55 of the prospective migrant women who participated in the survey** to explore their perceptions of women's work, migration plans and preparations in detail before the full roll out of the WiF intervention. They were followed up for a second interview if they attended the WiF 2-day pre-decision-making training and six were interviewed to understand their experience and opinions of the training.

16. Sharma JR. Practices of male labor migration from the hills of Nepal to India in development discourses. Which pathology? *Gender, Technology and Development*. 2008;12(3):303-23.

17. Bruslé T. Choosing a destination and work. Migration strategies of Nepalese workers in Uttarakhand, Northern India. *Mountain Research and Development*. 2008;28(3/4):240-7.

18. Libois F. Households in times of war: adaptation strategies during the Nepal civil war. Namur, Belgium: Centre for Research in the Economics of Development (CRED), 2016. Contract No.: 2016/03.

19. Williams NE. How community organizations moderate the effect of armed conflict on migration in Nepal. *Population Studies*. 2013;67(3):353-69.

20. Bohra P, Massey DS. Processes of internal and international migration from Chitwan, Nepal. *International Migration Review*. 2009;43(3):621-51.

21. Lokshin M, Bontch-Osmolovski M, Glinskaya E. Work-related migration and poverty reduction in Nepal. In: Murrugarra E, Larrison J, Sasin M, editors. *Migration and Poverty Toward better opportunities for the poor*. Washington, DC, USA: The World Bank; 2011.

22. Kansakar VBS. Nepal-India open border: Prospects, problems and challenges: Inst. of Foreign Affairs; 2002.



# FEMALE LABOUR MIGRATION IN NEPAL

## Female migration trends

Women’s engagement in foreign employment must be understood within the broader pattern of female labour force participation in the country. According to a 2013 report, the share of Nepali women in wage employment in the non-agriculture sector more than doubled between 1990-2010 and 2013 (NPC, 2013: 31). This mirrors the increase in the total number of women obtaining labour permits during the same period in Nepal.<sup>29</sup> However, there are limited job opportunities for women in Nepal due to their lower levels of education and job experience, lesser control of and access to resources, and discrimination in the labour market (ADB, 2010; Acharya, 2014). For women who choose to join the labour force, the possibility of travelling abroad for employment affords them with opportunities often unavailable at home.

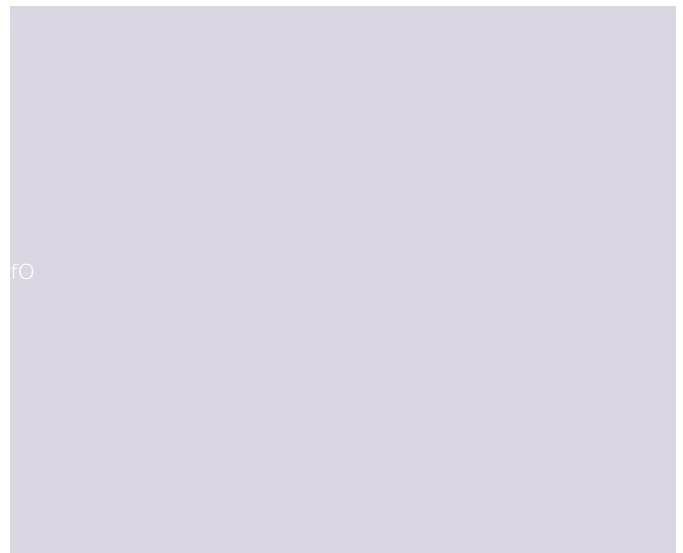
Women’s migration is also influenced by socio-cultural norms that are deeply-rooted in Nepal’s patriarchal system (Murphy, 2008). For example, women who are in abusive relationships may see migration as a good option:

**Aged 24 from Morang,  
previously migrated once against the ban**

Another woman whose husband took a second wife explained:

**Aged 36 from Morang, previously  
migrated to Oman as a domestic worker**

Women’s migration from Nepal historically took the form of family migration, but women’s participation in foreign employment has risen significantly. Available data from then-Department of Labour and Employment Promotion<sup>30</sup> showed that only 161 women migrated for foreign employment between 1985 and 2001.<sup>31</sup> However, this began increasing in absolute terms from the mid-2000s, with an exception in 2014/15, possibly due to the 2015 earthquakes.<sup>32</sup> (See Figure 1).



29. Ministry of Labour and Employment. (2016). Labour Migration for Employment, A Status Report for Nepal: 2014/2015. Kathmandu: Ministry of Labour and Employment, Government of Nepal.

30. Following the enactment of the Foreign Employment Act 2007, a separate entity, the Department of Foreign Employment was established from the Department of Labour and Employment Promotion in 2008.

31. Gurung, G. (2004). An Overview Paper on Overseas Employment in Nepal. Kathmandu: International Labour Organization (ILO).

32. Ministry of Labour and Employment. (2016). Labour Migration for Employment, A Status Report for Nepal: 2014/2015. Kathmandu: Ministry of Labour and Employment, Government of Nepal.





countries.<sup>51</sup> In April 2014, the government imposed a total ban on all women to migrate for domestic work, with the exception of those who already had work visas. In April 2015, the government introduced 'Guidelines for domestic workers seeking foreign employment,' which lowered the age bar to 24 for the six GCC countries, Lebanon and Malaysia (Article 3[3]) while stating that workers would be sent only to countries with which Nepal had established bilateral agreements (Article 4). In the interim, recruitment agencies would still be allowed to send domestic workers to countries without such agreements provided they had agency-to-agency agreement in the destination country.<sup>52</sup>

## Effects of policy changes

The structural factors pushing women to migrate are strong and while there is a consensus among rights groups about the ways the ban violates women's rights, evidence on the effects of the bans on the prevalence of abuse seems mixed. While there has been a steady increase in the number of women migrating from Nepal through regular channels, these have fluctuated considerably, perhaps a reflection of the government's on-again-off-again restrictive measures. After the ban was lifted in 2010, there was a 120% rise in the number of labour permits issued to women in 2011/12 compared to the previous year. When the ban was re-imposed in 2012, both the rate of increase in absolute terms and the total share of female migrant workers dropped (MoLE, 2015: 58).

Some research suggests that the restrictions have impacted how women migrate, but not necessarily curtailed their outflows. For example, a survey of

86 migrant women following the first ban in 1992 found that the women simply sought unofficial channels to leave the country instead of staying put.<sup>55</sup> Additionally, even as Nepal banned Lebanon as a destination for female migrant domestic workers, the Lebanese government still issued 3,895 new labour permits to Nepali domestic workers in 2010.<sup>56</sup> It was pointed out that the ban was announced by Nepal unilaterally and not negotiated with Lebanon, and hence, not enforceable there. However, while regulations and bans were intended to protect women from exploitation and abuse,<sup>53</sup> emerging evidence on the outcomes of the bans appears to be mixed.<sup>54</sup> Past reports have generally commented that women will find ways around the ban by migrating through irregular channels, outside the protection supposedly accorded by the formal system.<sup>55-57</sup> Similarly, ILO reports suggest the bans are associated with a higher incidence of trafficking. At the same time, new SWiFT findings from the research among returnee women suggest that the incidence of forced labour has declined since 2008 – which coincided with more targeted Nepalese actions against human trafficking, including successive bans on migration. SWiFT results suggest that women who migrated during the most recent bans (i.e., restricting migration to women older than 30 from migrating to Arab States and banning all women from migrating for domestic work) were less likely to experience forced labour.<sup>59</sup> Nonetheless, even if migration bans might have some protective effects against women's engagement in situations of forced labour, these types of restrictions limit livelihoods options, individual agency and reinforce gender inequalities.<sup>60</sup>

51. Shrestha, M., & Basu, M. (2012, August 10). Nepal bans women under 30 from working in Gulf states, CNN News. Retrieved from <https://edition.cnn.com/2012/08/09/world/meast/nepal-migrant-workers/index.html>

52. This option, however, was to be exercised only for a maximum one year (Article 4). On the issue of recruitment agencies, the Guidelines has capped the number of agencies allowhow womeol10 0 0 10 /p-16o.e., restricting migrass

## WiF pre-migration information

Among the main aims of the ILO-WiF pre-decision training sessions was to increase women's knowledge about Nepali laws and regulations for migration. When prospective migrant women in the SWiFT study were asked about migration preparations or the processes involved, most mentioned the need for skills training, recruitment fees, language skills, etc, none spoke directly about the restrictions on female migration (although they were not specifically queried on this aspect). In general, women came to know about labour permits and government regulations only after the WiF intervention.

The frequent changes in government regulations on women's migration has created only an 'environment of confusion' and the government has not taken adequate measures to communicate or clarify the changes frequently introduced.<sup>61</sup>

|

Age 22, from  
Rupandehi, no prior migration experience



## Women's suggestions on future trainings

Training participants suggested that future training should provide more information on the practical and official aspects of the migration processes, such as how to secure the required documents and which documents are needed. This information is covered in the WiF training, so it may be necessary to provide this information in other formats that women can carry with them (e.g., handouts) or review when they need them (online, at a set location). Additionally, some women suggested increasing the training period beyond two





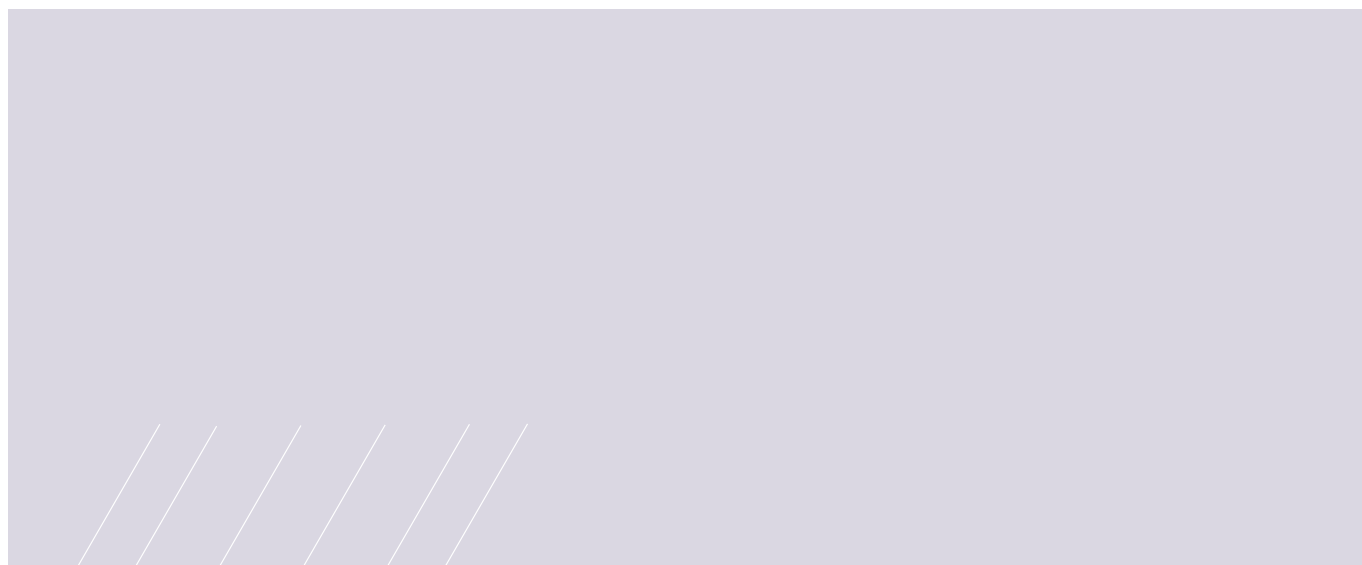
## Women's most recent labour migration experiences

### DESTINATIONS, JOBS AND DURATION

Over 84% of women went to the GCC states, 5% to India, 4% to Malaysia and 4% to Lebanon. Nearly 80% worked as domestic workers with the remainder working as cleaners, carers or cooks (see Figure 4). The duration of women's residence abroad varied considerably, with 11% remaining in the destination country for over five years, 28% for 2-3 years and 10% for less than one year.

### AGREED AND ACTUAL WORK TERMS AND CONDITIONS

Women were asked about their employment terms and conditions in order to compare the information given beforehand to their actual experiences at destination. Most reported not receiving any information before leaving Nepal about: overtime hours and pay (85%); foreign migrants' rights and responsibilities (85%); penalties for early termination of contract (72%); time off and vacation (66%); working hours (64%); and the name of their employer/company (58%). Verbal, rather than



written, agreements were more commonly reported. Where terms had been discussed, either verbally or in writing, the actual situation was reported as similar or better in the majority of cases (see Figure 5). For almost all respondents, the accuracy of the terms and conditions was reportedly higher where there was a written (rather than verbal) agreement. However, importantly, financial returns and working hours were considered worse than agreed by a high proportion of women.

### FREEDOM OF MOVEMENT, WORKING CONDITIONS AND EXPERIENCES OF HARASSMENT AT DESTINATION

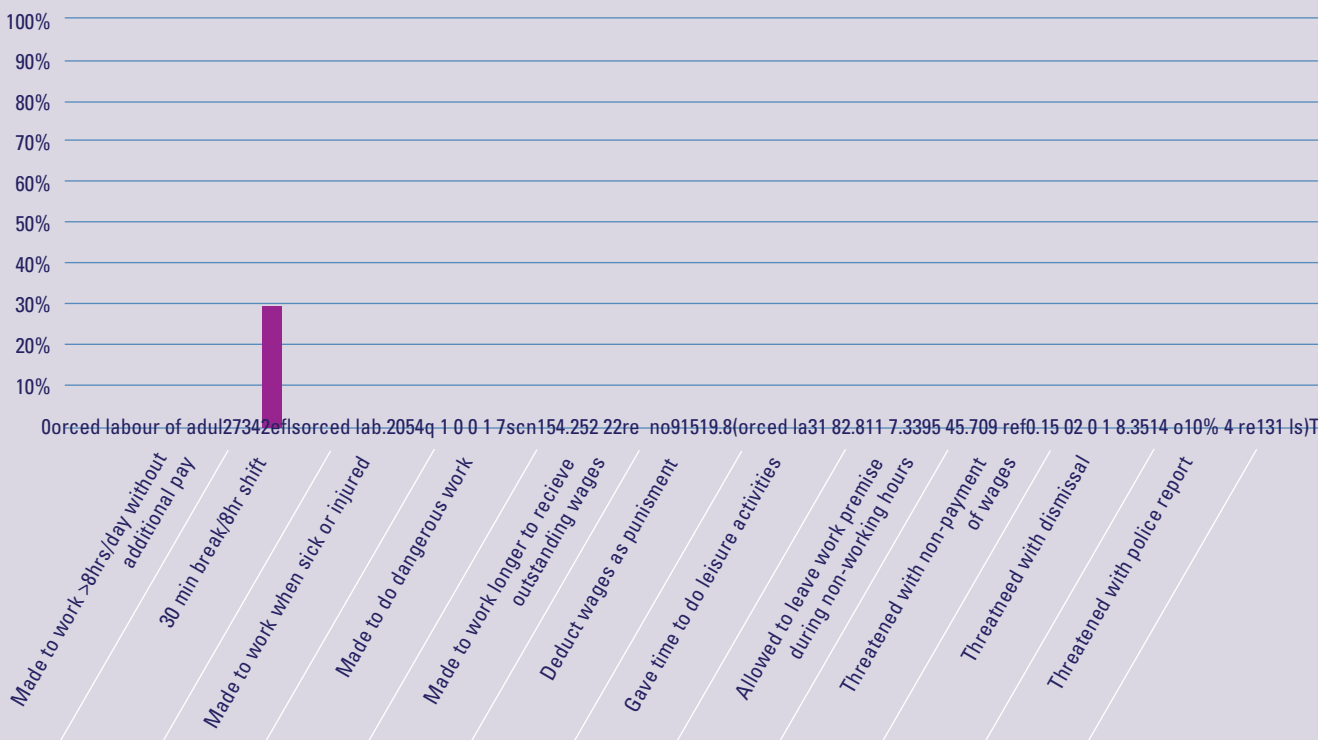
Employers were reported to have held women's identification documents (typically passports) by 90% of the women, of whom 74% reported that they would not have been able to get it back if needed. Importantly, 12% of participants reported being locked in, either during working or sleeping hours, of whom only 13% said they could get out in an emergency. The overwhelming majority of participants (85%) worked seven-days per week, and the median number of hours worked per day was 13. When asked about exploitative experiences

(defined by the International Labour Organization's forced labour indicators<sup>68</sup>) approximately 80% of participants said they were 'never' or 'rarely' allowed to leave the work premises during non-working hours. Nearly 70% reported 'often or always' having to work for more than eight hours per day without additional pay; and just over 50% were never given leisure time. Conversely, other exploitative experiences were rarely reported: fewer than 10% reported threats by the employer to withhold their wages, deduct wages as punishment, or to report them to authorities or dismiss them and 65% reported being given a rest break of 30 minutes for each 8-hour shift. When asked about violence or harassment by an employer, women most commonly reported verbal abuse (39%) threats of violence (15%), and when asked about actual violence, women most commonly reported being hit or slapped (9%) (see Figure 6).

### RE-MIGRATION INTENTIONS

The majority of participants (72%) said they did not plan to migrate again. Of those intending to re-migrate, 53% said they planned to go within the next six months.

FIGURE 6: Working conditions and freedom of movement at destination\*



68. ILO 2012. Hard to see, harder to count. Survey guidelines to estimate forced labour of adults and children, Geneva, ILO.

## Implications

### **WOMEN'S AWARENESS OF TRAINING PROGRAMMES AND CONTENT RELEVANCE**

The majority of returnee women interviewed did not attend any type of training before migrating for work, primarily because they were not aware of available training options. Interventions for aspiring migrant women need to pinpoint the most effective channels to reach them. Programmes might consider working with community-based organisations and migrant social networks. When designing the content of trainings, the actual role of labour brokers should be addressed more thoroughly. While labour brokers may have a negative reputation, they are often essential to international mobility because they have the key migration knowledge and networks. One might consider drawing on the knowledge and experience of trustworthy labour brokers to design programmes.<sup>69</sup> However, care must be taken to avoid the many potential conflicts of interest based on the financial interests of most brokers.

### **IMPORTANCE OF WRITTEN CONTRACTS VERSUS VERBAL AGREEMENTS**

Most participants received verbal confirmation about the details for their labour migration. While in most cases agreements were relatively accurate, women with written contracts were more likely to find situations at destination were as described (or better). Importantly, many women who reported having a verbal or written contract were deceived in relation to their pay and working hours at destination. Interventions should seek ways to ensure prospective migrants receive written contracts and these are discussed with a third party capable of ensuring the women's interests. However, this measure alone is unlikely to be sufficient to protect migrants, therefore further work needs to be done to avoid having agreed contracts replaced at destination; to have contracts specify employers' obligations and responsibilities; and identify means of enforcing contractual clauses.



now believe they are more aware of what to expect from their job and are thus more prepared to re-migrate.<sup>79</sup> It is worth noting that many of these women in Bangladesh were referring to negative experiences that involved sexual coercion or abuse.

## Migration planning

Those with past forced labour experiences were more likely than those without to say that they had contacted or planned to use a broker/agent/manpower company for their prospective migration. Past forced labour experiences did not appear to be related in any systematic way to respondents' plans to take a mobile phone with them to their destination, or which contact details they planned to take with them.

## Implications for programming

Amidst increasing donor investments in community-based programming to help female labour migrants reduce their risks of exploitation and abuse,<sup>80</sup>

increasing. However, we still have relatively little understanding of the migration planning processes, both for first-time and for repeat migrants. Moreover, our evidence-base is still scant on how negative labour migration experiences might influence future migration and what we need to know for pre-migration support to both returnee and first-time migrants. For instance, although evidence highlights significant risks among repeat migrants,<sup>81</sup> it is commonly assumed that women who have had bad experiences will not want to re-migrate. Moreover, it is thought that this prior experience will equip women with better knowledge and networks for subsequent journeys.<sup>82</sup> Our findings indicate that past exploitative experiences will not necessarily deter women from

**TABLE 5:** Migration-related knowledge and awareness according to past experiences of forced labour

	No forced labour (overall)	Forced labour (overall)
Plan to use a broker	7/11 (64%)	71/92 (77%)
Plan to take a mobile	11/11 (100%)	79/92 (86%)
Plan to take contact details for:		

re-migrating or better equip them with practical migration knowledge. These results suggest that returnee migrants should not be excluded from pre-migration information programming because even those who have had negative experiences are likely to consider re-migrating. Moreover, women who report previously having migrated, particularly those who cite elements of forced labour, may not be any better informed about pre-migration planning needs than first-time migrants. However, returned migrants are very likely to be able to offer descriptions of their experiences, help set expectations about work conditions, individual emotional responses and risk around various forms of abuse, especially sexual abuse.

80. Dottridge, M. 2014 Editorial: How is the money to combat human trafficking spent? *Anti-Trafficking Review* (3), 3–14.

81. Jobe, A. 2010 The Causes and Consequences of Re-Trafficking: Evidence from the IOM Human Trafficking Database. IOM Human Trafficking Database Thematic Research Series. International Organization for Migration, Geneva, Switzerland.

82. Siddiqui, T., R. Rashid, and B. Zeitlyn 2008 Information Campaigns on Safe Migration and Pre-Departure Training. Development Research Centre on Migration, Globalisation and Poverty, UK.





their own income enabled women to support themselves without relying on others, and to decide how and what to spend money on, without needing to ask their husband for permission. Access to opportunities and resources were also a source of empowerment that migration afforded to women, including an improved understanding of the world through living in a foreign country, learning another language and doing different types of work, such as tailoring and beauty therapy. Empowerment can also be gained through increased self-confidence and inner strength, which women described through migration.

Despite the positive empowerments women obtained through migration, there was also a strong sense of stigma which linked women's labour migration to prostitution and promiscuity, which was evident in official policies, and the attitudes of the media, the general public, family and friends and among women themselves. Structurally, women's migration is intertwined with negative experiences that focus on the impossibility of women to have positive migration experiences. Stigma by association was demonstrated by the family members of migrant women, and in particular their husbands, who made assumptions

about women's activities while abroad, which in some cases resulted in dissolution of marriage and engagements. Women themselves also stigmatised women's labour migration with many ascribing individual woman as being responsible for their own negative experiences, including those of abuse. Women emphasised that female migrants were able to make their own decisions, which reflected their character and honour, and insisted that female m

## MALE MIGRANTS FROM DOLAKHA: PREVALENC

## FIRST LABOUR MIGRATION EXPERIENCE

Most participants (62%) had only migrated once for work outside of Nepal (Table 6). Over half of the men (57%) left for their very first labour migration between the ages of 18 and 29, and 4% left when they were aged 40 or older.

Note: All data refer to participants' most recent migration experience.

## MOST RECENT LABOUR MIGRATION EXPERIENCE

Nearly half of the men stayed in the destination country for over three years, while 13% stayed for less than one year. The majority (67%) were under the age of 30 when they left Nepal and 11% were younger than 18.

Common destinations were India and Malaysia (34% each), followed by the GCC countries (29%). A small number of men worked in other countries: China, South Korea, Bhutan and Iraq. Most often, men worked in factories (29%); as general labourer/porter (15%), and 12% worked in more skilled employment (e.g. accountant, mechanic, engineer). See Table 6

## PREVALENCE OF FORCED LABOUR DIMENSIONS

Most men who returned home within the past 10 years (n=140) had experienced exploitation at all stages of the migration process. Half reported deceptive recruitment, in which the employment conditions such as wages, location, employer, duration, or living and working situations, differed from what they were told before leaving Nepal; and 19% reported the actual job was different. Debt-linked recruitment, however, was rare, with very few men reporting their employer at destination or agent in Nepal had provided loans or advances that had to be repaid from their salary at destination.

45% reported limited freedom of movement or communication at destination, which included being unable to speak to anyone they wanted over the phone, to leave the work premises or go out unaccompanied during non-working hours, or to have their phones or address books confiscated; and 91% depended on their employer for housing. Over one-quarter reported having worked overtime without additional pay. Conversely, very few (9%) reported having worked overtime with additional pay.

**TABLE 7:** Experiences of forced labour indicators and dimensions, by most recent destination (India vs others)

	India (n=20)	Other destinations (n=120)	Total (n=140)	
<b>Dimension 1: Unfree Recruitment</b>	<b>Involuntariness: strong indicators</b>			
	Debt-linked recruitment	0	6 (5.0)	6 (4.3)
	Deceived on nature of work	1 (5.0)	25 (20.8)	26 (18.6)
	<b>Involuntariness: medium indicators</b>			
	Deceptive recruitment	2 (10.0)	68 (56.7)	70 (50.0)
	<b>Penalty: strong indicators</b>			
	Reporting to authorities	1 (5.9)	9 (7.5)	10 (7.3)
	Document confiscation	1 (5.0)	68 (60.2)	69 (51.9)
	Threats or actual experience of violence	1 (5.0)	8 (6.7)	9 (6.4)
	Withhold assets	9 (45.0)	29 (24.2)	38 (27.1)
	Threats against family	0	0	0
	<b>Penalty: medium indicators</b>			
	Exclusion from community and social life*	7 (35.0)	43 (35.8)	50 (35.7)
	Financial penalties	6 (31.6)	41 (34.2)	47 (33.8)
<b>Involuntariness + Penalty (at least one strong)</b>	<b>2 (10.0)</b>	<b>60 (50.0)</b>	<b>62 (44.3)</b>	
<b>Dimension 2: Work and life under duress</b>	<b>Involuntariness: strong indicators</b>			
	Forced overtime work	9 (56.3)	27 (22.9)	36 (26.9)
	Limited freedom (movement/communication)*	9 (45.0)	54 (45.0)	63 (45.0)
	Degrading living conditions	2 (10.0)	12 (10.0)	14 (10.0)
	<b>Involuntariness: medium indicators</b>			
	Multiple dependency on employer (housing)	9 (45.0)	118 (98.3)	127 (90.7)
	<b>Penalty: strong indicators</b>			
	Reporting to authorities	1 (5.9)	9 (7.5)	10 (7.3)
	Document confiscation	1 (5.0)	68 (60.2)	69 (51.9)
	Confiscation of mobile phone	1 (10.0)	3 (2.7)	4 (3.3)
	Isolation*	8 (40.0)	54 (45.0)	62 (44.3)
	Locked in work/living place	0	1 (0.8)	1 (0.7)
	Threats or actual experience of violence	1 (5.0)	8 (6.7)	9 (6.4)
	Withhold assets	9 (45.0)	29 (24.2)	38 (27.1)
	Threats against family	0	0	0
	<b>Penalty: medium indicators</b>			
	Dismissal	4 (20.0)	10 (8.3)	14 (10.0)
Financial penalties	6 (31.6)	41 (34.2)	47 (33.8)	
<b>Involuntariness + Penalty (at least one strong)</b>	<b>11 (55.0)</b>	<b>88 (73.3)</b>	<b>99 (70.7)</b>	
<b>Dimension 3: Impossibility of leaving employer</b>	<b>Involuntariness: strong indicators</b>			
	No freedom to resign	0	6 (5.0)	

possibility of getting them back if needed (52%); 44% reported isolation, which includes elements of being excluded from community and social life, or being under surveillance. One-third experienced financial penalties such as having wages deducted as punishment or while on sick leave, or being threatened with non-payment of wages. Additionally, 27% reported having assets (i.e., mobile phone, address book, wages) withheld.

Among those who worked in India, over half were forced to work overtime without pay and just under half (45%) had some of their assets withheld, or restrictions of movement or communication. Very few experienced unfree recruitment or impossibility of leaving employer, while 55% experienced work and life under duress and forced labour.

Overall, 44% of participants experienced *any* of the three dimensions, 71% for *at least one*, and 14% for *all three*. Experience of any of the three dimensions constituted experience of forced labour and 73% of the participants were thus classified.

## **FACTORS ASSOCIATED WITH FORCED LABOUR**

Demographic and key exposures were examined in relation to each of the dimensions, and to the overall forced labour outcome. For most exposures, similar prevalence ratios (PR) were observed. While men who had migrated for work more than once had a lower prevalence of forced labour (PR 0.87, 95% CI: 0.70-1.09) compared to those who had migrated only once, nearly 67% of those with repeat migrations still experienced forced labour. There was some suggestion that men who had taken out loans for their migration experienced a higher PR for forced labour, although the associations were only statistically significant with the

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development and use of mobile technology could be an option, given that very few participants reported having their phones confiscated and data from our household census indicate that nearly all migrants stayed in touch using mobile phones.

Nepal has introduced various policies and governmental entities to promote and regulate labour migration.<sup>106</sup> Most of these mechanisms are focussed on managing the migration process while protection for workers, particularly once abroad, is lacking, despite the inclusion on provisions of redress in some bilateral agreements.<sup>41</sup> Critically, the governments of sending countries cannot be expected to take on the challenge of protection for individuals who are working abroad. Therefore much, much greater advocacy is needed to lobby destination countries to implement measures to protect and respect the rights of migrant workers.

Our results indicate that previous experience of labour migration may not be protective of future forced labour experiences. Although lower prevalence of forced labour was found among those who had migrated more than once, 67% still reported forced labour during their most recent labour migration. However, previous migration may have shaped men's assessment of their experiences, which may have influenced how they responded to certain questions – although forced labour was determined using a large number of questions on actual experiences and acts (versus perceptions). Because previous migration experience does not seem to be protective, interventions will need to target both experienced and first-time labour migrants. However, at the same time, experienced migrants may not recognise the benefits of participating, possibly believing that their prior experience provides sufficient knowledge and awareness. Moreover, it would not be surprising for experienced migrant workers to have 'normalised' their experiences as the realities of labour migration rather than as violations of their rights. Interventions may

have to reach out differently to these two groups. Interventions that make use of returnee migrants to offer guidance to other prospective migrants should also recognise that returnees may not have sufficient or up-to-date knowledge, particularly with the changing labour migration regulations in Nepal.

Many Nepali migrant workers do not consider India a foreign destination because of the countries' open border policy, which ensures that citizens of both countries are given equal rights to move, live and work freely without specific documentation in either country.<sup>107</sup> It is worth noting that forced labour was lower among men who worked in India.

Our findings confirm previous research that debt increases vulnerability to forced labour. Excessively high fees charged by recruitment agencies and agents may lead prospective migrants to take out loans at far higher interest rates, resulting in workers remaining in exploitative conditions until the debts are repaid.<sup>108,109</sup> Furthermore, if men had taken loans to fund their migration and only learned of the actual job and conditions after arrival at destination, returning home empty-handed and in debt is a very difficult option. Our results indicate that longer stays are associated with higher conditions after

## Conclusion

The fact that large numbers of Nepali labour migrants experienced forced labour across a variety of destinations and work sectors indicate the widespread nature of migration and labour-related abuses. Until there are shifts in the structural factors that underpin labour exploitation, migrant workers will need better protective mechanisms and greater guidance on recruitment agencies and brokers. Undoubtedly, violations will continue, which means that countries of origin and countries of destination must work together to ensure that workers can access reliable and affordable (or free) assistance services at destinations, especially health services and repatriation support. Interventions

need to consider the restrictive realities of migrant workers and formulate outreach activities to their places of work and residence. Simultaneously, states that employ a large migrant workforce need to establish measures to prevent and punish employment and recruitment tactics used to exploit workers, and implement laws and regulations that promote these protections and punishments. Further research should disaggregate exploitative experiences by sector as well as assess the strength and direction of the associated factors, accounting for confounders and mediators. As labour migration from Nepal is unlikely to slow in the near future, interventions need to address the specific challenges that are often associated with poor health and recurring financial problems.





Throughout this report, each section has described the different study implications and related recommendations. To achieve real impact for migrant workers, the most substantial gains will come from improvements in labour destination countries. Policies and regulations are needed to promote respect for the rights of labour migrants, regulate and monitor workplace health and safety, set decent standards for employment terms, provide health and social insurance and enforce penalties for employer violations. Governments will also have to work on strategies to foster safe, healthy living conditions for low-wage workers.

However, to date, the most attention and resources by both governments and donors have addressed pre-migration policies and programmes in countries of origin. These programmes seem to show a naïve belief in the exertion of worker empowerment in destination settings. But, these programmes make sense when one considers the perspective of sending governments and intervention leads. For sending country governments, pre-migration strategies, such as migration bans, recognise the limited power these governments believe they have (or wish to exert) on the policies and practices in destination locations. For donors and programme implementers, pre-migration activities can easily reach the target groups, can be implemented in safe settings where governments will approve of their activities and where the results have quicker calculable outputs (e.g., training sessions; numbers of participants, posters or radio announcements).

Yet, the reality is that as an aspiring migrant worker moves along a migration trajectory from household discussions to broker negotiations to employer terms and conditions, their ability to manage their own safety and rights becomes smaller and smaller and smaller. That is, for migrant workers, exploitative arrangements increase over time and geography. Pressures often start prior to migration

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believing that these types of knowledge-building and empowerment activities in home countries is going to protect workers. There is no current evidence for this assumption. In fact, nearly all of the evidence from SWiFT has shown that these types of pre-migration interventions have little effect and some evidence has shown the contrary. Findings from Bangladesh, in particular, have indicated that pre-migration activities can lead women to believe that they will be safe in migration and their job if they adhere to the messages offered by pre-migration training programmes.

While shifts in destination country policies and treatment of workers may be the most difficult outcome to achieve, governments of sending countries must make much greater effort. Especially if they work collaboratively, sending countries have leverage through their labour migration agreements and the strength of their potential labour force to negotiate for strong health and safety measures for migrant workers in destination countries. Regulatory frameworks must include stronger protections for workers in both their work settings, in civic life and their treatment by authorities. Work settings, especially the most hazardous and low-wage work sectors require regular health and safety – and exploitation-checks. These types of inspection mechanisms are ripe for bribes and corruption, so there must be oversight mechanisms that include tools from worker-driven social responsibility programmes. Destination and sending countries must provide accessible pathways for complaints and assistance. For instance, sending states need

to strengthen the capacity of their embassies to provide assistance to workers in need and destination countries need to train authorities to recognise and refer workers to appropriate assistance where available and to their embassy.

There is little question that much of the abuse could be stemmed if employers would treat their workers well, but this is unlikely to happen without government pressure and oversight. Governments must begin to invest in regulations and implementation mechanisms that are informed by workers and which cannot be corrupted. Worker-informed strategies are needed to enforce fair employment terms and pay agreements, regulate availability and



