

Patterns in Foreign Employment and Vulnerability of Migrant Workers

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INTRODUCTION

This paper is concerned with the issues related to Nepalese migrant workers. It seeks to understand the workers' mobility and how it links to their HIV vulnerability. It also compiles recommendations for appropriate measures to reduce these vulnerabilities and improve the migration experience for Nepalese workers.

This paper is based on:

- A review of foreign employment policies, strategies, laws and regulations as well as published research and studies;
- A review of the government policy and strategy on HIV/AIDS prevention and control;
- Interviews with government officials, manpower agents, human rights activists and returned migrant workers; and,
- An extensive and inclusive workshop conducted on 15th November, 2000, on the pre-departure, post-arrival and re-integration experiences of migrant workers.

The paper includes a profile of Nepal, the country's labour export policy, and a summary of patterns and working conditions of foreign employment. Recommendations are based on consultations at the above workshop.

There are several limitations to the paper. Firstly, it is based entirely on secondary data, many of which are not comparable with one another. Secondly, the data on migrant workers and remittances should be treated with caution because figures differ from source to source, and the reliability of sources is difficult to judge.

The term migrant workers in the context of this paper means documented and undocumented Nepalese nationals who leave Nepal for employment purposes. The term foreign employment means employment of workers overseas either through foreign employment agents or personal contacts.

The paper was prepared by Ganesh Gurung, a sociologist who is involved in action research, program implementation and teaching. Presently, he is Executive Chairman of Nepal Institute of Development Studies, a non governmental organisation based in Kathmandu, which conducts research and training and implements various programs in rural areas of Nepal in order to improve the living standard of the poorest of the poor.

COUNTRY PROFILE

Nepal is a rectangularly-shaped area of 147,181 sq. km. located south of China and with India to its south, east and west. A democracy movement in April 1990 transformed the absolute monarchy to a constitutional one. The new Constitution provides for a multi-party democracy with the government divided into executive, legislative and judicial branches. The 30-year old ban on political parties, imposed in 1960, was lifted in 1990.

Geography

Landlocked Nepal is largely mountainous. The high mountains of the main Himalayan range cover one third of the country. Lower mountains and hills cover another two fifths of the country and the rest, about one fifth, is a low-lying strip along the border with India in the southern region, known as the Terai. The geographic extremes, rising from the flatlands to the high mountains measuring up to 190 kilometres, bless the country with rich biodiversity and much hydropower potential. The climate varies from the tropically hot and humid in the south to arctic in the northern area bordering China's Tibet Autonomous Region.

Ethnic Mosaic

Nepal has maintained its independence as a distinct political, social and cultural identity. The kingdom is a multi-lingual, multi-ethnic, multi-cultural and multi-religious society. The majority of the population practices a form of Hinduism that is highly influenced by Buddhism, practiced by Tibeto-Nepalese communities. Smaller communities of Muslims and Christians exist and Shamanism is widespread. Although the Nepalese language in Devanagari script is the *lingua franca*, there are more than 60 mother tongues spoken in Nepal.

Education

The literacy rate in Nepal is at 40 percent despite the rapid expansion of educational opportunities, especially in the private sector since the establishment of democracy. Yet, women, certain castes, ethnic and regional groups, and the poor have literacy rates as low as 10 percent. Only 72 percent of the 2.7 million children between the ages of 6 and 10 are enrolled in school. Primary education is legislated as free and compulsory, but the policy is not effectively implemented.

Poverty

Poverty is widespread in Nepal with 49 percent of the Nepalese living in absolute poverty. The World Bank estimates that 53.1 percent of Nepalese live on less than a dollar a day. The country remains agrarian with agriculture contributing to 40 percent of the gross

domestic product and consisting of 80 percent of employment opportunities. The GDP growth rate in 2000 was 6 percent, which is a dramatic improvement from the average 3 percent in the 5 years prior, and this is mainly due to subsistence farming.

Population

Nepal's population is growing rapidly, and doubling every 29 years. The 1991 census estimated the population at 18.5 million, which has since increased to 22.9 million. The highest growth in population has been recorded in the Terai region, which comprises close to 47 percent of the total national population. Women are nearly half the total population. The average size of the family is estimated at 5.6.

Labour Force

The economically active population aged 10 and above is estimated to be 10.3 million. This includes 5.3 million males and 5 million females. The bulk of the economically active population is between the ages of 25 and 44. Every year, 300,000 new workers are added to the Nepalese labour market but the economy has not been able to grow fast enough to absorb them. As a result, unemployment and underemployment rates are very high.

Health

Nepal has made rapid strides in expanding medical facilities. Smallpox was eradicated in 1979. Current efforts focus on polio eradication. Malaria and kalaazar (black fever) have returned to the country as disease-carrying mosquitoes have developed immunity to pesticides. Some 80,000 Nepalese suffer from tuberculosis, and 45,000 new infections are reported every year. At least 15,000 Nepalese die of TB annually. With the increased rates of HIV infection, the rate of TB infection is also on the rise¹. With the rapid increase in the number of sexually transmitted diseases and rapid increase in the numbers of people infected with the human immunodeficiency virus (HIV), Nepal could be heading for a major public health emergency.

NEPAL'S LABOUR EXPORT POLICY

Migratory movements of Nepalese workers have grown rapidly in the last two decades. Lack of employment opportunities in the country and low levels of income are the prime causes for the migratory movements. Unable to absorb the growing labour force, the Nepalese government has been promoting overseas employment opportunities for its citizens.

Poverty in Nepal is often blamed on high unemployment and underemployment. It is estimated that 4.9 percent of the total manpower in Nepal is unemployed and 47 percent underemployed.² More accurate data is expected in the next census due in 2001. His Majesty's Government (HMG) has set itself the target of reducing unemployment to 3 percent and underemployment to 10 percent by 2021.

Agriculture is the main employer as shown in Table 1. The service sector employs 6 percent of the workforce, and industry only 3 percent, mainly in manufacturing. The shift from the agricultural sector to non-agricultural sector has been slow. This is because the non-agricultural sector has not expanded as was expected following the free market reforms in 1992. The overwhelming dependence of the Nepalese workforce on agriculture is reflective of the country's social, economic and political realities.

Economically active population		
<u>Economic Sector</u>	<u>Active population</u>	<u>% of total population</u>
Agriculture, Fisheries and Forestry	5,961,788	81.2
Mining and quarrying	2,361	-
Manufacturing	150,051	2.0
Electricity, gas and water	11,734	0.2
Construction	35,658	0.5
Trade, restaurant and hotel	256,012	3.5
Transport, communications and storage	50,808	0.7
Finance and Real Estate	20,847	0.3
Community and Social Services	752,019	10.2
Others	28,004	0.4
Unidentified	70,298	1.0
Grand Total	7,339,580	100.0

The work participation rate fluctuated in the 1990s. The low rate of work participation in 1991 is attributed to the falling work participation rate of children aged 10-14 and young adults aged 15-19 as a result of increased attendance rate at higher schools, as indicated in Table 2. The increase in the work participation rate in 1996 is due to a refined definition of work participation in the census that was changed to include household work and chores.

Table 2

Work participation by age group (in percentage)

Age	1971	1981	1991	1996
10 - 14	50.5	56.9	22.9	38.6
15 - 19	61.7	60.7	49.8	65.7
20 - 59	64.6	69.2	71.5	85.6
60 & above	31.4	55.7	33.6	50.0

The work participation rate, particularly of women, is very high compared to that in many other countries. Work participation starts at an early age. Because of the high unemployment rate, much large-scale, seasonal and long-term movement of labour takes place. The landless, the highly indebted and members of the so-called low caste groups migrate in larger proportions. The work burden of women in Nepal is extremely heavy. The participation of women in economically productive work in 1996 was 66 percent against men's 75 percent. In addition to their involvement in reproduction and running households, women are engaged in large numbers in the low-productivity, low wage and highly underemployed agricultural sector.

Foreign Employment Policy

Employment promotion has consistently been a priority for His Majesty's Government. The Ninth Plan has set a target of providing employment to at least one member of each household. HMG looks at foreign placements as an opportunity to provide alternative employment to its people. Yet opportunities have not been fully utilised. The first mass recruitment of Nepalese people outside the country was 184 years ago when hill people were recruited in the British Army after the end of the Anglo-Nepal War (1916-18). This connection continues even today, although at a significantly reduced level. After India's independence from Britain, Britain and newly independent India divided the Nepalese regiments as an integral part of their national armies. The recruitment of the Nepalese into these two armies continues even today.

Table 3

Work force participation rate by gender (in percentage)

Year	Men	Women	All
1971	82.9	35.2	59.3
1981	83.2	46.2	65.1
1991	68.7	45.5	57.0
1996	75.2	66.4	70.6

Since then, a large number of Nepalese have migrated primarily to India and China (Hong Kong) to work as farm labourers and industrial workers. There is little data on the

flow of Nepalese migrant workers to India and at the same time the Indian migrant workers in Nepal. This is because Nepal and India share a common, open border and nationals from either country require no travel permit or passport to cross the border.⁴ The informal migrant workers to India and Nepal are also not required to register themselves, nor do they have to undergo medical tests. In an attempt to maintain a record on the movement of migrant workers, Nepal introduced a work permit system in three districts of Kathmandu Valley on an experimental basis effective April 1987, revoking legislation from 1960. In practical terms, it was ineffective.

The number of Nepalese migrant workers seeking jobs in countries other than India has been growing for three main reasons. Firstly, Nepal's population has been growing at a rapid pace. Secondly, the agricultural sector providing employment to the bulk of the population has not been able to grow or expand fast enough to absorb growing manpower. Thirdly, wages both in Nepal and India are often too little to support a family.

Bilateral Relations and Migrant Workers

In order to promote foreign employment opportunities for Nepalese workers, the government has started developing bilateral relationships on issues of concern to migrant workers. Inroads have been made in a few Middle Eastern countries, however critics feel that the government has underused the goodwill it enjoys from manpower importing countries. For example, a Royal Nepalese Embassy has been established in Saudi Arabia, but its mandate covers six countries. In Qatar, where a proposed labour agreement has been under discussion since 1998, negotiations still continue. When signed, this agreement would be the first such bilateral relationship established with a Gulf country that would enhance the safety and welfare of the Nepalese migrant workers.

A significant policy decision by Prime Minister Koirala was to appoint Labour Attaches in countries where 5,000 or more Nepalese work. The main job of these attaches would be to look after the interests and welfare of Nepalese citizens. Despite the decision, so far no such appointments have been made.

Conversely, the Nepalese government has been encouraging countries that employ large numbers of Nepalese to open consulates in Kathmandu, but no country has yet responded. In the absence of a consulate, the Nepalese must travel either to Bangladesh or to India to get a visa stamped in their passport – a process that is costly in terms of both money and time.

Institutional Framework

The Ministry of Labour is primarily responsible for labour administration through its Department of Labour and Foreign Employment Promotion. This body implements policies and programmes relating to labour, enforces acts and regulations, and identifies new areas for training.

The promotion of foreign employment is the main responsibility of the Employment Promotion Section under the Department of Labour. It regulates the activities of licensed recruiting agents under the Foreign Employment Act. It receives requests from foreign employers independently or through the Royal Nepalese Embassy, which are then referred to private agencies. The Section participates in the interviews for the final selection of workers and ensures that the mutually agreed upon terms and conditions of the contract are met.

Fiscal Year	Number of Workers
1989-90	855
1990-91	319
1991-92	194
1992-93	558
1993-94	1,679
1994-95	2,159
1995-96	2,134
1996-97	3,259
1997-98	6,500
1998-99	15,156
1999-2000	19,357
Total	52,170

Country	Number of Workers
Saudi Arabia	36,386
Kuwait	982
Qatar	5,554
Bahrain	233
UAE	4,474
Hong Kong	901
South Korea	2,743
Oman	76
Saipan	195
Malaysia	358
Brunei	51
Maldives	45
Macao	165

Total

52,170

Since 1989, 52,170 Nepalese migrant workers have been employed overseas (Table 4). This official number is grossly underestimated because the Department has records of only those Nepalese workers who have applied and received permission to work overseas either through manpower companies or directly through employers overseas. The figure does not include Nepalese workers employed abroad who are not registered with the Department of Labour. The clandestine and undocumented migrant population far exceeds the official number, which is estimated to be around 100,000 in the Middle East alone.⁵

His Majesty's Government of Nepal has listed 16 countries where Nepalese workers can be officially recruited through registered manpower agencies. These countries are: Saudi Arabia, Qatar, United Arab Emirates, Bahrain, Oman, Kuwait, Iraq, Malaysia, Hong Kong, Brunei, South Korea, Saipan, Israel, Seychelles, the Maldives and Macao. The Nepalese migrant workers find jobs in different categories of work. These include a number of professional domains. However, the bulk of the recruitment for Nepalese migrant workers is in the semi-skilled and unskilled categories. Semi-skilled jobs include carpenters and shutters, mason helpers, concrete mixer operators, pump operators, helpers, block-makers, kitchen helpers, tailors, laundry/washer men, barbers, shop assistants and gardeners. Unskilled categories include labourers, cleaners and sweepers, farm labourers, watchmen and guards, peons and office boys, airport loaders and industrial labourers.

The Legal Regime

The Foreign Employment Act 1985 and the Foreign Employment Regulation 1999 are the only pieces of legislation governing Nepalese migrant workers. The Act has been amended twice – first in 1989 and again in 1998. Its main focus is on the control and regulation of migrant workers, rather than on their welfare. Though the Preamble of the Act states that the legislation is aimed at “controlling and managing the foreign employment and at protecting the facilities and economic interest of the common people,” critics believe it is vague and ineffective. They say that the precise roles of the Department of Labour, the Royal Nepalese Embassies, the Ministry of Foreign Affairs, commercial banks, emigration and the police need to be more clearly defined.

The Act bans the recruitment of Nepalese nationals without government permission. The foreign employment agents face cancellation of their licenses if the “provisions of the Act and Regulation are violated.” A license is issued only if “the agent is capable and appropriate of managing foreign employment” upon one-time deposit of Rs. 500,000. The agent must also produce proof of capital investment of Rs. 2.5 million in the business. The agent must also make an annual payment of Rs. 10,000 for license renewal. Since the Regulation providing details for the implementation of the Act was only legislated in 1999, the only criterion for obtaining a license until recently remained the deposit. In other

words, virtually anyone who deposited the required amount of money was provided with a license as a foreign employment agent.

The Department of Labour has issued licenses for 180 foreign employment agents but 40 have either violated the provisions of the Act or have failed to renew their licenses. The foreign employment agents face the risk of their license being cancelled in case they fail to provide foreign employment to at least 50 workers annually or fail to abide by the provisions of the Act. However, there are many agencies that have ignored the Act and yet are conducting their business as usual.

Table 6

Summary of migrant workers overseas and remittances

Region	Number of workers	Remittance (Rs.)
West	15,000	4.4 Billion
Gulf	90,000	1.5 Billion
Far East	34,000	23 Billion
India	250,000	6+ Billion
Others	1,000	
Total	392,000	35+ Billion

There is nothing in the Act that prevents individuals from seeking foreign employment on their own. The only stipulation made is that the Department of Labour must be informed of the country of employment, the nature of work, and the terms and conditions of employment. Minors and women however, are not eligible for overseas employment. In 1998, His Majesty's Government imposed a ban on the foreign employment of women following a number of reports of sexual harassment and mistreatment in a number of countries.

Choice of Destination Country

Through extensive study and research, it has been noted that the preferences of Nepalese workers for their destination country are dependent on their socio-economic condition, education status, extent of access to information, and their existing networks. For example, the poorer they are, the more likely they are to work in countries nearer home, such as in India. Further, individuals often select the cities of destination based on the experience of people they know who have already migrated to the same location. Above all however, Nepalese workers, given the choice and opportunity, gravitate towards destinations that offer the highest salaries.

Table 7

Choice of Destination Country by Socio-economic Status

Economic Group (from richest to poorest)	Choice of Destination Country
A	Australia, Canada, Hong Kong, Japan, United Kingdom, United States
B	Belgium, Germany, Switzerland
C	Guam, Malaysia, Maldives, Singapore, South Korea, Taiwan
D	Gulf Countries
E	India

For example, Nepalese workers opting to work in the Gulf countries are found to be less educated and less wealthy (Group D) than those heading for North America, Europe or to Far East countries like Japan and South Korea (Group A). One reason could be the prohibitive costs in getting jobs and visas for those countries. Another could be that because they are less educated, these migrant workers have less confidence in their ability to adjust in North America, Europe and the Far East. Another could be the lack of relevant information concerning job opportunities and the ways of gaining access to these better-paying countries. Still another could be the absence of reliable networks within their communities to provide them with the appropriate information or incentive to get there.

Recruiting Procedures

The overseas employers must provide employment agents with a set of four authentic and attested documents in order to enable them to seek prior permission for the recruitment. These documents include:

- (a) Demand Letter, listing categories and number of positions, monthly salary, period of contract, working hours and holidays;
- (b) Power of Attorney authorising the Nepalese agent to act on their behalf;
- (c) Specimen copy of the employment contract that must include wages and other benefits like food, accommodation, transportation, leave, medical facilities, insurance and air passage, etc.; and,
- (d) Attested copy of visa advice/consular letter/entry permit/certificate of no-objection.

Once the Ministry of Labour has granted approval, the agents advertise the vacancies in newspapers providing information such as the nature and level of job, the number of people required, and the pay scale. Following this, employees are interviewed and selected from among the applicants in the presence of the representative of His Majesty's Government of Nepal as well as of the foreign employer. Once the selection has been made, the successful candidates' passports are sent for visa processing. Once the formalities are completed, the Department of Labour must sign the final approval papers. A migrant worker identification card issued to the worker must be produced at the Labour Desk at the airport. The migrant worker flies to the destination of employment once final approval is received from the Department and the foreign employment agency has pledged entire responsibility for the employee.

Before the selection is made, migrant workers undergo a medical check up that includes a test for HIV. A positive test disqualifies the applicant. If a migrant worker is found to be HIV-positive at the destination, they are most often sent back to their home country. In most cases, these tests are not accompanied with counseling, and workers are often not informed of the basis for their disqualification.

As per the Foreign Employment Act, Nepalese migrant workers are expected to pay 25 percent of one month's salary as a service charge to the employment agency. The actual charge ranges between Rs. 35,000 and Rs. 90,000 depending on the salary scale, duration and nature of the job. It is also legally binding for the foreign employment agents to ensure that the Nepalese migrant workers get a monthly minimum income of USD\$250. This level of income is much less than that received by other South Asian migrant workers in the Gulf countries.

Table 8

Cumulative HIV/AIDS cases in Nepal (as of 30 November 2000)

Condition	Male	Female	Total
HIV Positive (Including AIDS)	1,271	536	1807
AIDS (out of total HIV)	301	154	445

Though all citizens have the right to leave the country according to the constitution, the government has imposed a ban on women leaving Nepal for foreign employment to protect them against exploitation and trafficking. Despite the ban, many women continue to seek such employment abroad. Most of them avoid flying directly to the Gulf or East Asia to evade the government ban. For this reason, they also miss out on the orientations that are given on their destination countries. This lack of information and preparation, as well as the need to be clandestine, increases the vulnerability of women migrant workers including their vulnerability to HIV and to trafficking.

HIV/AIDS

The first HIV-positive case in Nepal was reported in 1988. Today there are 1,657 reported cases of HIV infection, including 383 individuals suffering from full-blown AIDS. Because of weak surveillance systems, the number is believed to be underestimated and rising. UNAIDS estimates are approximately 50,000 HIV positive people. Between October 1996 and September 1997, the number of known HIV positive cases nearly doubled from 463 to 841, and the majority of those cases were in young people between the ages of 15 and 30. The National Centre for AIDS and STD Control says needle sharing or blood transfusions due to sexual contact and the remaining are cause 90 percent of Nepalese infections.

Table 9

Cumulative HIV Infection by Sub-group and Sex

<u>Sub-group</u>	<u>Male</u>	<u>Female</u>	<u>Total</u>
Sex workers (SWs)		384	384
Clients of SWs/STD	1063	32	1095
Housewives	-	110	110
Blood transfusion/transplant	2	1	3
Injecting drug use	195	1	196
Prenatal transmission	11	8	19
Total	1271	536	1,807

The Health Minister heads a committee to coordinate non-governmental and governmental efforts to prevent the further spread of HIV and reduce the impact of AIDS on Nepal, while the secretary in the Ministry of Health heads a coordination committee to help implement policy. Committees have also been formed at the district level to help coordinate effective implementation of policy at local level. In order to deal with the problems of HIV/AIDS, the government has adopted a multi-sectoral approach in the Ninth Plan (1998-2003). It focuses on raising awareness on HIV/AIDS via popular media such as street drama and home videos to reach a predominantly illiterate population. Safe sex messages and use of condoms are being broadcast over the state-owned radio and television in 12 local languages.

Cumulative HIV Infection by Age Group

Age Group	Male	Female	Total
0-5 years	10	6	16
6-13 years	3	-	3
14-19 years	64	143	207
20-29 years	724	280	1004
30-39 years	377	88	465
40-49 years	79	17	96
50 and above	14	2	16
Total	1271	536	1,807

Special Vulnerability of Male Migrant Workers to HIV Infection

Several social norms and mores make it more likely for men to be exposed to HIV infection. A large majority of Nepalese migrants are above the age of 22 and are married. Most have left their wives behind at home. Generally, they stay abroad for several months at a time, and only have their fellow Nepalese migrants, mostly male, as peers.

These peers exert a large amount of pressure on each other, both towards alcohol use as well as for extramarital sexual relationships. Failure to follow the crowd can sometimes lead to exclusion from the group, which in turn only increases alienation. A cultural fact that illustrates the pressure on men to have sexual relationships outside of marriage is depicted through an expression which defines a macho man: *Marda lai bhiringe, namarda lai luto*. Loosely translated, this means that macho men are those who have syphilis, and those who are, not have scabies. The sexually transmitted infection a man has defines his manhood.

Human Rights

Nepal is signatory to 14 conventions and protocols relating to human rights. A Human Rights Commission has also been created in order to investigate any possible cases of human rights violations. So far, this body has not investigated any cases of violations against migrant workers, but there is to date no data or documentation to assess the nature and extent of such violations. There are several news reports of incidents where Nepalese have sold their land and property in lieu of overseas jobs, only to be cheated by unscrupulous employers or bogus Nepalese agents. It has also been reported that Nepalese workers are often forced to work under inhuman conditions and with low wages, including women who are forced into prostitution.

A Common Story

“It is hell,” wrote 26 year old Dipak Acharya to his father in Ilam, describing his life and employment in Qatar just after 15 days of his arrival there. He could raise only Rs. 92,000 by selling all his land and property to find this job. Of this, he paid Rs. 70,000 to the employment agent in Kathmandu who promised him a job washing cars. In Qatar, he worked as a shepherd. He underwent physical and mental torture of losing everything at home and gaining nothing overseas. He returned home after 45 days.

CONCLUSION

There is a clear link between the Nepalese people who elect to migrate in search of work and their vulnerability to HIV infection. More must be done on the part of governments and civil society to address these vulnerability factors and curb the impact of HIV on this important population group.

Recommendations from the workshop

In November 2000, the Nepal Institute for Development Studies conducted a workshop supported by UNDP SSWA-HIV, that invited all stakeholders to suggest ways to improve the pre-departure, post-arrival and reintegration experiences of migrant workers. The following is the list of recommendations arrived at by the workshop, which also includes suggestions for improving the Nepalese foreign employment situation. This is followed by a list of participants and agenda for the workshop.

A. Recommendations regarding pre-departure

- The present legislation, especially that relating to pre-departure, is vague. The legal provisions should be clear, precise and simple.
- There is a growing trend towards the recruitment of Nepalese migrant workers by non-Nepalese recruiting agents which puts the migrant workers at higher risk.
- The recruitment process is very complex and beyond the comprehension of most Nepalese migrant workers. Unless the processes are simple, there are chances for exploitation. The processes must be simplified and better explained.
- Because there are no bilateral labour agreements between Nepal and the countries where Nepalese migrant workers are employed, the terms and conditions of employment are dictated by written and unwritten agreements between the foreign employment agencies in Nepal and the employers overseas. Such bilateral agreements are essential to improve the welfare of Nepalese migrant workers abroad.

- In view of the rising demand for foreign employment opportunities and limited market opportunities, labour markets in new countries should be explored.
- Most foreign employment seekers come from poor financial backgrounds. In order to benefit the poorest of the poor, financial schemes including soft loans and incentives need to be developed so that they can have equal opportunities.
- Technical and vocational training for unemployed youth willing to go abroad for employment should be provided so that they can gain access to better jobs and higher remuneration.
- Hopeful migrant workers have virtually no information or counselling about labour markets. Access to these services is essential to improve the opportunities of Nepalese seeking employment abroad and reducing their vulnerability to risky situations.
- The accountability of manpower agencies to the government and the general public should be clear and transparent in order to minimise mistrust and blame.
- The manpower agencies are mainly located in Kathmandu. This situation limits the ability of those outside the capital area to seek overseas employment. Manpower agencies need to be decentralised and relocated in regional development centres such as Dipayal, Nepalgunj, Pokhara and Dhankuta in order to widen opportunities for the rural poor.
- The accidental/health insurance needs to extend coverage to destination countries and place of work.
- In order for policy to be better informed, more attention must be paid to the undocumented workers, especially those migrating to India.
- The pre-departure programme should include better general health orientation and the topic of HIV/AIDS should be specifically included in such programmes.
- Counselling services should be provided to all those being tested for HIV.

B. Recommendations regarding the post-arrival experience of migrant workers

- The host country employer should provide orientation about the job and the culture of the host country.
- Labour Attaches should be appointed in countries where the number of Nepalese migrant workers exceeds 5,000. Although the government has decided this at the

policy level, it has yet to be implemented. An appropriate mechanism must be in place for the implementation of the policy decision.

- The informal and social contacts among the Nepalese migrant workers in host countries are very limited. Such contacts should be promoted.
- Migrant workers often face emergency or difficult situations, but do not know where to turn for help. Emergency telephone numbers and services should be provided so that they can establish contact and seek assistance.

C. Recommendations regarding the reintegration experience of migrant workers

- Returnee migrant workers have little voice in the policy-making process regarding foreign employment. The formation of a Migrant Workers Association in Nepal would mitigate this problem and also promote sharing of experiences among the returnees.
- Several Nepalese have returned from their jobs overseas infected with HIV/AIDS. Care and counselling should be provided for these people.
- Migrant workers should be provided with incentive packages, such as scholarships for their children and other benefits for their families staying at home in Nepal.
- A counselling centre for migrant workers and their families should be established.

D. Problems and Prospects of Foreign Employment

- Bilateral labour agreements should be struck between Nepal and the countries to which Nepalese migrate for work.
- The present insurance system in Nepal must be changed to better protect Nepalese while they are working abroad.
- Since most Gulf countries do not have Embassies/Consulates in Nepal, visa processing is both time consuming and costly. An effort should be made to establish consulates in Kathmandu.
- Since the foreign employment policy is control-oriented rather than promotion-oriented, a comprehensive review of the foreign employment policy should be made.
- Credit support should be provided to the poor in order to promote their participation in overseas employment, which at present is beyond their financial capacity.
- New training centres should be established and the existing ones improved in order to better serve the needs of Nepalese migrant workers.

- Gender discrimination, such as the ban on women seeking overseas employment, should come to an end.
- ❖ The competition between recruiting agents across South Asia has led to a decline in the levels of remuneration for migrant workers. A South Asian level collaborative effort should be made among manpower recruiting agencies in the region.



APPENDIX – 1

WORKSHOP AGENDA 15th November, 2000

- 10:00 Film on Migrant Workers of South Asia.
- 10:15 *Social Mobilisation, Institutional Partnership and Advocacy and Information to reduce the HIV vulnerability of Migrant Workers* - Beverly Brar, UNDP.
- 10:30 *Patterns in Foreign Employment and Vulnerability of Migrant Workers* - Ganesh Gurung, NIDS.
- 10:45 Short Presentations.
 - Mr. Mahesh Sharma - Participatory Planning and Management of HIV/ AIDS Project.
 - Mr. Badri Upadhaya - NASCC, MoH.
 - Mr. Upendra Adhikary - MoPE.
 - Mr. Tara Chhetri- SCF/ USA.
 - Mr. Bharat Thapa - NAFEA.
 - Mr. Sharadnanda Vaidya - Ministry of Labour.
 - Mr. Mohhamed Pournik - SAPAP.
- 12:30 Question/ Answer.
- 13:00 LUNCH
- 14:00 Groups Work.
- 15:00 Group Work Presentation.
- 15:30 TEA BREAK.

16:00 Floor Discussion.

16:45 Closing Remarks

APPENDIX 2

PARTICIPANTS IN THE WORKSHOP

1.	Mr. Deep Basnet	Dept. of Labour
2.	Ms. Lyela Reddy	ILO
3.	Ms. Bharati Silwal	UNDP
4.	Ms. Beverly Brar	UNDP, India
5.	Mr. Ganesh Gurung	NIDS
6.	Mr. Mahesh Sharma	PPM-HIV/ AIDS Project
7.	Mr. Badri Upadhaya	National AIDS & STD control Center
8.	Mr. Upendra Adhikary	Ministry of Population & Environment
9.	Ms. Tara Chhetri	SCF/ USA
10.	Mr. Bharat Thapa	Nepal Association of Foreign Employment Agents
11.	Mr. Daan Tamang	Nepal Association of Foreign Employment Agents
12.	Mr. D. N. Thapa	Nepal Association of Foreign Employment Agents
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