

The bottom line is to understand that migrants are humans and have the same human rights as others

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Barun, you are a human rights lawyer in Nepal. Could you tell us more about your work?

My work recently focuses on the rights of migrant workers and their families with a special focus to access to justice issues. I have been working in this thematic area since 2014 with local NGOs based in Kathmandu, Nepal. We use strategic litigation as a tool to induce policy reform that protects the rights of migrant workers and their families.

Tell us more about migrant workers from Nepal. What are the main challenges they face, and which are the countries where they usually go to?

It is estimated that there are 3-4 million migrant workers from Nepal working in the GCC region, Malaysia and South Korea being major destination countries. The key challenges faced by Nepali migrant workers can be classified into two broad categories, i.e. concerns in the home country and concerns in destination countries.

In the home country i.e. Nepal they face recruitment abuses, the exorbitant fee charged by the recruitment agencies, they are being lied about the job and working conditions in the destination country, face debt-trap (due to the loan amount they need to pay for the foreign employment fees) etc. Further, there is no proper legal mechanism to protect the prospective migrant workers as laws in Nepal focus on foreign employment as a business at its core rather than on the rights of migrant workers and their families. Cases of employment fraud, withholding passports, and falsified contracts are common challenges.

In destination countries, the major concerns are labor exploitation, non-payment of wages (wage theft) during the COVID crisis, non-compliance with accepted international standards of labor laws, poor working and living conditions, lack of basic welfare facilities, etc. However, the challenges are country-specific and diverse. There also are cases of sexual exploitation, forced slavery, and unexplained death of many workers in some of the destination countries. For instance, at present abuse of Nepali workers in Qatar while preparing for the world cup has been in light and press. (More information [here](#))

Can you tell us more about these people's problems - are they coming from a particular part of the country, and what is their socioeconomic status?

The migrants mostly are those in the lower tier of the economic situation. One of the concerns that aids in migration is unemployment. Also, the narrative of easy money abroad and success stories combined with the luring recruitment agents assist in migration decisions. Some administrative districts have a larger number of migrants than others such as Madhesh Province.

The migrants face challenges during the recruitment process and in the destination country. Further, there is an issue of access to justice for returnee migrants at home. There also is a bit of stigma around women engaged in foreign employment. The debate is now moving from the well-being of migrants to the socioeconomic implication. However, we are yet to understand the socioeconomic implication of migration, and more research is needed to understand it.

Let's think about the work migrants fleeing from your country from another perspective. What are the economic and social measures that Nepal could develop that will lead to fewer people leaving it in search of jobs?

Some of the things our government can work to avoid the labor drain are:

- a) Create more employment at home.
- b) Support entrepreneurship.
- c) Provide technical skill and employability training.

However, I believe we live in a globalized world so we need to focus more on skills so that everyone can find safe, decent, and dignified work even if they wish to migrate for work.

Can you tell us a positive story related to your work - please share an achievement.

Some of the positive stories that I'd love to share are:

- a) We have litigation relating to out-of-country voting rights in Nepal. In this case, the Supreme Court ordered the government to ensure voting abroad.
- b) We established legal aid as a basic right through the Supreme Court judgment.
- c) We also have established other precedents through our litigation relating to the rights of migrant workers, for instance, due-diligence obligation, some rules in recruitment policy, and avoiding the death penalty in the destination country where/when possible.

I feel positive that I am part of the team that has brought up the issue of migrant workers' abuse and human rights concerns in the mainstream human rights debate in Nepal.

Can you share some best practices in terms of advocacy in the field of migrants' rights that you have used?

We use consultative engagement with other partner organizations and make them part of the litigation so that all the partners working on the issue will feel ownership of the ongoing process and outcome of the litigation.

We work with journalists at home and abroad to publish our activities and positive litigation to make sure it reaches a wider audience than the legal community.

7. Migration is a natural process and can't be stopped in a more and more globalizing world. How can countries of destination for migrants create opportunities for these people to have a decent life there?

I believe that we need to create a positive narrative about migrants so there is an enabling environment for them. Currently, the narrative is negative, and many countries have a hostile environment for migrant workers. This is the first thing that needs to come up as a priority.

Secondly, language and skills training and skill assessment are important to start fresh with new lives. The authorities can provide information and basic services and specific programs for people in transition.

The bottom line is to understand that migrants are humans and have the same human rights and stories as others.