



March 2023

# Understanding Human Trafficking Risk Factors in Nepal's Foreign Employment Sector

Submitted to Winrock/Hamro Samman

## Research Team

Arjun Kharel, Sudeshna Thapa, and Leela Khatri

## **Topic 2. Understanding Human Trafficking Risk Factors in Nepal's Foreign Employment Sector**

*This research project was conducted under the John D. Rockefeller 3rd Scholars Program (JDR3) in partnership with the Hamro Samman Project and funded by the generous support of the American and British people through the United States Agency for International Development (USAID) and the United Kingdom's UK Aid*

## TABLE OF CONTENTS

<b>Abbreviations and Acronyms .....</b>	<b>iii</b>
<b>1. Introduction.....</b>	<b>1</b>
1.1 Background.....	1
1.2 Objectives .....	4
1.3 Methodology.....	4
1.3.1 Desk review.....	4
1.3.2 In-depth interviews.....	4
1.3.3 Focus group discussion .....	5
1.3.4 Key informant interviews.....	5
1.4 Ethical Considerations and Data Management and Protection.....	6
<b>2. Review of Legal Framework Relating to Human Trafficking.....</b>	<b>6</b>
2.1 National Legal Framework .....	6
2.1.1 Human Trafficking and Transportation (Control) Act, 2007 .....	7
2.1.2 Foreign Employment Act, 2007 .....	7
2.1.3 Foreign Employment Policy, 2012.....	7
2.1.4 Immigration Act, 1992 .....	7
2.1.5 Extradition Act, 2014 .....	8
2.1.6 Mutual Legal Assistance Act, 2014 .....	8
2.2 International Agreements and Standards .....	8
2.2.1 Protocol to prevent, suppress, and punish TIP—especially women and children .....	8
2.2.2 ILO Forced Labor Convention.....	9
2.2.3 ILO operational indicators of trafficking in human beings.....	9
2.2.4 Slavery Convention, 1926.....	9
2.2.5 UN Convention for the Suppression of TIP and the Exploitation of Prostitution of Others, 1949.....	9
2.2.6 International Covenant on Civil and Political Rights, 1976.....	9
2.2.7 Convention on the Elimination of All Forms of Discrimination Against Women, 1979.....	9
2.3 Gaps in the Domestic Legal Framework .....	9
<b>3. Elements of Human Trafficking Among Migrant Workers from Nepal.....</b>	<b>11</b>
3.1 Deceptive Recruitment.....	11
3.1.1 Deception about the work .....	11
3.1.2 Deception about the wages.....	11
3.1.3 Lack of information on the contract’s content .....	12
3.1.4 Deception about working conditions.....	12

3.1.5	Deception about travel and recruitment conditions.....	12
3.2	Coercive Recruitment .....	13
3.2.1	Withholding of money and debt bondage .....	13
3.2.2	Confiscation of documents.....	14
3.3	Exploitative Conditions of Work.....	14
3.3.1	Excessively long work hours.....	14
3.3.2	Non-payment of wages.....	14
3.3.3	No respect of labor laws nor signed contract .....	14
3.3.4	Poor working conditions and hazardous work .....	15
3.4	Coercion at Destination.....	15
3.4.1	Violence .....	15
3.4.2	Control over passport and related documents .....	15
3.4.3	Debt bondage.....	16
<b>4.</b>	<b>Factors Contributing to Human Trafficking for Labor Exploitation .....</b>	<b>16</b>
4.1	Push Factors of Migration.....	16
4.2	Unregulated Labor Intermediaries .....	17
4.3	Vulnerability Associated with Employment Sectors .....	18
4.4	Rampant Fraud and Lack of Choice in the Labor Recruitment Market .....	19
4.5	Weak Implementation of the Existing Policies in Destinations.....	20
4.6	Counterproductive Protectionist Policies.....	20
4.7	Use of Tourist Visa for Labor Recruitment—Lax of Existing Policies.....	21
<b>5.</b>	<b>Conclusion and Recommendations .....</b>	<b>21</b>

## TABLES

Table 1: KIIs Conducted.....	5
Table 2: Characteristics of Migrants.....	29

## ANNEXES

Annex 1: Checklist for Interviews with Returnee Migrant Workers.....	24
Annex 2: Checklist for Interviews with Key Informants.....	27
Annex 3: Characteristics of Respondents .....	29
Annex 4: Consent Form .....	30

## ABBREVIATIONS AND ACRONYMS

CSO	Civil Society Organization
FEA	Foreign Employment Act
FGD	Focus Group Discussion
GCC	Gulf Cooperation Council
GoN	Government of Nepal
HT	Human Trafficking
HTTCA	Human Trafficking and Transportation (Control) Act, 2007
IDI	In-Depth Interview
ILO	International Labor Organization
INGO	International Non-Governmental Organization
IOM	International Organization for Migration
KII	Key Informant Interview
MoLESS	Ministry of Labor Employment and Social Security
NGO	Non-Governmental Organization
NHRC	National Human Rights Commission
SOP	Standard Operating Procedure
TIP	Trafficking in Persons
UAE	United Arab Emirates
UN	United Nations
UNODC	United Nations Office on Drugs and Crime

# 1. INTRODUCTION

## 1.1 Background

Data available on the incidence of trafficking in persons (TIP) in Nepal is scant and scattered. This leaves unanswered questions about the actual number of people trafficked from Nepal every year and the socio-economic characteristics of TIP survivors. According to the National Human Rights Commission (NHRC)'s latest annual report on TIP in Nepal, a total of 40,300 persons are estimated to have been trafficked in fiscal years 2019/2020 and 2020/2021.<sup>1</sup> A total of 270 human trafficking-related cases were registered at the Human Trafficking Investigation Bureau of the Nepal Police and a total of 392 victims were recorded during the same period.<sup>2</sup> In fiscal year 2018/2019, the government estimated a total of 35,000 victims with an additional 1.5 million Nepalis at risk,<sup>3</sup> indicating a steady rise in the incidence of trafficking from Nepal.

It should be noted, however, that the data available does not provide a clear picture of the gravity of the issue, given that it is based primarily on cases that have been formally reported to government agencies—such as the Nepal Police—and records of interception and rescue by NGOs and networks engaged in anti-trafficking initiatives.<sup>4</sup> These figures do not take into account the large number of cases that go unreported. Oftentimes, victims do not file complaints with the relevant authorities due to social stigma that is frequently associated with trafficking victims and a lack of understanding regarding reporting and grievance registration processes.<sup>5</sup>

Migrants account for a significant share of trafficking victims in most regions of the world as highlighted in the Global Report on Human Trafficking in Persons 2020, published by the United Nations Office on Drugs and Crime (UNODC). Drawing on data from 148 countries, the report further states that victims of trafficking for forced labor are exploited across a range of economic sectors—including agriculture, construction, fishing industry, mining, street trading, and domestic servitude—and face various forms of labor rights violations—such as lower salaries, longer working hours, reduced protections, and informal employment.<sup>6</sup>

Given that migration for foreign employment is the mainstay of the Nepali economy and continues to impact the lives of hundreds of thousands of Nepalis, the nexus between foreign labor migration and TIP is especially pertinent in the context of Nepal. According to information made available by the government's Department of Foreign Employment, 1,745 persons (on average) departed

---

<sup>1</sup> NHRC, *Maanav Bechbikhan Sambandhi Raastriya Pratiwedan* (National Report on Trafficking in Persons), Kathmandu: NHRC, 2022. [https://www.nhrcnepal.org/uploads/publication/TIP\\_Report\\_Inner\\_compressed.pdf](https://www.nhrcnepal.org/uploads/publication/TIP_Report_Inner_compressed.pdf).

<sup>2</sup> Ibid.

<sup>3</sup> NHRC, *Maanav Bechbikhan Sambandhi Raastriya Pratiwedan* (National Report on Trafficking in Persons), Kathmandu: NHRC, 2019

<sup>4</sup> The Asia Foundation, *Optimizing Screening and Support Services for Gender-Based Violence and Trafficking in Persons Victims*, Kathmandu: TAF, 2021; F. Murray, S. Theminihulle, M. Dharel, and B.T. Shrestha, *Scoping Study on Modern Slavery Nepal*, Kathmandu, Nepal: DFID, 2019.

<sup>5</sup> F. Murray, et al., *Scoping Study on Modern Slavery Nepal*.

<sup>6</sup> UN Office on Drugs and Crime, *Global Report on Trafficking in Persons 2020*, New York: United Nations 2020. [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf).

the country every day during the fiscal year 2021/2022 for foreign employment.<sup>7</sup> Between the fiscal years 2019/2020 and 2021/2022, Nepali citizens migrated to 150 different countries for employment and more than 1.1 million labor approvals<sup>8</sup> were issued during the same period.<sup>9</sup> Notably, the actual number of Nepalis migrating for foreign employment is much higher than the official figures, given that they do not take into account the scores of Nepalis migrating to third countries via the porous and largely unregulated Nepal-India border.<sup>10</sup> The cross-border movement of Nepalis has remained a longstanding challenge in curbing instances of trafficking from Nepal, since India is both a transit and destination country for Nepalis trafficked for forced labor and sexual exploitation.<sup>11</sup> Maiti Nepal, an NGO working to rescue trafficking victims, reported having been involved in a total of 3,202 interceptions along the Nepal-India border in 2018 alone.<sup>12</sup>

A host of social, cultural, economic, and political factors compel individuals to migrate under conditions that increase their chances of being trafficked.<sup>13</sup> As noted by the Special Rapporteur on Violence Against Women, Its Causes and Consequences, after her visit to Nepal in 2019, persons facing economic difficulties and wishing to seek alternative work abroad faced heightened risks of trafficking.<sup>14</sup> As such, Nepalis migrating for foreign employment are subjected to human and labor rights violations at various stages of the migration process. Traffickers use the promise of overseas employment as bait to lure aspiring migrant workers and transport them to countries where they end up being subjected to debt bondage and forced labor.<sup>15</sup> Migrant workers are often given false contracts and face fraud and deception as recruitment agencies and brokers misrepresent the terms and conditions of prospective jobs in destination countries.<sup>16</sup> Upon reaching the countries of destination, they are often subjected to various forms of human and labor rights violations—such as squalid and congested living conditions, overwork/long working hours, lack of rest, physical and psychological abuse, and lack of safety and protection when working under

---

<sup>7</sup> Arjun Poudel, “High inflation and unemployment are forcing youths to seek foreign jobs,” November 21, 2022, *The Himalayan Times*. <https://tkpo.st/3VeD4gA>.

<sup>8</sup> Nepal migrant workers are required to obtain labor approvals from the Department of Foreign Employment under the Ministry of Labor, Employment, and Social Security prior to their departure for foreign employment except when travelling to India for employment.

<sup>9</sup> Ministry of Labor, Employment, and Social Security (MoLESS), *Nepal Labor Migration Report 2022*, Kathmandu: MoLESS, 2022.

<sup>10</sup> Nepal and India share a 1,770-kilometer border with around 20 major ground-crossing points. See IOM, *Assessing the Ground Crossing Points of Nepal and their Compliance with the International Health Regulations (2005) to Prepare and Inform Public Health Response to COVID-19*, Kathmandu: International Organization for Migration (IOM), 2020.

<sup>11</sup> *Optimizing Screening and Support Services for Gender-Based Violence and Trafficking in Persons Victims*.

<sup>12</sup> Maiti Nepal, Kathmandu 2018 Annual Report. <https://maitinepal.org/wp-content/uploads/2019/06/MN-Annual-Report-2018.pdf>. Maiti Nepal uses calendar years to report its data whereas the government sources use fiscal years, leading to further discrepancies in data available.

<sup>13</sup> *Ibid.*

<sup>14</sup> Visit to Nepal: Report of the Special Rapporteur on Violence Against Women, Its Causes, and Consequences, A/HRC/41/42/Add.2, UNHRC, Geneva, 2019.

<sup>15</sup> MoLESS, *Nepal Labor Migration Report 2022*.

<sup>16</sup> See Amnesty International, *False Promises: Exploitation and Forced Labor of Nepalese Migrant Workers*, 2011; *Turning People into Profits: Abusive Recruitment, Trafficking, and Forced Labor of Nepali Migrant Workers*, 2017; MoLESS, *Nepal Labor Migration Report 2022*.

hazardous conditions, among others.<sup>17</sup> In many cases, migrant workers are forced to continue working under exploitative conditions because refusal leaves them with no means of repaying their loans or supporting their families back home.<sup>18</sup>

Notably, such experiences are tantamount to HT for labor exploitation as outlined under the ILO's "Operational Indicators of Trafficking in Human Beings"<sup>19</sup> pursuant to the six dimensions of the definition of trafficking for labor and sexual exploitation under the Palermo Protocol.<sup>20</sup> These include 1) deceptive recruitment (or deception during recruitment, transfer, and transportation), 2) coercive recruitment (or coercion during recruitment, transfer, and transportation), 3) recruitment by abuse of vulnerability, 4) exploitative conditions of work, 5) coercion at destination, and 6) abuse of vulnerability at destination.

With regard to efforts at combating trafficking on the part of the government, the 2022 Trafficking in Persons Report published by the United States Department of State (USDOS) identifies Nepal as a Tier 2 country, stating that the country "does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so."<sup>21</sup> Further, the report emphasizes that identification of, and protection for, male trafficking victims—and transnational labor trafficking victims in particular—remains inadequate because the Nepali government continues to "misidentify the majority of transnational labor trafficking cases as labor violations."<sup>22</sup>

While the risk of trafficking is very real for many Nepalis, particularly those seeking to migrate abroad for employment, various factors place them at increased risk of being subjected to trafficking. Several recent studies indicate that economic determinants are among the most important risk factors impacting victims' susceptibility to HT.<sup>23</sup> Similarly, UNODC's Global Report on Trafficking in Persons 2020 states that "people in economic need, undocumented migrants, children in dysfunctional families, persons who are marginalized and have mental disorders" are among those who are especially vulnerable to trafficking.<sup>24</sup> In Nepal, individuals from weak economic backgrounds, those subjected to various forms of violence in the family, and persons isolated from family/society are at higher risk of HT, as highlighted by the NHRC.<sup>25</sup> In addition, the outbreak of the global COVID-19 pandemic further exacerbated the risk of trafficking

---

<sup>17</sup> Ibid.

<sup>18</sup> MoLESS, *Nepal Labor Migration Report 2022*.

<sup>19</sup> See "Operational Indicators of Trafficking in Human Beings: Results from a Delphi survey implemented by the ILO and the European Commission," 2009. [https://www.ilo.org/wcmsp5/groups/public/@ed\\_norm/@declaration/documents/publication/wcms\\_105023.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf).

<sup>20</sup> Protocol to Prevent, Suppress, and Punish Trafficking in Persons—Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000.

<sup>21</sup> USDOS, *Trafficking in Persons Report 2022*. <https://www.state.gov/reports/2022-trafficking-in-persons-report/nepal/>.

<sup>22</sup> Ibid.

<sup>23</sup> See F. David, K. Bryant, and J.J. Larsen, *Migrants and their vulnerability to human trafficking, modern slavery and forced labor*, IOM, 2019; European Union Agency for Fundamental Rights, *Protecting migrant workers from exploitation in the EU: workers' perspectives*, 2019; Kara, *Modern Slavery: A Global Perspective*, 2017; Perry McEwing, *How Do Social Determinants Affect Human Trafficking in Southeast Asia, and What Can We Do About It? A Systematic Review*, Health and Human Rights, 15 2, 2013.

<sup>24</sup> UN Office on Drugs and Crime, *Global Report on Trafficking in Persons 2020*.

<sup>25</sup> *Maanav Bechbikhan Sambandhi Raastriya Pratiwedan* (National Report on Trafficking in Persons).



among vulnerable groups because they were willing to take high risks and migrate in search of livelihood and income opportunities in the face of economic deprivation brought about by the pandemic.<sup>26</sup>

In this context, the study aims to explore factors that place aspiring Nepali migrant workers at increased risk of HT in further detail and identify those that are most vulnerable.

## 1.2 Objectives

The overall objective of the study was to examine the prevalence of HT indicators among Nepali workers while participating in international labor migration and identify the factors that placed workers at the risk of HT.

More specifically, the study aimed to:

- Examine the prevalence of HT indicators among Nepali workers participating in international migration
- Identify the socio-economic factors that increase vulnerability to trafficking among aspiring migrant workers
- Identify factors embedded in the legal and regulatory regime governing both HT and foreign labor migration that increase vulnerability to trafficking among aspiring migrant workers
- Identify any other relevant factors that increase vulnerability to trafficking among aspiring migrant workers
- Provide appropriate recommendations for formulating comprehensive policies and programs to prevent and combat trafficking of aspiring migrant workers

## 1.3 Methodology

The study utilized a qualitative research design consisting of a review of secondary data as well as primary data collection through in-depth interviews (IDIs) with migrant workers, key informant interviews (KIIs) with various stakeholders working in the foreign labor migration and anti-human trafficking sectors in Nepal, and a focus group discussion (FGD) with select migrant workers.

### 1.3.1 Desk review

A review of the legal and policy frameworks governing trafficking in persons and foreign labor migration in Nepal, along with relevant international standards and protocols were undertaken. In addition, an extensive review was made of the available literature on the nexus between TIP and foreign labor migration in Nepal—including research articles, publications made available by various governments and NGOs, and relevant news reports.

### 1.3.2 In-depth interviews

The major source of data for this study were the interviews conducted with migrant workers who had returned from one of the six Gulf Cooperation Council (GCC) countries and Malaysia—the major destination countries of Nepali migrant workers migrating with labor permits.<sup>27</sup> A total of

---

<sup>26</sup> See *Maanav Bechbikhan Sambandhi Raastriya Pratiwedan* (National Report on Trafficking in Persons); UN Office on Drugs and Crime, *Global Report on Trafficking in Persons 2020*.

<sup>27</sup> MoLESS, *Nepal Labor Migration Report 2022*.

31 interviews were conducted with returned migrant workers. Interviewees were identified using the purposive sampling method; the research team utilized existing networks and sought support from various organizations involved in the anti-human trafficking and labor migration sectors in Nepal for the purpose of identifying potential interviewees. Migrant workers’ destination country, gender, employment sectors, and overall migration experience (generally positive versus generally negative) were considered in the selection process. A detailed breakdown of the interviewees is provided in **Annex 3**.

The in-depth interviews conducted with migrant workers were aimed at generating information on their socio-economic background; level of knowledge regarding the employment process and of the employer(s) in the country of destination, recruitment process—including involvement of recruitment agencies/agents, route of travel to country of destination, legal status in destination country, awareness regarding the risk of trafficking, understanding of trafficking, experience of abuse/exploitation prior to and upon reaching the destination, and whether or not legal recourse was sought, among others. See **Annex 1** for the checklist used for IDIs with migrant workers.

### 1.3.3 Focus group discussion

One FGD was carried out with a group of four women migrant workers with migration experiences involving one or more of the following dimensions of HT for labor exploitation as outlined by the ILO:<sup>28</sup>

- Deceptive recruitment (or deception during recruitment, transfer, and transportation)
- Coercive recruitment (or coercion during recruitment, transfer, and transportation)
- Recruitment by abuse of vulnerability
- Exploitative conditions of work
- Coercion at destination
- Abuse of vulnerability at destination

The participants were identified based on the responses provided and experienced shared by the individual migrant workers during the IDIs.

### 1.3.4 Key informant interviews

A total of 15 KIIs were conducted with key stakeholders—including law enforcement officials and other frontline workers engaged in combating trafficking, judges, public prosecutors/human rights lawyers, government representatives at the federal level, journalists, representatives of civil society organizations (CSOs), and experts/independent researchers working in the area of labor migration and HT. See **Annex 2** for the KIIs checklist. The following shows a detailed breakdown of the KIIs:

**Table 1: KIIs Conducted**

Type of Stakeholder	Number of Interviews
Judges/Public Prosecutors/Human Rights Lawyers	3
Journalists	2
Experts/Researchers	4

<sup>28</sup> See “Operational Indicators of Trafficking in Human Beings.”

Representatives of CSOs	3
Government Representatives	2
Organizations/Firms Providing Legal Aid to Victims	1
<b>Total</b>	<b>15</b>

#### 1.4 Ethical Considerations and Data Management and Protection

Primary data collection for the research was initiated after obtaining approval from the Nepal Health Research Council. When conducting interviews, prior consent was sought from the interviewees for their participation in the interviews and permission for recording conversations and quoting them in the report. If interviewees permitted the recording of conversations, interview data was collected and stored using digital audio recording devices; audio recordings were transcribed and translated. If interviewees did not permit the recording of conversations, notes were taken during the interviews. All the data generated from the interviews—including the audio recordings—were only accessible to the research team involved in the study and stored in digital form in computers, secured with password protection.

Given the highly sensitive nature of the research, careful consideration was given to ensure the confidentiality and safety of the research participants. All interviews and the FGD were conducted in secure settings in order to maintain confidentiality and safety of the research participants. The anonymity of the research participants has also been maintained while presenting the findings of the study.

## 2. REVIEW OF LEGAL FRAMEWORK RELATING TO HUMAN TRAFFICKING

### 2.1 National Legal Framework

The Constitution of Nepal, 2015, specifically states that no person shall be subjected to trafficking or forced labor under the right against exploitation<sup>29</sup> while the right of children prohibits the “illegal trafficking” of children.<sup>30</sup> In addition, the Constitution also guarantees the rights of victims of crime—including the right to get information about the investigation and proceedings<sup>31</sup> and the right to justice with social rehabilitation and compensation.<sup>32</sup> Further, under the section on “Directive Principles, Policies, and Responsibilities of the State,” the Constitution lays down policies the State commits to pursue with regard to labor and employment. This makes it incumbent on the State to ensure foreign employment is free from exploitation, safe and systematic, and one that guarantees employment and rights of workers.

In addition to the Constitution, various legislations and sectoral policies have laid out provisions against HT as detailed in the sections below:

---

<sup>29</sup> Article 29, Constitution of Nepal, 2015.

<sup>30</sup> Article 39, Constitution of Nepal, 2015.

<sup>31</sup> Article 21, Constitution of Nepal, 2015.

<sup>32</sup> Article 20, Constitution of Nepal, 2015.

### 2.1.1 Human Trafficking and Transportation (Control) Act, 2007

The Human Trafficking and Transportation (Control) Act (HTTCA), 2007 is the primary piece of legislation governing HT from Nepal and defines activities considered to constitute human trafficking and human transportation. As per the Act, “human trafficking”<sup>33</sup> is the selling and buying of a person, using someone in prostitution, extracting human organs besides what is determined by law, and engaging in prostitution as a client. “Human transportation” is taking someone out of the country for the purpose of buying/selling and using various means to take someone away for the purpose of prostitution/exploitation.

Pursuant to the Act, the reporting of cases related to HT are made at the nearest police office. The Act states that any person who commits an offence of buying or selling a human being shall be punished with 20 years’ imprisonment and fined NPR200,000 (USD\$1,538). According to the Act, victims are entitled to compensation not less than half of the fine levied as punishment to the offender. The Act also decrees the maintenance of confidentiality of the name and address of the informant. Notably, the Government of Nepal (GoN) is the plaintiff in all cases filed under the Act and the proceeding of the cases are required to be held *via web-camera*.

### 2.1.2 Foreign Employment Act, 2007

The Foreign Employment Act, 2007, supplemented by the Foreign Employment Rules, 2008, aims to facilitate foreign employment as well as protect the rights of migrant workers. Broadly, the provisions in the Act include those relating to the establishment of the structure for management of foreign employment; regulation of recruitment agencies; non-discrimination and equality; protection of interests and rights of migrant workers; foreign employment-related offences and punishments; and monitoring, investigation, and prosecution of cases. However, the Act does not deal with issues of forced labor or labor exploitation, and is concerned more with regulating the foreign employment business. It outlines the compensation mechanisms available to migrant workers in case of fraud or wrongdoing, regulates the actions of private recruitment agencies (and other independent agents) facilitating foreign labor migration, establishes standards of conduct, and prescribes punishment in case of failure to comply.

Additionally, the Act prohibits against gender discrimination or sending anyone under the age of 18 for foreign employment.

### 2.1.3 Foreign Employment Policy, 2012

The Foreign Employment Policy, 2012, features a separate section in its action plan to ensure the rights of women in the migration cycle—including preventing human transportation, trafficking, and smuggling.

### 2.1.4 Immigration Act, 1992

The Immigration Act, 1992, regulates the movement of foreigners into, within, and from Nepal, as well as the movement of Nepali nationals from and into Nepal. The Act prohibits against giving false or wrong particulars regarding name, age, nationality, etc., or using a forged passport or visa, or instigating others to do so.

---

<sup>33</sup> In this study, the terms trafficking, human trafficking, trafficking in persons, and trafficking of human beings refer to the same action, and the terms are interchangeably used in this paper as these terminologies refer to the same phenomenon in different legal instruments reviewed in the study.

### 2.1.5 Extradition Act, 2014

The Extradition Act, 2014, provides grounds for extraditing the absconding accused or offenders, including those who may have committed trafficking or related offences, from a foreign state to Nepal at the request of the GoN under the conditions and processes mentioned within the Act.

### 2.1.6 Mutual Legal Assistance Act, 2014

The Mutual Legal Assistance Act, 2014, details the scope of legal assistance the Nepali government can seek from any foreign state and vice versa—including the examination of evidence, serving of notice, investigation, and enforcement of judgments.

In addition to the legislations mentioned above, various plans and policies of the Nepal government also preserve commitments to combat TIP and strengthen the protection accorded to victims. Among others, the 15th Five-Year Plan of the government (2019/2020–2023/2024) outlines a number of strategies and working policies aimed at combating trafficking—including empowering socio-economically communities and groups vulnerable to HT and transportation; controlling HT and transportation through preventive measures; and making the rescue, protection, access to justice, and rehabilitation services for victims of and the people affected by HT and transportation more effective. In the same vein, the National Action Plan Against Trafficking in Persons—especially Trafficking and Transportation of Women and Children (2012–2022) formulated by the Ministry of Women, Children, and Social Welfare (MoWCSC) outlined five priority areas: 1) prevention; 2) protection; 3) prosecution; 4) capacity building; and 5) coordination, cooperation, and collaboration.<sup>34</sup> Similarly, The National Action Plan for Children 2004/2005–2014/2015 aimed to “protect children from sexual harassment, exploitation, and trafficking.”

## 2.2 International Agreements and Standards

### 2.2.1 Protocol to prevent, suppress, and punish TIP—especially women and children

The **Palermo Protocol, 2000**, supplements the United Nations (UN) Convention Against Transnational Organized Crime and defines TIP as the “**recruitment**, transportation, transfer, harboring, or receipt of persons by means of threat or use of force or other forms of coercion, of abduction; **of fraud, of deception, of the abuse of power** or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” As defined in the Protocol, exploitation must include, at minimum, “the exploitation of the prostitution of others or other forms of sexual exploitation, **forced labor or services**, slavery or practices similar to slavery, servitude or the removal of organs.”

In reference to risk factors for trafficking, Article 9, paragraph 4 of the Protocol asserts “State Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons—especially women and children—vulnerable to trafficking, such as poverty, underdevelopment, and lack of equal opportunity.”

---

<sup>34</sup> MoWCSC, 2019 National Report on Control of Trafficking and Transportation of Persons 2076, GoN, Kathmandu.

### 2.2.2 ILO Forced Labor Convention

Article 2 of the **Forced Labor Convention** (Convention No. 29 of 1930) defines forced or compulsory labor as “**all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.**”

The **Protocol to the Forced Labor Convention 1930** (2014) and the **ILO Abolition of Forced Labor Convention** (Convention No. 105 of 1957) also offer protection against forced labor.

### 2.2.3 ILO operational indicators of trafficking in human beings<sup>35</sup>

The ILO outlines four sets of operational indicators for adult and child victims of trafficking for labor and sexual exploitation. Each set is a structured list of indicators relevant to the following dimensions of the trafficking definition:

- Deceptive recruitment (or deception during recruitment, transfer, and transportation): 10 indicators
- Coercive recruitment (or coercion during recruitment, transfer, and transportation): 10 indicators
- Recruitment by abuse of vulnerability: 16 indicators
- Exploitative conditions of work: 9 indicators
- Coercion at destination: 15 indicators
- Abuse of vulnerability at destination: 7 indicators

### 2.2.4 Slavery Convention, 1926

The Slavery Convention, 1926, defines slavery and its Supplementary Convention describes “practices similar to slavery”—including debt bondage and institutions/practices that discriminate against women in the context of marriage.

### 2.2.5 UN Convention for the Suppression of TIP and the Exploitation of Prostitution of Others, 1949

This UN Convention, 1949, requires States to punish any person who exploits the prostitution of another.

### 2.2.6 International Covenant on Civil and Political Rights, 1976

The International Covenant on Civil and Political Rights (ICCPR), 1976, prohibits a number of practices directly related to trafficking—including slavery, the slave trade, servitude, and forced labor.

### 2.2.7 Convention on the Elimination of All Forms of Discrimination Against Women, 1979

This Convention, 1979, requires States to take all appropriate measures to suppress all forms of trafficking in women and exploitation of prostitution of women.

## 2.3 Gaps in the Domestic Legal Framework

Although Nepal acceded to the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons—Especially Women and Children (also known as the Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime in June 2020, it is yet to amend its

---

<sup>35</sup> See “Operational Indicators of Trafficking in Human Beings.”

domestic legal framework to ensure alignment with the definition of trafficking under the Protocol. Contrary to the Palermo Protocol, the HTTCA limits the definition of HT to the purchase or selling of a person and to causing another person to go into prostitution. As such, migrant workers are not covered by the definition unless they were also forced into prostitution or were sexually exploited during their migration experience.

Because of this, cases of trafficking of migrant workers in the course of labor migration are not prosecuted under the HTTCA.<sup>36</sup> In most cases, the Foreign Employment Act (FEA) is invoked for fraudulent and deceptive labor recruitment of workers in lieu of the HTTCA.<sup>37</sup> It must be noted that penalties prescribed under the FEA are significantly lower than those under the HTTCA. As elaborated in the USDOS Trafficking in Persons Report 2022, transnational labor trafficking cases from Nepal are misidentified as labor violations and resolved administratively, in lieu of a criminal investigation, with inadequate sentences for perpetrators.<sup>38</sup> Owing to the lengthy procedure for criminal prosecution under the HTTCA and the potential to negotiate for higher monetary compensation from offenders under the FEA, many victims prefer to submit claims for restitution under the FEA rather than lodge a criminal case under the HTTCA.<sup>39</sup>

The overall victim-witness protection mechanisms in the country and the practices of law enforcement officials and justice also remain insufficient.<sup>40</sup> A 2015 amendment to the HTTCA reinstated a provision that charges trafficking victims fines for failing to appear in court and penalizes them with criminal liability should their testimony contradict their previous one, thus jeopardizing victim protection.<sup>41</sup>

Moreover, there are also several gaps and challenges with regard to the implementation of laws and legal procedures. Prosecution of trafficking-related cases is characterized by a number of procedural gaps—including shoddy investigations, hasty prosecutions, a shortage of skilled investigators and prosecutors, and frequent staff turnover—all which compound the massive backlog of cases at courts.<sup>42</sup> According to the annual report published by the Attorney General's Office, out of a total of 402 cases related to HT tried at the Supreme Court in the fiscal years 2076/2077 and 2077/2078, only 96 cases (23.88 percent of cases) were resolved.<sup>43</sup>

Further, Nepal lacks a comprehensive and standardized set of protocols or guidelines for screening and identifying trafficking victims. In order to identify victims, law enforcement authorities mostly rely on non-procedural and visual screening techniques.<sup>44</sup> An integrated Standard Operating

---

<sup>36</sup> S. Paoletti, E. Taylor-Nicholson, B. Sijapati, and B. Farbenblum, 2014, *The Exploitation-Trafficking Continuum in Labor Migration and the Need for Reform in Nepal*. Center for the Study of Labor and Mobility.

<sup>37</sup> 2022 Trafficking in Persons Report published by USDOS. <https://www.state.gov/reports/2022-trafficking-in-persons-report/nepal/>.

<sup>38</sup> USDOS, *Trafficking in Persons Report 2022*.

<sup>39</sup> *Optimizing Screening and Support Services for Gender-Based Violence and Trafficking in Persons Victims*.

<sup>40</sup> USDOS, *Trafficking in Persons Report 2022*.

<sup>41</sup> *Optimizing Screening and Support Services for Gender-Based Violence and Trafficking in Persons Victims*.

<sup>42</sup> Ibid.

<sup>43</sup> *Maanav Bechbikhan Sambandhi Raastriya Pratiwedan* (National Report on Trafficking in Persons), 2022.

<sup>44</sup> *Optimizing Screening and Support Services for Gender-Based Violence and Trafficking in Persons Victims*.

Procedure (SOP) is also lacking to counter cross-border trafficking at the Indo-Nepal border and intercept victims and perpetrators.<sup>45</sup>

### 3. ELEMENTS OF HUMAN TRAFFICKING AMONG MIGRANT WORKERS FROM NEPAL

This chapter discusses the prevalence of HT indicators among Nepali migrant workers based on the analysis of qualitative data collected from returnee migrant workers. The experiences of migrant workers were analyzed using the ILO indicators of trafficking, which is consistent with the Palermo Protocol, to cover all possible indicators of HT in labor migration from Nepal. The study finds multiple indicators of HT for labor exploitation present among migrant workers during the recruitment process and employment abroad. See relevant indicators below.

#### 3.1 Deceptive Recruitment

Most migrant workers in the study sample experienced one or more elements of deceptive recruitment.

##### 3.1.1 Deception about the work

Deception about job type was less common among migrant workers; most of their jobs were consistent with what was advertised in the newspaper and during the application process. However, the jobs of five migrant workers (out of 31) was quite different than what they were told by the recruitment agencies in Nepal. Three of them went to work in Saudi Arabia while the other two workers were in Malaysia.

A male migrant worker said he was assured that he would be working for an employer-owned company, and that he would work for that same company throughout his stay abroad. Instead, he was deceptively hired by a labor contractor company that supplied laborers to other companies. He was also deceived about living conditions. He explained his experience:

*It was very difficult to live there. The house was like goat's pen. There was no bed. We were treated like animals. We lived there for 15 days. The company provided me 300 Dirhams for food. I got shocked to see that. I saw some old employees from Nepal there. They told me about the company and how badly they were treated. I was very sad but could not do anything because I was new. It was a labor supplier company.*

*The company had a contract to clean the housing/accommodation facility of Coca Cola company. I was sent for cleaning work there. I had to wash and clean toilet bathroom and the whole building. I had to supply the cylinder gas if empty. There was no fixed time of working hours.*

##### 3.1.2 Deception about the wages

During recruitment, many migrant workers were deceived about their wages. Eight migrant workers (out of 31) reported that once they began work, their wages were lower than what they

---

<sup>45</sup> United Nations Office on Drugs and Crime (UNODC), *Standard Operating Procedures to Counter Cross-Border Trafficking in Persons: India-Nepal: For First Responders*. n.p.: UNODC, 2017.



were promised by recruitment agents in Nepal. This wage deception existed in both formal and informal job sectors—including housework, manufacturing, driving, and retail in GCC countries and Malaysia. A male migrant worker who went to a construction job in Saudi Arabia about 20 years ago, said:

*Before we left, we were told orally that the salary was 500 Saudi Riyal. The agent showed us an offer letter with a 500 riyal salary. He had said that we would be given another agreement paper when we reached the airport, but we would have the same salary. However, when we reached the airport, we were given the paper that mentioned our salary was only 300 riyals. The offer with 500 riyals the agent showed us in his office was fake. When we reached the company, we were offered only 300 riyals a month.*

### 3.1.3 Lack of information on the contract's content

Eight migrant workers in the sample signed a job contract before departure to their destination. Most workers either did not sign a contract or did not know if one was available. Even those who signed a contract were not aware of its content because it was deliberately provided at the last minute at the airport, just before their flight, so that they would not have time to read the terms of the contract or change their migration decision once they read it. Although a few workers departing for formal-sector jobs signed a job contract prior to departure, none of the workers pursuing informal-sector domestic work (all of whom were women) signed a contract prior to departure. Instead, they signed a contract with their employers after they reached their destination and before they started work.

### 3.1.4 Deception about working conditions

Eight migrant workers reported that their working conditions were worse than they were informed during recruitment. This group contained migrant workers who were traveling for a second or third time, which suggests that even years of experience with foreign labor migration did not necessarily make migrant workers safe during subsequent migration stints. They were employed in Malaysia and major GCC countries of Saudi Arabia, United Arab Emirates (UAE), and Kuwait in both formal and informal employment sectors. A male migrant worker, who had worked in Saudi Arabia, recounted how he was forced to work for 12 hours a day, although he was told during recruitment that he would work for eight hours a day and for six days a week.

*We used to have 12-hour duty every day. I used to work in the night shift. I had to fill petrol in vehicles. The person working at the night shift had to hand over the account to the one working at the day shift. The duty was long but simple and light. There was no time for rest, but we could manage time for food during the change in the shift.*

### 3.1.5 Deception about travel and recruitment conditions

Workers were informed about the travel conditions by recruiters and most workers in the sample flew from Tribhuvan International Airport in Kathmandu. Five women workers traveled via India to reach their destinations due to labor migration restrictions for domestic work, enforced by the GoN; two male workers flew from the Kathmandu airport on a tourist visa for overseas employment. The migration for domestic work via India was facilitated by local agents, who helped them in preparation of travel documents and accompanied them to India where the recruiters were based. The women migrants said that they had to be creative to pass through the

borders, as they were stopped by Nepal Police and the anti-human trafficking organizations, like Maiti Nepal. A woman migrant worker, who had migrated with her parent's consent, recalls:

*I went to Kuwait through India. I first went to Kakarvitta (an exit point on the east of Nepal) and from there to Siliguri in India. We then took a train and reached Delhi. We were two women together. I spent one week in Delhi. The man who received us in Delhi on behalf of our agent treated us well. I and another woman went together from Nepal. We had a separate room to sleep. From Delhi we landed in Kuwait after a four-hour flight. After 30 minutes of wait at the airport in Kuwait, the man from office (agent's office in Kuwait) came to receive us.*

Another woman worker said:

*We went through the eastern Nepal border, Kakarvitta. Two ladies received us and helped us cross the border. The Maiti Nepal team investigated us at the border, but we lied to them saying that we were going to Siliguri in India for our treatment. We did as we were told by the agent. Maiti Nepal called our parents, but our parents also told the same. Finally, we crossed the border. I felt sad and nervous when the two ladies received us at the border because they looked doubtful. I was also nervous when investigated by the Maiti Nepal team. Finally, we crossed the border. We went to Siliguri Airport. The two girls returned from the airport. We flew to Delhi airport. I was scared and thought that either we were sold or pushed to prostitution. We landed at Delhi airport. A boy received us from the Delhi. He had our details with our photograph. We just followed him. He took us in a room. There were two other women already. After some time, some other women also arrived there. Another day some other girls and women also arrived in Delhi. We were around 15–20 women there for the same purpose. We flew to Kuwait from Delhi after four days. Dubai was the transit.*

There was a risk of being trafficked for sex or other purposes, and some women migrant workers had that fear. However, no women workers reported any forms of abuse by agents or anyone while in transit.

Two migrant workers in the sample traveled to the UAE on a tourist visa with the intention of employment. They spent over NPR200,000 each for their migration. The agents helped them with the preparation of documents and arranged their travel, including their pickup at the airport in Dubai.

## **3.2 Coercive Recruitment**

The study found a high prevalence of multiple indicators of coercive recruitment in the study sample.

### **3.2.1 Withholding of money and debt bondage**

The labor recruiters illegally collected a huge sum from each worker as recruitment fees. They did not return the amount even when the workers decided they did not want to migrate, thus creating a condition of forced labor. Only two women migrant workers who traveled for domestic work did not pay the recruitment agents or agencies. The recruitment fees varied to some extent by job sector and destination country. All the workers in the formalized sector paid over NPR100,000 in recruitment fees while the women domestic workers paid anywhere from zero to NPR30,000. A

male migrant worker recalled his payment to the recruitment agency in Nepal when he migrated to Malaysia in 2014: “I paid NPR138,000 to Manpower in Nepal to go to Malaysia in 2014 and paid extra to get the certificate of medical fitness. Altogether I paid around NPR150,000.”

The high amount of recruitment fees contributed to a condition of debt bondage among migrant workers. The migration cost was covered from various sources—such as selling family jewelry and taking loans from formal channels and informal networks at an interest rate of up to 36 percent per annum, on average. The migrant worker (noted above) borrowed a third of the amount from a relative at an interest rate of 36 per cent per annum, in addition to selling gold ornaments belonging to his family members. This debt load increases the vulnerability of migrant workers. They migrated even though they are not satisfied with the terms of the contract, which they saw only at the last minute, just before departure. The debt incurred in the migration process forced migrant workers to work under harsh conditions, needing to repay their debt no matter the terms.

### 3.2.2 Confiscation of documents

While no migrant workers reported that their passport was technically “confiscated,” they did not have control over it during the recruitment process. For most migrant workers, recruiters held a workers’ passport unnecessarily for a long time and it was returned only at the airport, just before their departure. Other related documents—such as job contract, labor approval, and insurance policy—were also kept with the recruiters until the last minute.

## 3.3 Exploitative Conditions of Work

Most migrant workers in the sample worked under the conditions of forced labor.

### 3.3.1 Excessively long work hours

Many workers reported long work hours without getting paid for any overtime. The working hours were extremely long, particularly for domestic workers living with their employers. Since they were living with their employers, they were expected to, and usually forced to, provide services without any breaks. Workers who were employed in the formal sector—such as at a school or hospital, but for the same work generally identified as “domestic or care work,” had a better experience. A woman worker who had a job in Kuwait at a kindergarten school shared that she had fixed working hours and one day off per week.

The longer hours of work, however, persisted in other sectors as well. Two construction workers in the sample, along with some workers who were employed in the manufacturing sector, also had similar experiences. Workers would generally be happy for overtime work if they would be paid for it; however, the company would rarely seek their consent to work additional hours and workers were not always paid for it.

### 3.3.2 Non-payment of wages

Another indicator of HT prevalent in the destination is the non-payment of wages. Eight workers (out of 31) reported that they returned home without getting their wages fully settled. This issue persisted among workers employed in both formal and informal sectors.

### 3.3.3 No respect of labor laws nor signed contract

Some workers shared that the employer companies did not abide by the terms of the contract. As a migrant worker who went to Malaysia said:

*We had been given a contract in Nepal, but nothing happened as was written in the contract paper. In the contract it was written that we would be provided lodging, food, and allowance but we were not offered any of those things.*

### 3.3.4 Poor working conditions and hazardous work

The working conditions differed as per the job type. While those working at home would need to provide around-the-clock services without any rest, those employed in industries were exposed to dust and harmful chemicals. A male migrant worker, who was employed in a mattress factory in UAE said:

*I was the operator, and the job was very risky. A single mistake in operation might chop your hand and finger. A Pakistani worker lost his finger by the blade of the machine. He was also an operator. The foam we worked with daily was believed to be hazardous to human health. We were told that that it would cause paralysis. One of my friends got paralyzed and one had a heart attack. It was also believed that the foam might cause barrenness in males. I was scared since I was not married. Therefore, I decided to come back home permanently.*

A woman migrant worker employed in an electronics factory in Malaysia returned home due to allergies she had from exposure to chemicals and dust particles.

*I had allergy problems on my skin due to the exposure to chemicals in the company I worked in. I used to take an injection of 70 ringgit every month. I also applied liquid medicine, but it did not help. So, I applied for leave to go back home for treatment.*

## 3.4 Coercion at Destination

### 3.4.1 Violence

Two women migrant workers in the sample experienced physical abuse—such as beating—from employers while employed in domestic work in Kuwait and Oman. Workers employed in the formal sectors were sometimes threatened but actual instances of physical abuse were non-existent.

### 3.4.2 Control over passport and related documents

The passports of all the migrant workers were held by the employer or employing company during their employment. As soon as the workers arrived at the airport in the country of destination, the passport would be held by the employer company of those who went for work in the formal sector and by the landlord/landlady of those who were employed in the domestic sector. Migrant workers would only get their passport when they departed back to Nepal.

Holding their passports was just one facet that kept migrant workers from having the freedom to switch jobs or return home. An additional issue was that workers would lose their legal status if they ran away from their employer. A return to their home country would require, at minimum, an authorization from the host country's government (an exit permit) and an air ticket; migrant workers would need their employer's consent and support for both. So, although the lack of control over their passport added another layer of vulnerability for migrant workers—being unable to access their only identity and travel document whenever they needed it—there were additional complicating issues.

### 3.4.3 Debt bondage

The migrant workers in the sample did not have debt from employers, but the debts incurred in the labor migration process constrained them from leaving their jobs even when such an opportunity existed. Many workers continued working under the conditions of forced labor due to family debts. A male migrant worker recounted that he continued working in a mattress factory in the UAE under unpleasant working conditions because he had taken a loan of NPR100,000 at an interest rate of 36 per cent per annum.

*I had gone to Dubai during June and July. It was too hot. I had not worked hard in Nepal. Therefore, I found work very tough. The chemical smelled so bad. In initial days, I decided that I would pay the loan and be back as soon as possible.*

## 4. FACTORS CONTRIBUTING TO HUMAN TRAFFICKING FOR LABOR EXPLOITATION

As discussed in the preceding chapter, the study finds only limited variations among migrant workers in their experiences in the recruitment process and at their destination workplace. Most migrant workers paid a large sum in recruitment fees and therefore migrated with huge debt. The information about jobs and wages was often held by the recruiters until just before departure and the deception about working and living conditions also existed for many workers. Workers also had similar experiences at their destination.

The data thus suggests that understanding larger, macro-level factors are more useful in explaining the workers' overall migration experiences, rather than the individual and meso-level factors. This chapter will discuss the structural factors contributing to HT for labor exploitation from Nepal, while also giving attention to the micro- and meso-level factors wherever relevant.

### 4.1 Push Factors of Migration

The push factors of migration—such as poverty, unemployment, and the need of cash to meet various family needs, coupled with an opportunity of uninterrupted employment and better wages abroad—create a condition of urgency/desperation among Nepali men and women workers to migrate and improve the economic conditions of their family. While economic hardships were common among all workers, women migrant workers with negligent and unsupportive husbands had an even higher level of desperation to migrate. A woman migrant worker who migrated to Kuwait in her mid-forties shared her experience:

*I went abroad due to poverty. My first husband did not care for me. He bothered me a lot. I had to provide a good education and good upbringing for my daughter. I had to earn to cover the rising expenses accompanied with her growth.*

The opportunities of employment, particularly one with a decent salary, were even more limited for those without a formal education. A male migrant worker who had been to Qatar explained how various economic factors led him to migrate there:

*I am uneducated (completed grade three) and there is an unemployment problem in Nepal. I needed to earn money so the main cause to go abroad was to earn money and to support my family.*

This type of desperation led to workers' migration under vulnerable conditions. The migrant workers were not always in a position to weigh all the risk factors and make rational decisions.

#### 4.2 Unregulated Labor Intermediaries

Informal labor intermediaries—who are commonly referred to by migrants as “agents”—played a crucial role in facilitating migration of Nepali workers. The intermediaries connected potential migrant workers, who were from villages, with recruitment agencies based in Kathmandu (for those flying out from Kathmandu airport) or Indian cities (for those migrating via India). The labor intermediaries also provided support to the migrant workers in navigating through the complex migration process, and meeting various documentation needs in the migration process. The agents were also usually the main source of information for potential migrants about available jobs, destination countries, working conditions, recruitment fees, etc. However, agents often provided incorrect and misleading information, usually collected hefty recruitment fees, and did not provide expected support when migrant workers contacted them from abroad. A male migrant worker who went to Saudi Arabia to work as a room boy in a hotel said:

*I went through Nepali local agent via the Kathmandu airport. I paid 100,000 Nepali rupees for everything including air ticket after the processing time of two to three months. I had no idea about foreign employment. The agent guided me through the medical, labor permit, and other necessary procedures.*

A woman migrant worker who had worked as a housemaid in Saudi Arabia also shared that she was charged NPR40,000 for her labor migration although it was supposed to be free of cost. Another woman migrant worker confirmed the same:

*I paid NPR130,000 to the agent to go to Dubai. I arranged that money by borrowing from my sister at an interest rate of 48 percent per year. It took one year to repay the loan. I could not earn well because of Covid-19 after a year of my employment.*

Agents connected migrant workers with recruitment agencies, but they always overcharged the migrant workers. They also contributed to migration of workers with some indicators of HT present (see the preceding chapter for discussion on HT indicators).

Agents often recruited migrant workers through deception. A woman migrant worker, who had gone for domestic work in Kuwait, said that she was recruited by a local agent who gave incorrect information about the job and its working conditions, luring her to go abroad for work:

*I did not pay any fee to go abroad and the agent paid for my passport as well. I was told that I would make more money abroad and the job would also be nice. Later, I realized that we were sold for about 1.5 to 1.6 million rupees by agents. We are very gullible and believe whatever is told by the agent in Nepal.*

Agents functioned outside the legal framework and were unregulated. Existing legal instruments in Nepal do not recognize the role of agents in labor recruitment and also ban transportation of workers to third countries via India. This act can be identified as “human transportation” if the motive is buying/selling of a person, or prostitution and exploitation.<sup>46</sup> The agents, as in the case

---

<sup>46</sup> Human Trafficking and Transportation (Control) Act, 2007.

of a woman migrant worker who traveled via India, were usually a villager or a relative who would link the migrants with the main recruiters.

*I spent 10,000 rupees for my passport. It took a month for the passport to arrive. It was a person of my own relation who worked as a mediator to send me abroad. I was taken to Mumbai on a train [after crossing the border].*

While there are some instances when defrauding labor intermediaries have faced criminal charges<sup>47</sup> they cannot be easily held accountable when migrant workers are cheated by them.

### 4.3 Vulnerability Associated with Employment Sectors

Migrant workers in the study sample were employed in “3D” jobs (dirty, difficult, and dangerous).<sup>48</sup> Workers were employed in economic sectors and occupations identified by the ILO as “the most hazardous”—such as construction, agriculture, mining, or sectors with certain risks or informal economy. Although the lack of variation in job types in the study sample did not allow for a comparison of experiences of employment in most hazardous versus safest sectors, it is safe to say that the migrant workers from Nepal are heavily concentrated in jobs considered “low-skill” and rank lower in terms of wages, safety, and desirability. According to the Nepal Labor Migration Report 2022, less than one percent of Nepali workers are employed in jobs identified as “professional and “highly skilled.” Most were domestic workers and laborers in construction and manufacturing sectors.<sup>49</sup> Health risks for construction and factory workers are due to exposure to dust, chemicals, etc.; health risks for domestic work is associated with precarious living and working conditions.<sup>50</sup> Nepali workers’ employment in these sectors is associated with high demands for laborers in the construction sector in GCC countries and in manufacturing and wood industries in Malaysia, and the need of care workers in GCC countries in the context of an aging population and women’s increasing participation in the labor market.<sup>51</sup>

Domestic workers in the study sample (all of whom were women employed in GCC countries and lived with their employers) had to provide around-the-clock services to their employers. The informal nature of work and employment outside the labor laws of the host countries made the workers even more vulnerable to exploitation and abuse. Workers doing a similar job but in a formal setting—such as a kindergarten—had a more positive work experience. A woman migrant worker who had worked in three different GCC countries (Saudi Arabia, Kuwait, and Oman) in similar employment sector of domestic/care work shared:

*Oman was the best country for me. I used to work in a childcare from 6 am to 5 pm. My job was to look after small kids in a kindergarten. We had to feed them, change their clothes, dress them, and give them back to mother at the end of the day. On Friday,*

---

<sup>47</sup> *The Kathmandu Post*, “Man arrested on charges of trafficking four Nepali women to Kuwait,” January 27, 2023. <https://kathmandupost.com/national/2023/01/27/man-arrested-on-charges-of-trafficking-four-nepali-women-to-kuwait>.

<sup>48</sup> ILO, *Hazardous Work*. <https://www.ilo.org/safework/areasofwork/hazardous-work/lang—en/index.htm>.

<sup>49</sup> MoLESS, *Nepal Labor Migration Report 2022*.

<sup>50</sup> ILO, *Hazardous Work*.

<sup>51</sup> MoLESS, *Nepal Labor Migration Report 2020*.

*we used to work half day and the Saturday was a holiday. We were given sick leave, time to rest, and we were taken to hospital if we got sick.*

However, employment in the formal sector did not provide a guarantee that workers would not be forced to work more than eight hours a day. Workers employed in the manufacturing, cleaning, and construction sectors also reported that they had to work for longer hours and often without overtime payment.

As discussed in the preceding chapter (see 3.4.3), excessive recruitment fees created a condition of debt bondage among migrant workers as they would continue working with the same employer to repay the debts incurred in the migration process. The recruitment fees were significantly high for all job sectors except for domestic work. Those migrating for any jobs other than domestic work paid an excessive amount of recruitment fees. In the case of domestic work, a huge labor shortage in the destination countries, resulting partly from travel bans imposed on several countries, including Nepal, for the migration of women for domestic work,<sup>52</sup> seemed to have led to a complete elimination of or modest amount of recruitment fees. Since the number of interested migrants for domestic work was relatively small, financial incentives for successful hiring of workers would more easily pass from employers to recruiters and layers of intermediaries in the forms of a recruitment fee, bonus, and allowance.

#### **4.4 Rampant Fraud and Lack of Choice in the Labor Recruitment Market**

The similarity in the experiences of Nepali workers in the process of migration to GCC countries and Malaysia indicates the prevalence of rampant fraud in the recruitment sector in Nepal. The frauds experienced by migrant workers in the recruitment process, as discussed in the preceding chapter, include unauthorized collection of excessive recruitment fees, deception about jobs and working conditions, and lack of information on the content of the contract.

Nepal has privatized the labor recruitment sector and there are currently 860 registered private recruitment agencies providing services to potential migrant workers in Nepal (NLMR 2022). However, the recruitment market in Nepal does not offer any meaningful choices because agencies do not qualitatively differ in terms of their business practices. Other studies also point out that the migration costs of Nepali workers have significantly increased over the years.<sup>53</sup> The Nepal government has been unable to curb recruitment fees even with the adoption of “employer pays” (or “free visa, free ticket”) modality in labor recruitment. Nepali recruitment agencies cite various reasons for the high costs in labor migration from Nepal, including the costs associated with the procurement of job demand from employer companies abroad and payments to several layers of intermediaries involved in labor recruitment in Nepal.<sup>54</sup>

---

<sup>52</sup> Arab News, “Some Yemeni Women Exploiting Housemaid Shortage Crisis,” <https://www.arabnews.com/node/520881/amp>.

<sup>53</sup> Arjun Kharel, Sadikshya Bhattarai, Dogendra Tumsa, Shalini Gupta, and Pawan Sen, *Province 1 of Nepal: Migration Profile*, Kathmandu: SDC and CESLAM, 2022.

<sup>54</sup> Arjun Kharel, Sudhir Shrestha, Sadikshya Bhattarai, Pauline Oosterhoff, and Karen Snyder, *Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Laborers for Foreign Employment*, Institute of Development Studies, 2022.



A potential factor constraining the regulation of recruitment agencies is their connection with political parties. In fact, the recruitment agencies have formed associations along party lines, with these associations corresponding to major political parties in Nepal that have been ruling the country since the early 1990s. While cases of fraud in the recruitment sector are well recorded and regulatory bodies are also aware of it,<sup>55</sup> most recruitment agencies are not penalized for their crimes. The umbrella organization of recruitment agencies (Nepal Association of Foreign Employment Agency) has been vocal about the business interests of the recruitment agencies but they rarely speak about the rights and welfare of migrant workers. Recruitment agencies and their associations tend to blame migrant workers themselves for their plight abroad rather than acknowledging the grave issues in labor recruitment in Nepal and making any solid efforts in addressing them.<sup>56</sup>

#### **4.5 Weak Implementation of the Existing Policies in Destinations**

Migrant workers' harsh workplace experiences in destination countries, with whom Nepal has signed labor agreements, suggest a weak implementation of existing policies in labor-receiving countries. Migrant workers' rights are not guaranteed when there is weak or non-implementation of the agreements and universal human rights by the governments and employer companies. Differential treatment between native labor versus migrant labor, lack of trade unions, or lack of working for the welfare of migrant workers systematizes discriminatory practices and poor working/living conditions for migrant workers. A high rate of Nepali migrant workers' deaths in major destination countries emphasizes inattention to workers' lives in destination countries.

The lack of functional mechanisms for complaint filing and redressal in destination countries prevent workers from gaining justice. Workers are subjected to a coercive working environment when they cannot exit the countries to return home, even when they are ready to bear any financial loss of their unsuccessful migration.

#### **4.6 Counterproductive Protectionist Policies**

During the past 40 years, the GoN has frequently enforced travel bans on aspiring women migrant workers to “protect” them from abuses and exploitations in the destination countries.<sup>57</sup> The types of travel bans range from age-based bans, bans for migration for domestic work, and comprehensive bans on migration for women.<sup>58</sup> Currently, Nepali migrant workers, both women and men, are banned from migrating for domestic work in any country until the host country government signs a bilateral labor agreement (BLA) or memorandum of understanding (MoU). This disproportionately affects women migrant workers since domestic work is mainly pursued by

---

<sup>55</sup> MoLESS, *Nepal Labor Migration Report 2020*.

<sup>56</sup> Arjun Kharel, et al., “Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Laborers for Foreign Employment.”

<sup>57</sup> Arjun Kharel, “Female Labor Migration and the Restructuring of Migration Discourse: A Study of Female Workers from Chitwan, Nepal,” PhD dissertation, Kansas State University, 2016.

<sup>58</sup> Mark McCarthy, “A Comprehensive Analysis of Policies and Frameworks Governing Foreign Employment for Nepali Women Migrant Workers and Migrant Domestic Workers,” Kathmandu: ILO, 2021.

women workers for different reasons—including low or no cost for migration and a high demand of women workers as caregivers.

The travel bans, however, have not stopped Nepali women migrant workers from migrating to (mainly) GCC countries for domestic work. They travel via India and use unauthorized channels to reach their destinations. Although the intention behind the travel bans is to “protect” women from migrating to an informal employment sector prone to abuses and exploitation, the instances of physical abuses against domestic workers are real (as discussed in the preceding chapter). However, travel restrictions have contributed to the emergence of informal channels and have increased unauthorized migration at even a higher rate.<sup>59</sup>

#### **4.7 Use of Tourist Visa for Labor Recruitment—Lax of Existing Policies**

Employers in countries like UAE are recruiting workers who came into their country via a tourist visa. This method of recruitment relieves employer companies from the responsibility of bearing recruitment costs and going through a lengthy process of recruiting workers from overseas.<sup>60</sup> This kind of migration, however, is often facilitated by the recruitment agencies based in Nepal, as in the case of a male migrant worker in the study sample who traveled to UAE on a tourist visa paying NPR300,000. He found a job, as he was promised, but the working conditions were harsh and the salary was unsatisfactory; he made the decision to return to Nepal after only two months.

There is no guarantee of jobs while migrating for work on a tourist visa and the migration cost has been very high. Since workers are not directly associated with employer companies and recruitment agencies, they are left stranded at destinations when jobs are unavailable to them.<sup>61</sup>

### **5. CONCLUSION AND RECOMMENDATIONS**

The study was conducted to assess the prevalence of human trafficking (HT) indicators among Nepali workers while participating in international labor migration and identify the factors that placed workers at the risk of HT. A total of 31 returnee migrant workers were interviewed for the study, and their experiences were analyzed using International Labor Organization (ILO) Operational Indicators of Trafficking in Human Beings.

While there was no case of sexual exploitation in the study sample, one or more element/s of HT for labor exploitation was present among all migrant workers. Nepali workers’ recruitment in Nepal embodied several indicators of HT—such as misleading or deception about the nature of work, wages, and working conditions; lack of information about the contents of the contract; and excessive recruitment fees and debt bondage. In the destination countries, workers had to generally work for longer periods than expected and usually without overtime payment. Some workers had to work in a hazardous working environment while others had their wages withheld or were unpaid. In the absence of a functional mechanism to file complaints, none of the workers could report any

---

<sup>59</sup> Arjun Kharel, “Female Labor Migration and the Restructuring of Migration Discourse.”

<sup>60</sup> Arjun Kharel, et al., “Assessment of Outreach and Engagement with Prospective Migrants.”

<sup>61</sup> Narayan Bhurtel, “22 Nepali Workers Stranded in UAE since Two Months,” *MyRepublica*, October 1, 2017. <https://myrepublica.nagariknetwork.com/news/22-nepali-workers-stranded-in-uae-since-two-months/>.

cases even when they were aware that their employers had violated the terms of the contract. In the case of domestic workers, there was no contract at all.

Nepali workers had more similarities than differences in their overall migration experiences. The prevalence of various indicators of HT for labor exploitation among migrant workers suggests that macro-factors, more than micro- and meso-level factors, are important in understanding HT in the guise of labor migration. Yet, various push factors of migration were relevant in understanding Nepali workers' desperation to leave the country for jobs abroad. At the destination, the jobs ranking low in terms of wages, skill, and social prestige tend to have higher prevalence of HT indicators. Exploitations of workers take place in the context of reluctance of employer companies and destination-country governments in improving living and working conditions for migrant workers. Although the signing of bilateral labor instruments is an important step toward protecting migrant workers in the migration process and during employment overseas, it did not always guarantee the protection of migrant workers' rights abroad. Implementation of existing policies was equally weak in Nepal and it had perpetuated exploitative conditions of labor recruitment there.

Foreign labor migration is likely to continue until opportunities are available to improve the socio-economic conditions of families by participating in labor migration. Thus, it would be imperative to improve migrant workers' overall experience in recruitment and post-deployment phases.

The following recommendations are made for policy makers and stakeholders working in the sectors of labor migration and anti-human trafficking in Nepal for making migration safe.

- **Reduce urgency/desperation for migration** by investment in socio-economic development programs—such as self-employment generation programs, improvement in public education, health services, and better connectivity in rural areas. These initiatives can make labor migration voluntary and workers less vulnerable since migration would become a choice, rather than a necessity, and workers would be able to assess the risks of participating in labor migration.
- Nepal has adopted an employer-pays modality in labor recruitment to curb recruitment fees. However, this policy has not been implemented and migration costs are still very high for workers, who rely on high interest loans to pay for their migration. The Nepal government needs to **implement the existing policies** to reduce migration costs and facilitate debt-free labor migration from Nepal. **Employer companies and destination countries should take full responsibility of recruitment costs and can play a more active role in controlling recruitment frauds.** They need to set up mechanisms to control frauds in labor recruitment since they have more resources than the labor-sending countries. One example is the initiatives of South Korea, which has been successfully recruiting workers from various countries as per the terms a worker/receiving-country contract.
- The labor recruitment sector in Nepal is full of frauds—including deception about the nature of work, dual contracts, and false information about wages/working conditions. The recruitment agencies and agents' blatant engagement in labor recruitment frauds indicate the impunity that recruitment agencies enjoy and the protections they receive due to their linkages with the ruling class. It is important to ensure that the **governing bodies function independently and anybody involved in frauds and malpractices in labor recruitment is**

**punished to the full extent of the law.** This would also deter those thinking of engaging in such activities in the future.

- **Employer companies and labor-receiving nations should guarantee decent living/working conditions while abroad.** All concerned stakeholders—including the governments of labor-sending countries, international agencies, news media, trade unions, and non-governmental organizations (NGOs)—should keep pressuring the destination countries to protect workers’ rights and ensure good working conditions.
- **Better mechanisms to file complaints and redressal are necessary in destination countries and Nepal.** Workers generally have nowhere to go even when they know that their contract terms are not respected by their employers. In the absence of functional mechanisms for case filing and assurance of justice to migrant workers, access to justice will remain implausible.
- The study finds **limited relevance of awareness-raising, pre-departure information programs targeted at (potential) migrant workers in reducing HT** indicators in labor migration from Nepal. Migrant workers familiar with the migration process and even with past migration experience also experienced one or more indicators of HT during migration, showing that an awareness of the migration process by itself is insufficient for safe migration. While awareness programs can provide valuable information to potential migrant workers, such programs cannot make a positive impact unless the labor migration system works, as explained in the information package provided to migrant workers, i.e., the beneficiary of awareness- raising programs. Otherwise, the information provided to migrant workers will be far from reality, and thus of no practical use.

## ANNEX 1: CHECKLIST FOR INTERVIEWS WITH RETURNEE MIGRANT WORKERS

**Warm-up—introduction and rapport building:** The interviewer introduces herself/himself and tells the purpose and objective of the study. S/he reads out the standard consent text (**Annex 4**) and asks for research participant’s consent for the interview and to get the interview recorded.

### A. Background

1. Warm-up question: how are you feeling now?
2. Can you please tell me about yourself? Ask the following:
  - a. How many members are there in your family? Who are they? What do they do?
  - b. What is your age?
  - c. What is your education?
  - d. What is your caste-ethnicity?
  - e. What is your marital status?
  - f. What is your home district in Nepal?
  - g. What is your current place of residence?
  - h. What is your current job/occupation?

### B. Foreign Employment Experience

1. I am now going to ask you about your experience of participating in foreign employment. I will ask you about each migration journey, but before that, can you tell me:
  - a. How many times have you gone abroad for foreign employment?
  - b. How many years did you stay abroad in total?
2. Ask about each migration stint:
  - a. Country of destination?
  - b. Employment sector?
  - c. Total migration cost?
  - d. Sources of loans and interest rates?
  - e. Migration decision—how did you decide to migrate? What work were you doing at that time (probe: push factors—such as poverty, abusive environment/domestic violence at home, conflict/crisis situations, etc.)?
  - f. Source of migration information—were you able to verify the information about foreign employment provided to you? Why/why not? If yes, with whom?
  - g. Migration through recruitment agent/agency?
  - h. Knowledge of proper migration process and legal requirements prior to migration?
  - i. Migration process—how did you migrate? Visa type? Obtaining of labor permit? Route of migration (including the airport flown from)? Who did you travel with? What challenges

did you experience?

- If traveled without a labor permit, ask: were you aware that a labor permit was necessary? How had you learned about it?

- j. Duration of stay?
  - k. Workplace experience—job type, working hours, rest, food and accommodation, health, safety, provision of sick leave, access to health services, obligation to pay for medical services, provision of health insurance, freedom to communicate with friends/co-workers and family in Nepal
  - l. Did you experience any scolding, verbal abuse, beating, kicking, or threat of assaults at the hands of employers/agents/other individuals in the destination country?
  - m. Did anyone touch or try to touch you without your consent?
  - n. Withholding of passport—by agents/recruitment agencies in Nepal, by employer companies, or by anyone during the entire migration cycle?
  - o. Wages—monthly income, overtime work and payment, timely payment?
  - p. Savings?
  - q. Contract—did you sign contract? How many contracts? Knowledge of the terms and conditions in the contract prior to departure? Did employer follow the terms and conditions of the contract after you arrived at your destination?
  - r. Was everything in the destination as explained by the agents/agencies in Nepal? What things were different? Ask about wages, working conditions, food/accommodation, air ticket, health insurance, etc.
  - s. Loss of legal status during the migration cycle?
  - t. Remittance transfers and uses—how often? How much at one time? In a year? Who were the dependent family members? Use of remittances?
  - u. Return—why did you decide to return? How did you return? Any help sought for return? Anyone helped you? Who and how? Who paid for your air ticket? Who did you travel with?
3. How do you rate your overall migration experience?
  4. For those participating in multiple countries—was your migration experience the same across all the countries?

### **C. Perception of Trafficking Risk Factors**

1. What do you think constitutes as “trafficking in persons”? Who are at the risk of it? Are people who go for foreign employment at risk? Are male workers at risk? Are female workers at risk (provide definition of **TIP**)?
2. Did you ever feel like you were being trafficked while engaging in or trying to engage in labor migration? Can you recall and tell us in brief (**ask**: when, where, how)?
  - In the case of an experience/realization of being trafficked: Did you seek support from anyone? Whom? How did you contact? How challenging it was to establish a contact? Did you get help?

3. What types of workers do you think are more vulnerable to TIP, in terms of workers' gender, caste/ethnicity, education, socio-economic backgrounds? Do you consider yourself vulnerable to TIP?
4. What different risks of TIP do you think a labor migrant can have while participating in foreign employment? **Ask about:** risks during pre-departure phase, while traveling/in transit, during overseas employment, while returning, during post-return?

#### **D. Post Return: Access to Legal Remedy**

(Ask those who had an experience of *fraud/deception* or any element of *TIP*)

1. Did you initiate or try to initiate any kinds of legal proceedings (related to labor migration fraud/deception) after returning to Nepal (**note: if multiple legal proceedings, ask about each of them**)?
  - **IF YES**, what kind of legal proceeding did you initiate? Who did you approach, e.g., legal counselors? Did anyone help you? How?
  - **IF NO**, why did you not initiate any legal proceedings? What were the reasons behind that decision?
2. Did any organizations ever initiate any kinds of legal proceedings (related to labor migration fraud/deception) of which you were a part (**note: if multiple legal proceedings, ask about each of them**)?
3. Ask the following questions if the response to question #1 or question #2 was **YES**.
  - a. What was your experience with legal proceedings? Was it easy for you to access legal remedies? **IF NOT**, what difficulties did you face while seeking legal remedies?
  - b. What was the result of the legal procedure? How satisfied are you with the result or process? How convenient was the process for you? What challenges did you face?

#### **E. Post-Return Experience and Closing Interview**

1. Can you tell me how you felt when you got back to your family? How did your family perceive your return? Did you experience any challenges/difficulties at home/in community? What were they? How did you overcome them?
2. What are your future plans? Any plan for re-migration? Where?
3. Do you have any questions for me? Do you want to say anything more?

## ANNEX 2: CHECKLIST FOR INTERVIEWS WITH KEY INFORMANTS

**Warm-up—introduction and rapport building:** The interviewer introduces herself/himself and tells the purpose and objective of the study. S/he reads out the standard consent text (**Annex 4**), including confidentiality and data security, and asks for research participant’s consent for the interview and to get the interview recorded.

**Note:** the questions will be adapted according to the respondent’s organizational affiliation and work experiences.

1. Can you please briefly tell me about yourself and your organization—including objectives and its scope of work—and your role in the organization?
2. How long have you been working with migrant workers and/or survivors of TIP? What specific services does your organization provide?
3. In your experience, do traffickers target persons from certain backgrounds/with certain traits? What types of people (such as in terms of gender, age, cast-ethnicity, personality trait, socio-economic background), in your experience, are more vulnerable to TIP in general? TIP in the guise of labor migration? TIP for sex trafficking? Can you explain to me their socio-economic backgrounds?
4. Who are the traffickers typically? How do they approach victims?
5. Do you think migration for foreign employment and TIP are connected? How?
6. What do you think is the legal understanding of TIP among aspiring migrant workers and other stakeholders? What do you think are the reasons behind that?
7. What are the risk factors of TIP in different phases of the migration process? Ask about each phase:
  - a. Pre-departure
  - b. During travel/transit
  - c. While in destination
  - d. While returning
  - e. Post-return (risk factors for returnees and those seeking to remigrate)
8. How convenient it is for TIP survivors to access justice in Nepal? What are the enabling factors? What are the strengths of our existing laws and available legal services?
9. What are the challenges for TIP survivors in accessing justice in Nepal? What limitations do you see in the existing laws and available legal services?
  - a. What factors impede access to justice in the pre-migration phase?
  - b. What factors impede access to justice while traveling (in transit to destination)?
  - c. What factors impede access to justice while in the destination?
  - d. What factors impede access to justice after return to Nepal?
10. What are the challenges in prosecuting cases of trafficking in the context of labor migration in particular (probe: limitations in the Human Trafficking and Transportation Control Act, 2007, and why are cases of trafficking in the context of labor migration prosecuted under the Foreign



Employment Act, 2007)?

11. Do you see any roles of government policies (such as migration bans) in increasing vulnerability to TIP? How?
12. What are the reasons for the difficulty in curbing TIP from Nepal? Also, ask about: existing laws, implementation issues, available legal services, duration/effectiveness of legal services, etc.
13. What are the existing monitoring and screening mechanisms of TIP and what are their effectiveness?
14. What could help curb TIP from Nepal? What efforts from government entities, civil society, international non-governmental organizations (INGOs)/NGOs, individuals, recruitment agencies, employer companies, etc. might be necessary?
15. What could help reduce/eliminate TIP-related risk factors for aspiring migrant workers?

## ANNEX 3: CHARACTERISTICS OF RESPONDENTS

Table 2: Characteristics of Migrants

Characteristics of Migrants	Number
<b>Migrant Workers by Gender</b>	
<b>Men</b>	17
<b>Women</b>	14
<b>Total</b>	31
<b>Migrant Workers by Job Types</b>	
<b>Housework</b>	9
<b>Cleaning</b>	3
<b>Construction</b>	4
<b>Manufacturing</b>	9
<b>Driving</b>	3
<b>Hospitality</b>	3
<b>Mode of Travel</b>	
<b>With a labor permit from Nepal</b>	20
<b>Without a labor permit</b>	9
<b>On a travel visa</b>	2
<b>Exit Airport</b>	
<b>Tribhuvan International Airport, Kathmandu</b>	22
<b>Indian airports</b>	9
<b>Number of Respondents</b>	<b>31</b>

## ANNEX 4: CONSENT FORM

Namaste! Thank you for giving us the time to speak to you. My name is \_\_\_\_\_ and I am a member of a research team conducting a study to understand human trafficking indicators among Nepali workers while participating in international labor migration. The study aims to contribute to improve the experiences of migrant workers from Nepal. The study is funded by Winrock International/Hamro Samman.

We will ask you about your experiences relating to your participation in international labor migration. Answering these questions will take about 30–50 minutes of your time and your participation is entirely voluntary. You can stop the interview at any time or skip any questions that you do not want to answer.

We assure you that your answers will remain completely confidential. The information collected in the study will be analyzed together with the information gathered from other people and used to publish reports and scientific publications. This will be done without using your name and without revealing your identity as a participant in the study.

Do you have any questions now about the study or what I have said? If you have any questions later, the principal researcher conducting this research is Arjun Kharel. He can be reached at +977-9801092625.

You will be given a copy of this form to keep for your record. You can either sign this form or provide a verbal consent to indicate that you have agreed to participate in this study.

Would you like to participate in this study?

Yes \_\_\_\_\_ No \_\_\_\_\_

**(Note to interviewer:** please proceed to interview only if consent is granted).