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NEPALESE MIGRANT WORKERS AND THEIR HARDSHIP IN THE DESERT

Ambar Hajariya

Clark University, ahajariya@clarku.edu

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NEPALESE MIGRANT WORKERS AND THEIR HARDSHIPS IN THE DESERT

Ambar Hajariya

DECEMBER 2016

A Research

**Submitted to the faculty of Clark University, Worcester,
Massachusetts, in partial fulfillment of the requirements for
the degree of Master of Arts in the department of International Development
Community and Environment (IDCE)**

And accepted on the recommendation of

Prof. Jude Fernando, Chief Instructor

ABSTRACT

NEPALESE MIGRANT WORKERS AND THEIR HARDSHIPS IN THE GULF

Ambar Hajariya

The exploitation of Nepalese migrant workers is linked with glitch and the glamor of Gulf states. The gulf is now a glamorous region in the world. Their infrastructures are breathtaking. For example, Burj Khalifa in Dubai is the tallest structure in the world. Some wonderful structures are in progress, such as a Qatar stadium for the FIFA World Cup 2022. However, the exploitation of Nepalese migrant workers exposes the glitch of the Gulf, which is the extreme violation of human rights. Reports reveal that Nepalese migrants are dying at a rate of one in two days while doing a construction work in the Gulf. Hence, this paper is focused on providing a broad outline of the working conditions of Nepalese migrant workers from the perspective of human rights. Through an overall analysis of academic and non-academic journals, migrant Nepalese worker's condition of the Gulf and UAE have been discussed.

Prof. Jude Fernando, Ph.D.
Chief Instructor

Prof. Sasha Adkins, Ph.D.
Visiting Assistant Professor

ACADEMIC HISTORY

Name: Ambar Hajariya

Date: December, 2016

Baccalaureate Degree: Sociology

Source: Tribhuvan University, Kathmandu, Nepal

Date: July, 2009

Other degrees: Master of Arts in Rural Development, Tribhuvan University, Kathmandu, Nepal

May, 2013

Occupation and Academic Connection since date of baccalaureate degree: Assistant Site Director, City of Worcester (Worcester Recreation Program). Legal Intern, Ascentria Care Alliance, Worcester, MA. Policy and Advocacy Coordinator, United Nations Youth and Student Association, Kathmandu, Nepal. Democracy and Governance Intern, USAID Kathmandu, Nepal.

PREFACE

This research paper is made as a completion of the master degree in International Development and Social Change. This paper is the final product of advanced academic master's program, offered by Clark University Worcester, MA, USA.

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ABBREVIATION

CEDAW- Convention on the Elimination of All Kinds of Discrimination Against Women

DOFEN - Department of Foreign Employment (Nepal)

FEA- Foreign Employment Act, 2007

FY- Fiscal Year

GDP - Gross Domestic Product

GCC - Gulf Cooperation Council

HTTC - Human Trafficking and Transportation Control

ICMR - United Nations Convention on the Rights of all Migrants and their Families

ILO - International Labor Organization

Manpower Company - Recruitment Agency in Nepal

NGO-Non - Governmental Organization

UAE – United Arab Emirates

USD - United States Dollars

UN – United Nations

UNHRC - United Nations Human Rights Commission

TIP – Trafficking in Person

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4. Introduction

Labor migration from Nepal to Gulf has been rapidly accelerating over the last couple of decades due to unemployment, food insecurity, political unrest, unequal distribution of resources, internal security, and the massive earthquake that shook the entire nation on April 25, 2015.¹ Reports reveal that more than three-and-a-half million Nepalese - that's well over 10% of the total population have left to work abroad including Gulf and UAE over the past 20 years.²

Remittance contributed significantly to fill the economic gaps in Nepal. The country receives around 25 percent of the GDP every year as remittance.³ However, the migrant workers are being maltreated in many ways, such as forced labor, wage discrimination, under or non-payment of wages, and placement in unsafe jobs. Reports reveal that the income per capita for Gulf citizens is \$88,000; whereas, a Nepalese construction worker is lucky to get \$3,600 year.⁴

The government of Nepal passed the Foreign Employment Act (FEA) in 2007 to protect Nepalese migrant workers. Nevertheless, many workers have been placed in perilous jobs in the Gulf and UAE, due to the nature of the job often many die or become permanently

¹Forum, Advocacy. (AF). The Emerging Issues and Challenges of Nepalese Migrant Workers. Retrieved from <http://advocacyforum.org/UPRSubmissiononMigrantWorkers19.pdf>

² Cooke, K. (n.d.). Why thousands of people are leaving Nepal. Retrieved from <http://www.bbc.com/news/magazine-35008255>

³ Kharel, Prakash. Remittances as development resource: The experience of Nepal. Retrieved from http://www.sawtee.org/Research_Reports/R2011-02.pdf

⁴ITUC.CSI. IGB. Hidden faces of the Gulf miracle. Retrieved from https://www.ituc-csi.org/IMG/pdf/VS_QatarEN_final.pdf

disabled. The reason why so many workers are assigned to such hazardous jobs is because of the weaknesses of the implementation of FEA. Poor governance and the constant political unrest hinders to ensure well implementation of FEA in Nepal. The exploitation of Nepalese migrant workers also exposes the inconsistency and lack of credibility and commitment of global politics in enforcing universal human rights.

Nepalese Migrant Workers choose to go to the Gulf and UAE as they do not have an adequate opportunity to sustain themselves and their families in Nepal. Once they leave home country, they are exploited in their workplace in various ways due to the ignorance of the Gulf countries and Nepal itself. Many casualties have been reported among forced labors over the last two decades. Every other day, at least one dead body arrives from Gulf and UAE⁵ to Nepal exposes the ignorance of these countries to protect migrant workers.

Remittances sustain Nepal's economy; however, the Nepalese migrant workers are severely under-valued when they should be rewarded for their incredible efforts with a red carpet return to Nepal. The reality is that migrant workers are mistreated, even after their death. Their bodies may not be received by their families and properly buried for four to five months. My bitter personal experience is that one of my friends (Kamran) died in a road accident in Dubai and his body was returned to Nepal five months later. This example shows that neither the government of Nepal nor the government of Dubai was respectful towards the Nepalese migrant labors. Let us imagine the suffering his wife, their five-year-old child,

⁵[Pokhrel, Sugam. 2015. A migrant worker's journey ends with a coffin. \(n.d.\). Retrieved from http://www.cnn.com/2015/03/09/asia/qatar-nepali-migrant-workers-deaths/](http://www.cnn.com/2015/03/09/asia/qatar-nepali-migrant-workers-deaths/)

and their beloved family went through after finding out about Kamran's death and then not being able to get access his body for five months. Kamran's incident and suffering of his family have become a common story for many migrant workers who die abroad. They often die by working different manual labor jobs such as working in construction, outside in heat that on average is around 100⁰ Fahrenheit, and at times reaching 113⁰. Similarly, migrant women workers are being abused, experiencing sexual and physical harassment in the Gulf and UAE. These issues have brought forward international human rights concerns, but strong advocacy must form for the issues of exploited migrant workers. As such, to analyze the conditions of migrant workers, the research questions for this paper are as follows:

- 1) What are the determinants of bad working condition of Nepalese migrant workers in the Gulf and UAE?
- 2) What is the lacking policy to protect the exploitation of Nepalese migrant workers in the Gulf and UAE?

A. Significance of the Study

This research will help to create a body of knowledge that indicates areas where needs are unaddressed as well as factors that have worsened frustration, anger, and tension among the Nepalese migrant workers. As this study seeks to provide sufficient background information for policy advocacy and migrant worker-centered programming, the outcome of the study will help the stakeholders and concerned people gain increased understanding of labor migration and migrant worker conditions in the Gulf and UAE.

B. Method and Methodology

This is qualitative research. The data collection method was a mixed method study including an extensive literature review, reviewing case studies, reading newspaper articles, watching documentaries, and reading various reports published by different humanitarian organizations, such as the United Nations (UN), Human Rights Watch (HRW), United Nations Human Rights Commission (HRC), and International Labor Organization (ILO).

The analysis and conclusions of this research were mainly based on documents and literature review concerning Nepalese migrant worker to the Gulf States and UAE. Comparative case studies have been considered to explore the working condition of Nepalese migrant workers in Gulf and UAE and have employed a descriptive research method as its strategy.

5. Literature Review

Due to the effect of globalization labor demand has increased across the world, in the past four decades. Labor always have been crucial for the development of any countries. However, the workers are mistreated, abused and exploited. The factors for workers exploitation are vary, including the absence of strong labor policy and willingness of receiving countries to ensure labor rights. Certainly, migrating for work has provided tremendous opportunities to gain money, but that is not meaningful when workers' human rights are not respected. What to do with the money when workers have to work as a slave? The forced labor is against the international human rights laws, which need to be taken seriously by the receiving countries to respect the law and human rights. According to the

report published by the ILO, there are 21 million people across the world who have been trapped in forced labor.⁶

Substantial bond labor to be found in Latin America and the other part of the world. South Asian countries, such as Nepal, Pakistan, Bhutan, India, and Srilanka are infamous for bond labor.⁷ Indigenous agriculture workers are often in a condition of debt bondage. For example, “Agriculture Slave,” in the state of Para, in the Brazil region, where indigenous agriculture workers are forced to work with the presence of arm guard, just because the workers have debt from the elite people.⁸

Figure 1

Victims of forced labour by region



Source: ILO

⁶ILO Report on Forced Labor. Retrieved from http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang--it/index.htm

⁷End Slavery Now. Report on Bonded Labor. Retrieved from <http://www.endslaverynow.org/learn/slavery-today/bonded-labor>

⁸Cornell University. Forced Labour in Latin America. Retrieved from <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1018&context=forcedlabor>

The map above shows that the Asia-Pacific region accounts for the largest number of forced laborers in the world (11.7 million), followed by Africa at 3.7 million and Latin America with 1.8 million.⁹ The profuse number of forced labor across the world exposes the ‘modern day of slavery,’ which is not acceptable what the principle of human rights aspires for.

The Gulf, with its booming oil-based and trade economy, has long acted as a magnet for labor migration. It is estimated that 7.3 million migrant workers just live in the UAE, which makes up 88.5 percent of the total population.¹⁰ However, migrant workers are abused in many ways. According to Human Rights Watch, labor from the Philippines, Indonesia, India, Bangladesh, Sri Lanka, Nepal, and Ethiopia comprise a significant proportion, but their human rights have often been overlooked and abused badly. Hence, The Gulf and UAE should afford migrant workers enforceable legal rights and effective safeguards against exploitation and abuse, as international law requires.¹¹

As of 2015, foreign employment comprised 77% of total employment in Bahrain. Similarly, there are approximately 9 million migrant workers currently in Saudi Arabia and estimated to be the same in other countries in the Gulf and UAE. IFRC roughly break down the migrant workers from different countries in Qatar as follows: Egypt: 88000; India: 250,000,

⁹ ILO, Global estimate of forced labor. Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/--declaration/documents/publication/wcms_181953.pdf

¹⁰ [Human Rights Watch. “I Already Bought You”. Retrieved from https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf](https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf)

¹¹ [Human Rights Watch. “I Already Bought You”. Retrieved from https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf](https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf)

Iran:150,000; Nepal:175,454; Pakistan:25,0000; Phillippines:125,000; and Srilanka:88,000.¹² The migrant workers in these countries are often found to be impoverished background and have little to no education; data indicates that 22% of migrant workers are illiterate or have only a primary education.¹³ This results in migrant workers being vulnerable to maltreatment. Their inability to communicate with employers or the knowledge of legal protections make workers more vulnerable to abuse and exploitation.

Reports reveal that the exploitation of labor in the Gulf and UAE are the worst that has ever happened in the world.¹⁴ To fulfill the plan for lavish development, GCC and UAE get prime labor from developing countries. However, these countries do not seem to be concerned with ensuring the human rights of workers. Like other migrant workers from different countries, Nepalese workers have the same story to be heard. Hence, let us look particularly to the working condition of Nepalese migrant workers in the Gulf and UAE.

Nepal foreign employment has provided tremendous support to the wellbeing of the nation through remittances. In turn, remittances have contributed significantly to Nepalese families, communities, and homes in different socio-economic areas such as health, education, and

¹² The Redcross Report. Statistics on Labor Migration within the Asia-Pacific Region. Retrived from http://www.ifrc.org/Global/Documents/Asia-pacific/201505/Map_Infographic.pdf

¹³ ADHB Report. Slaving Away: Migrant Labor Exploitation and Human Trafficking in the Gulf . Americans for Democracy and Human Rights in Bahrain. Retrived from <https://www.american.edu/sis/practica/upload/Bachman-ADHRB-Report.pdf>

¹⁴ITUC Policy Brief. A review of labor laws for migrant domestic workers. Retrived from https://www.ituc-csi.org/IMG/pdf/gcc_legal_and_policy_brief_domestic_workers_final_text_clean_282_29.pdf

food. According to the NLSS, 43 percent of all remittances to rural households in Nepal come from abroad (the remaining 57 percent come from other parts of Nepal)".¹⁵ However, remittances have created a dependency on other countries which in effect has rendered Nepal perpetually less economically developed.

In 2014, the World Bank published their 'Migration and Development Brief' where they indicated that the total amount of remittances transferred back to the global south has increased by 3.5 percent by 2013, to reach an estimated total of 436 billion USD,¹⁶ which has been affecting dependence with developed countries. In consequence, the labor from developing countries is and continues to be exploited by developed countries through unfair trade. The result is that developed countries get cheap labor for their own economic advancement.¹⁷

The history of Nepalese migration labor began in the 19th century when Nepalese migrated to join the army in Lahore, India and consequently the Nepali Army men were given the name "Lahure." When Nepalese men served in the British army, they were called

¹⁵Seddon, David. Adhikari, Jagannath. Gurung, Ganesh. Foreign Labor Migration and the Remittances Economy of Nepal. Retrieved from <http://www.ingentaconnect.com/content/routledg/rcra/2002/00000034/00000001/art0002?crawler=true>

¹⁶ Ratha, Dilip. De, Supriyo. Dervisevic, Ervin. Plaza, Sonia. Schuetteler, Kristen. Migration and Development Brief 24. The World Bank. Retrieved from <https://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief24.pdf>

¹⁷ Simkhada, Shambhu Ram. Issues and Challenges Concerning Nepali Migrant workers in the Gulf. Retrieved from http://mercury.ethz.ch/serviceengine/Files/ISN/164115/ichaptersection_singledocument/cb45c9ca-7b71-4dc8-8757-6ccca7469509/en/11.pdf

“Gurkhas.” The flow of Nepalese migration increased as India’s economy became enriched in the mid-1980s. The approval of an open border between India and Nepal in 1980 has tremendously increased the outflow of Nepalese migrant workers to India. Meanwhile, in 1970, with the advancement of globalization, the oil industry boomed in the Middle East. The Middle East became the major destination for Nepalese migrant workers for their jobs. To date, it has been estimated that 2.7 million Nepalese migrant workers are in different countries across the globe.¹⁸

The attraction of globalization has made huge impacts on the outflow of Nepalese migration. People from rural Nepal sees the pictures of skyscrapers, iconic spaces, and green parks through movies and social medias and get attracted to the idea of going abroad. However, they fall in the pit of the problems and become the victims as they have to work dangerous jobs. Reports reveal that migrant workers are compelled to do ‘3D’ jobs which are Dirty, Dangerous, and Degrading.¹⁹ Consequently, Nepalese workers risk their lives and sometimes end their lives by getting in a serious accident in the workplace.

A. Work Conditions of Nepalese Migrant Workers

Studies show that Nepalese migrant workers are low skilled. So, they often work manual labor job such as agriculture or construction related jobs. Hence, they are always vulnerable

¹⁸Simkhada, Shambhu Ram. Issues and Challenges Concerning Nepali Migrant workers in the Gulf. Retrieved from http://mercury.ethz.ch/serviceengine/Files/ISN/164115/ichaptersection_singledocument/cb45c9ca-7b71-4dc8-8757-6ccca7469509/en/11.pdf

¹⁹Ahn, Pong-Sul. Migrant Workers and Human Rights. Out Migration from South Asia. International Labor Organization. Retrieved from http://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@sro-new_delhi/documents/publication/wcms_124657.pdf

to physical injury, and sometimes death. The Kathmandu Post writes that five hundred forty-nine Nepali migrants died in Gulf countries in 2014. Similarly, six hundred deaths were reported in the previous year, 2013.²⁰ Moreover, three to four coffins, on average arrive every day in Kathmandu Airport.²¹ FEPB reveals, FY 2014-15, a total of 4,322 migrant workers died across 24 destination countries, of which 4,235 were male, and 85 were female.²² The rate of death shows the horrible condition which denies justice and fundamental rights to live and work in a healthy environment. Despite the fact that the South Asian laborers have contributed significantly to the prosperity of the Middle East, their contribution is disrespected. Constant reporting on death shows that companies in Gulf countries treat migrant workers like slaves.

B. Health Condition of Nepalese Migrant Workers

The majority of Nepalese workers live in labor camps that are poorly managed. Many people have to live in one room. Consequently, they are prone to having different respiratory and pulmonary diseases. Reports revealed that their sanitation and hygiene are horrible because the kitchen, washroom, and sleeping room are all in the same area which they share with many others. The documentary made by The Guardian states that six hundred people share

²⁰Karki, Hom. 549 Nepali workers died in Gulf countries in 2014. The Kathmandu Post. News Media. Retrieved from <http://kathmandupost.ekantipur.com/news/2015-01-15/549-nepali-workers-died-in-gulf-countries-in-2014.html>

²¹Udas, Sumnima. Plight of Nepali migrant workers in Qatar. CNN Video. Retrieved from <http://edition.cnn.com/videos/tv/2015/03/09/pkg-udas-nepal-qatar-migrant-workers.cnn>

²² [AP Migration Asia Pacific Migration Network ILO Regional Office for Asia and the Pacific. \(n.d.\). Retrieved from http://apmigration.ilo.org/resources/when-the-safety-of-nepali-migrant-workers-fails-a-review-of-data-on-the-numbers-and-causes-of-the-death-of-nepali-migrant-workers](http://apmigration.ilo.org/resources/when-the-safety-of-nepali-migrant-workers-fails-a-review-of-data-on-the-numbers-and-causes-of-the-death-of-nepali-migrant-workers)

just two kitchens. The Guardian further stated that flies, rats, and mosquitoes are found everywhere in the kitchen posing serious health threats to the workers.²³

Anxiety and depression are prevalent among Nepalese migrant workers because they are treated as a third class citizen by their employers. Migrant workers have to work hard and are not allowed to go outside of the labor camp. They are excluded from recreation and enjoyment, which results in them becoming depressed and suffering from other mental illnesses. Reports revealed that many women and men return to Nepal with depression and mental illnesses.²⁴

Many female workers who work in industrial zones with low wages, often suffer from poverty-related illness such as anemia and reproductive ailments. Due to the lack of education and access to information, female migrant workers also susceptible to diseases related to unsafe sexual behavior; especially women who are from religiously and culturally conservative countries such as Nepal, India, and Pakistan, where the discussion and education about reproductive health and sexual activity are considered taboo.²⁵

²³ T. (2013). Qatar World Cup: The migrant workers forced to work for no pay | Guardian Investigations. Retrieved from <https://www.youtube.com/watch?v=e5R9Ur44XV8>

²⁴ Adhikari, Shovita. Reintegration of the Nepalese girls trafficking returnees into society. A matter of pride or shame or both? Retrieved from https://brage.bibsys.no/xmlui/bitstream/handle/11250/139973/Adhikari_S.pdf?sequence=1

²⁵ BSR. Migrant Workers and Health –The role of Business. Retrieved from <http://www.ilo.org/dyn/migpractice/docs/176/Health.pdf>

Health is essential to worker productivity. Due to the ignorance of the companies, Nepalese workers put their lives on the line every day. A study revealed that more than 825 Nepali migrant workers lost their lives in 2010 while working in Gulf countries such as Qatar, Malaysia, Saudi Arabia, and the United Arab Emirates (UAE).²⁶

International Labor Organization (ILO) categorizes reasons for migrant's workers' death are as follows:

- Cardiac Arrest
- Natural Causes
- Suicide
- Traffic Accidents
- Workplace Accidents
- Homicide
- Other or unidentified causes

C. Remittance and Development of Nepal

Remittances are central in fueling an economic gap in Nepal as the remittance contribute significantly to the GDP of Nepal. In 2006, migrant workers in the industrial countries sent Nepal more than \$300 billion dollars, which is roughly about 30 percent of the total GDP.²⁷

²⁶Center for the Study of Labor and Mobility. Absence of Nepali Missions. Retrieved from <http://www.ceslam.org/index.php?pageName=newsDetail&nid=115>

²⁷ Shretha, Bijaya. Contribution of Foreign Employment and Remittances to Nepalese Economy. Retrieved from http://www.nrb.org.np/ecorev/pdf/vol20_art1.pdf

Similarly, the poverty level has decreased approximately 31 to 42 percent from 1995-2004, mainly due to remittance. Even during the global financial crisis in 2008, remittance still contributed to Nepal significantly while remittance in many other countries such as Latin American decreased. Nepal received 25 percent remittance as GDP in 2008 global crisis.²⁸ Hence, remittance has always been crucial in raising the standard of living for the Nepalese. This standard of living includes food, housing costs, children's education, and health needs. Nonetheless, migrant workers who are the primary source of remittance are being ignored and exploited in many ways such as discrimination in wages and placed in unprotected jobs in the Gulf.

D. Wages and Hardship in the heated Desert

Reports reveal that there are vast differences between wages, because the Gulf Co-Operation Council (GCC) countries, Bahrain, and the United Arab Emirates have no minimum wage. Hence, these countries often have a monopoly in providing wages to the migrant workers. Some reports stated that there is a vast gap between the wages that their citizens get and the people from other developing countries. Shimkhada writes, regarding wages, Nepalese workers are the worst paid in the Gulf. They receive some US \$ 125-200 per month. Shimkhada further notes that Nepalese workers are accepted in the Gulf region primarily because they are cheap and do whatever job they are given.²⁹

²⁸ Doherty, Meghan. Leung, Brian. Lorenze, Katie. and Wilmarth, Amanda. Understanding South Asian Labor Migration. Retrieved from <https://www.lafollette.wisc.edu/images/publications/workshops/2014-migration.pdf>

²¹Simkhada, Shambhu Ram. Issues and Challenges Concerning Nepali Migrant workers in the

In regards to hardship in the desert, Nepalese migrant workers are working hard to get their day's pay. Many people are working in the desert far from any roads or means of modern transportation. They are left shepherd of camels, goats, and sheep. The people who work in the desert have to survive with limited basic needs met such as water, food, and medicine. The employers provide limited rations and other basic needs once a month or so. Consequently, the extreme heat of the desert frequently leads to strokes and cardiac arrest.³⁰ According to the Gibson Owen and et al., 157 of its workers in Qatar had died between January and November 2014 – 67 of sudden cardiac arrest and eight of heart attacks. Thirty-four deaths were recorded as workplace accidents.³¹

Recently, the Kathmandu Post reported that Tek Bahadur Rastoki from Nepal was held hostage for the past 16 years in Saudi Arabia. He was assigned a job to look after camels in the desert approximately 1,000km from Riyadh. His wife filed the case to rescue her husband and said that “Mr. Rastoki does not know the exact location where he works. He is under confinement by his boss, and Mr. Rastoki has not been paid in several months. When he wants to get out from that trap, he is threatened with death.” The Kathmandu Post further writes, Mr. Rastoki was promised 1000 riyals monthly in the beginning. However, he has

Gulf. Retrieved from

http://mercury.ethz.ch/serviceengine/Files/ISN/164115/ichaptersection_singledocument/cb45c9ca-7b71-4dc8-8757-6ccca7469509/en/11.pdf

³⁰R. (2014). Modern Day Slavery: The exploitation of Qatar's migrant workers. Retrieved from <https://www.youtube.com/watch?v=fa3jV88Rqe8>

³¹ Gibson, Owen, and Pete, Pettison. “Death toll among Qatar’s 2022 World Cup. Retrieved from <https://www.theguardian.com/world/2014/dec/23/qatar-nepal-workers-world-cup-2022-death-toll-doha>

not received any money for the last seven years.³² The story of Rastoki is just the tip of the iceberg, many more terrible stories of Nepalese workers are to be heard.

E. Misinformation about Jobs

Misinformation about jobs is prevalent among Nepalese migrant workers. Nepalese workers are often scammed about their jobs, right from the beginning when they are in the stages of filling out paperwork. The workers are given job descriptions that are completely different from the jobs they are assigned once they arrive in their destination country. For example, in the beginning, a worker may be given a description of a cleaning job at a shopping mall, but after they arrive at the new country that job turns to be taking care of camels, goats, and sheep in very remote locations in the desert.

Nepalese workers' passports are often confiscated as soon as they arrive in their destination countries. These cases are more prevalent among women domestic workers. Confiscation of one's passport compels Nepalese women migrant workers to work whichever jobs their bosses assign them. Torture, harassment, exploitation, and abuse are prevalent among female migrant worker groups. According to the Human Rights Watch, domestic workers in UAE suffer from substantial domestic violence. Reports revealed workers who have to work 21 hours a day. They sleep only after their employers go to bed. Similarly, they are not provided

³²Held hostage for 16 yrs, claims Nepali worker in Saudi. (n.d.). Retrieved from <http://kathmandupost.ekantipur.com/news/2016-06-05/held-hostage-for-16-yrs-claims-nepali-worker-in-saudi.html>

good food or medical access. Reports further mention that the domestic workers are even banned from using mobile phones or communicating with their family members.³³

Recruitment companies in Nepal have connections with recruitment agencies in the destination countries. Both these agencies often falsify documents. They make two documents: one to show the companies who provide jobs and another to show workers. Workers from rural areas who are not well-educated and informed are misled. Consequently, they often have to work at a job they never agreed to and those jobs are often very precarious, unprotected such as work in the desert. Prakash Bhattarai writes, Nepalese migrant workers are basically exploited in three ways: Recruitment agencies in the native country, recruitment agency in the destination countries, and the companies where they work.³⁴ For example, workers have received only 130 USD per month in the destination country even though recruiting agencies in Nepal had them sign contracts worth 320 USD per month before leaving Nepal.³⁵

F. Social Condition of Nepalese Migrant Workers

Every rural migrant worker has a dream of getting out of poverty. So, they choose to go to the Gulf for work. Their families and parents have the expectation that their son or daughter will make money and escape scarcity and poverty. Instead, the parents receive only a coffin.

³³["I Already Bought You" - Human Rights Watch. \(n.d.\). Retrieved from https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf](https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf)

³⁴Bhattraai, Prakash. Migration of Nepalese Youth for foreign employment: Problem and Prospects. Retrieved from <http://www.apyouthnet.ilo.org/resources/migration-of-nepalese-youth-for-foreign-employment>

³⁵Forum, Advocacy. (AF). The Emerging Issues and Challenges of Nepalese Migrant Workers. Retrieved from <http://advocacyforum.org/UPRSubmissiononMigrantWorkers19.pdf>

CNN covered the story of Kishan Das, who died while doing a construction work in Qatar in 2014. The video of Das death shows the unbearable pain of Nepalese migrant workers.³⁶

Divorce is on the rise among Nepalese migrant workers. Their relationship with their spouse is left on the back burner. Several divorces have been covered in the press that many wives and husbands entered relationships with other men or women while they work abroad for long periods. Staying out of connection with their wives and husbands for extensive periods of time has adverse social impact on their family relationships and so the divorce rate is high in these social group.³⁷

In the Middle East, they have a single sponsorship employer called 'Kafala' which also manages labor camps where all laborers have been controlled by the Kafala. Migrant workers' passports are confiscated until the migrant workers have agreed to work three or four years. Consequently, their mobility has been blocked to go out to the bar, club or the place for social gathering.³⁸ Azfar writes, the Kafala system is the relationship binding the employee to the employer; however, that often been criticized as "slave- like."³⁹

³⁶ [Plight of Nepali migrant workers in Qatar - CNN Video. \(n.d.\). Retrieved from www.cnn.com/videos/tv/2015/03/09/pkg-udas-nepal-qatar-migrant-workers.cnn](http://www.cnn.com/videos/tv/2015/03/09/pkg-udas-nepal-qatar-migrant-workers.cnn)

³⁷ Nepal, Janak. Trend of migrant men divorcing wife on the rise. Retrieved from <http://kathmandupost.ekantipur.com/news/2014-12-25/trend-of-migrant-men-divorcing-wife-on-the-rise.html>

³⁸ "I Already Bought You" - Human Rights Watch. (n.d.). Retrieved from https://www.hrw.org/sites/default/files/reports/uae1014_forUpload.pdf

³⁹ Why it's time to end kafala. (2014). Retrieved from <https://www.theguardian.com/global-development/2014/feb/26/time-to-end-kafala>

6. Laws, policy, and intervention to control labor exploitation

A. Interventions

Trade unions in Nepal, Kuwait, and Bahrain have signed an agreement to protect Nepalese migrant workers together. Similarly, the Traffic Department of Qatar periodically organizes an awareness campaign for the migrant workers to reduce road accidents. Recruiting companies in Nepal have also been providing pre-departure training for their safety in the workplace.⁴⁰ However, these interventions are not enough to protect them from labor exploitation. The government of both countries needs to develop an explicit mechanism to protect against labor exploitation.

After the restoration of democracy in 1990, NGOs are mushroomed in Nepal. Despite the fact that some NGOs have done a remarkable job in stopping human trafficking; whereas, their criticism is on their own side as they have found more involved in corruption rather than working for social causes. Another, great criticism of NGOs that they are guided by the Western ideology which adverse impact of NGOs intervention to deter human trafficking in Nepal. Bhandari notes that NGOs should not be simply passive recipients of the global ideas which are transmitted to them through international consultants or condition in foreign funding. Instead, NGOs should be frequently and actively involved in social change.⁴¹

⁴⁰Simkhada, Shambhu Ram. Issues and Challenges Concerning Nepali Migrant workers in the Gulf. Retrieved from http://mercury.ethz.ch/serviceengine/Files/ISN/164115/ichaptersection_singledocument/cb45c9ca-7b71-4dc8-8757-6ccca7469509/en/11.pdf

⁴¹ Bhandari, Medani. Civil society and non-governmentla organizations movement in Nepal in terms of social science. Retrieved from

Hence, if the NGOs in Nepal would mute a western idea and act locally as per the local needs; that could contribute significantly to address social cause, such as human trafficking. Billions of dollars have been poured by NGOs; however, the social problems have remained the same. For example, the Counter-Trafficking in Person (CTIP) is a jointly implemented project by USAID and the government of Nepal for which the estimated budget is \$9.51 million.⁴² Regardless, the trafficking in person is widespread in Nepal. Hence, the NGOs should act locally, rather than implementing just an idea of West to stop human trafficking in Nepal.

B. International Resolutions and Conventions to Protect Migrant Workers

The UN's endorsement of the guiding principles on Business and Rights protect the right of labor and identifies them as a specific group of individual who needs special health protections. Similarly, the guiding principle 12⁴³ of UN protects the families of migrant workers from adverse human rights impacts.

The ILO Protocol to the Forced Labor Convention, 1930 protects the people from forced labor. It also gives an impetus to the rest of the globe to fight against trafficking in persons and slavery-like practices. The fundamental obligation of Convention no.29 suppress all

http://www.academia.edu/9071368/Civil_Society_and_Non-Governmental_Organizations_NGOs_Movements_in_Nepal_in_terms_of_Social_Transformation

⁴²USAID. Combatting Trafficking in Person. Retrieved from

<https://www.usaid.gov/nepal/fact-sheets/combating-trafficking-in-persons-ctip>

⁴³Guiding Principles on Business and Human Rights (PDF). (n.d.). Retrieved from

<http://www.ohchr.org/documents/issues/business/A.HRC.17.31.pdf>

forms of forced labor. Convention no.29 not only obliged states to criminalize and prosecute forced labor, but also to take effective measures to prevent forced labor and to provide victims with protection and access to remedies, including compensation.⁴⁴ However, the Gulf and UAE do not have any policies to follow these International labor laws. Thus, Gulf and UAE restrict the migrant workers for unionization, which result in blockage of the fundamental rights of freedom for migrant workers. The Kafala, in a way, has privatized to manage migrant workers and restrict them to form a labor union or allow workers to join a trade union, which is the major factor for exploitation of migrant workers in the Gulf and UAE.⁴⁵ The ILO policies are strong to protect labor exploitation, but they lack an enforcement power to penalize countries which are involved in worker exploitation.⁴⁶ Hence, the lack of enforcement power to penalize countries is identified as one of the major limitation of ILO to stop worker exploitation in the Gulf and UAE.

The United Nations Convention on the Rights of All Migrants and their Families (ICMR 1990) protects immigrants by obliging member states to enforce good governance. However, many states, including Nepal and the Gulf States, have not signed the convention, fearing that they would have to follow and maintain good governance in order to protect migrants' rights. Piper and Iredale write, states reluctant to become member because ICMR requires

⁴⁴[THE PROTOCOL to the Forced Labour Convention - ilo.org. \(n.d.\). Retrieved from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_321414.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_321414.pdf)

⁴⁵Human Rights Watch. Building a better World Cup. Retrived from https://www.hrw.org/sites/default/files/reports/qatar0612webwcover_0.pdf

⁴⁶Ryder, Guy. Relevance of the ILO in the twenty-first century. Retrived from https://www2.warwick.ac.uk/fac/soc/wbs/research/irru/wpir/wpir98_-_ryder.pdf

to practice of “good governance” on the national level as well as transnational levels i.e. economic and political relations between the countries of origin and destination.⁴⁷

The Convention on the Elimination of all kinds of Discrimination Against Women (CEDAW) adopted in 1979 by the United Nations General Assembly protects women from all kinds of discrimination, including exploitation at their work. All member States of the Gulf and Nepal (excluding Iran) have signed this Convention.⁴⁸ However, the abuse and exploitation of migrant female workers in these states are rampant.

The Advocacy Forum has identified six major rights that have been violated with Nepalese migrant workers:⁴⁹

- Access to justice
- Liberty of movement
- Right to equality and non-discrimination
- Right to work and to just and favorable work conditions
- Right against exploitation: forced labor, slavery and human trafficking
- Protection against human rights abuses perpetuated by non-state actors

⁴⁷ Unesco Series of Country Report on the Ratification of the UN Convention on Migrants-unesco.org(n.d.). Retrieved from <http://unesdoc.unesco.org/images/0013/001395/139528E.pdf>

⁴⁸Seikaly, May. Roodsaz, Rahil. Egten, and Corine Van. The situation of women in Gulf. Retrieved from [http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU\(2014\)509985_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2014/509985/IPOL_STU(2014)509985_EN.pdf)

⁴⁹ Forum, Advocacy. (AF). The Emerging Issues and Challenges of Nepalese Migrant Workers. Retrieved from <http://advocacyforum.org/UPRSubmissiononMigrantWorkers19.pdf>

7. Nepal Act to protect Migrant Workers

A. Human Trafficking and Transportation Control Act 2007 (HTTCA)

As per the HTTC Act, if any person commits an offense in human trafficking, they will be confined for twenty years.⁵⁰ Nevertheless, human trafficking in Nepal is prevalent. As per the report published by UNICEF, 7000 women and girls are trafficked to India annually, and around 200,000 are now working in Indian brothels.⁵¹ If HTCC act would have implemented properly, it must have deterred human trafficking. However, due to the constant political and poor governance, it has not been achieved any significant result to stop human trafficking. Government entities are involved in corruption and have supported this crime for the sake of earning black money, which results in many girls, women, and men trafficked to different places in the world.

B. Foreign Employment Act 2007 and 2008 (FEA)

The FEA 2007 and the regulation 2008, which is the key guiding principles of migration policy in Nepal. The FEA indicates the copious procedure that must be followed by the migrant, the recruiter, and the employer. For example, the recruitment agency is required to submit details of the positions, copy of the demand letter certified by the Nepali embassy in destination countries; draft employment contracts, and copy of the contracts

⁵⁰Malla, Sapna Pradhan. Shrestha, Sabin. Thapa, Palita and Pokhrel Astha Sharma. Human Trafficking and Transportation Control Act 20017 and its implementation. Retrived from <http://fwld.org/wp-content/uploads/2016/07/Human-Trafficking-and-Transportation-Control-Act-2007-ITS-IMPLEMENTATION.pdf>

⁵¹UNICEF-Beijing+5 Women 2000. Equality Development and Peace. Retrived from https://www.unicef.org/publications/files/pub_equality_en.pdf

between workers and recruitment agency.⁵² Although FEA is strong enough in controlling fraudulent of the recruiting process, the corruption and lack of strong implementation of acts, fraudulent in recruiting with Nepalese workers have continued.⁵³ This fraudulent further results migrant workers in a huge exploitation in destination countries.

8. Result and Discussion

Constant political unrest and deteriorating economic conditions have displaced many Nepalese people. However, due to the ignorance of both sending and receiving countries in implementing labor laws, the exploitation of Nepalese migrant workers is widespread in the Gulf and UAE. The construction work for the Qatar World Cup 2022 killed many and left several Nepalese disabled. Mental illness and depression are rampant, and so the suicide rate is increasingly high among Nepalese workers. It is estimated that two Asians die per day on the Dubai construction sites and one case of suicide occurs every four days.⁵⁴ However, the government authorities of Nepal and the Gulf states tend to hide those exact numbers of deaths. For example, 30 was the total amount of Nepalese death in 2005; however, the Nepalese Embassy was just reported one, which was related to construction work.⁵⁵ Hence, the government authorities of both, receiving and sending countries, should be credible to

⁵² Liu, Siyu. Exploitation of overseas migrant labor: analysis of migration policy in Nepal and the Philippines. Retrieved from

<http://repository.upenn.edu/cgi/viewcontent.cgi?article=1040&context=sire>

⁵³ Forum, Advocacy. (AF). The Emerging Issues and Challenges of Nepalese Migrant Workers. Retrieved from <http://advocacyforum.org/UPRSubmissiononMigrantWorkers19.pdf>

⁵⁴ "Health Science Journal." Health Issues among Nepalese Migrant Workers in the Middle East. Retrieved from <http://www.hsj.gr/medicine/health-issues-among-nepalese-migrant-workers-in-the-middle-east.php?aid=3394>

⁵⁵ Human Rights Watch. Building Towers, Cheating Workers. Retrieved from <https://www.hrw.org/sites/default/files/reports/uae1106webwcover.pdf>

ensure good governance, which indeed helps reducing casualties among Nepalese migrant workers.

The hygiene and health are worse in people who live in a labor camp as they have to share kitchen, restroom, and bedroom with many people together. Data shows that six hundred people have shared just two kitchens in a labor camp in Qatar. Due to the congestion, many people suffer from respiratory problems and are prone to other communicable diseases. These form of exploitation are extreme and violate human rights. Both receiving and sending countries must enforce human rights. At the same time, human rights organizations such as United Nations Human Rights Commission should open their eyes to deter 3D (dirty, dangerous, and degrading) jobs.

While the development field tends to see development through the eye of women, the abuse and exploitation of Nepalese women migrant workers expose the lack of credibility of the development movement for gender equality. Hence, global leaders must form a strategy to ensure social inclusion and gender equality across the world. The existing resolutions such as CEDAW and ICMR are well, but not enough to deter women exploitation. Thereby, the United Nations may pass a special legislation which has to have clear codes to criminalize person or companies who exploit migrant women workers. The governments of respective countries may also develop a hotline service, such as dialing 911 in the US to call police in the emergency situation.

Single sponsor employer system (Kafala) that manages labor camps is found to be the worst system when it comes to how they treat migrant workers. The hazardous living situations in labor camps force many to sleep in one room and share one kitchen among hundreds. Toilet scarce; spiders, rats, flies and bugs are found everywhere in the kitchen. Hence, these situations expose the extreme exploitation and are identified as 'modern day of slavery.' The single sponsor system (Kafala) is obsolete and should be dismantled to protect migrant workers from abuse and exploitation. At the same time, Nepal also has to be careful when sending labor as the labor-management of the Gulf and UAE are arbitrary.

Health conditions of migrant workers are found worse as ever. Migrant workers have not been provided adequate health insurance by the companies where they work. Similarly, they are being blocked from easy access to the local hospital as the Kafala system usually does not allow them to go outside without permission. Many workers have died since they are not provided with an immediate response when they get into an accident while doing their jobs.

Nepal has a labor law to protect migrant workers. However, that is not enough to ensure the safety of migrant workers. The Nepalese Embassy in the UAE and the Gulf have sometimes helped the victims. However, their governance is still too weak and too slow to protect labor against exploitation. The embassies are also weak in coordination among UAE and Gulf authorities to prevent labor exploitation, which reveals a serious need for advocacy to ensure labor right among the Gulf and UAE.

While the majority of ILO member countries are signatories of the ILO Protocol on Forced Labor (1930), the Gulf is not. Gulf states declined to be part of this convention. Similarly, the Gulf and the UAE are parties to the CEDAW, but they have reserved their Muslim personnel law. Being excluded from the international human rights laws, the Gulf and UAE will most likely perpetuate exploitation in the days ahead.

9. Recommendations

First and foremost, the government of both countries, Gulf and Nepal, should take responsibility for the exploitation of Nepalese migrant workers. It is recommend that at least the labor minister of both countries should inspect labor camps by themselves, like the city commissioner of Michigan inspected a temporary farm labor camp by going on his own. By inspecting the labor camp himself, the labor minister could give them a real sense of inhumane working conditions which will allow them to be more responsive to the labor rights to work in a healthy and safe environment. Similarly, Gulf and UAE could replicate the practices of Michigan, which have been successful to deter labor exploitation, i.e. fines for housing, health or other violations committed by the entities who manage labor camps. Moreover, Gulf and Nepal could make an interagency migrant service committee by including the police department of Gulf countries to coordinate the action of state agencies who deal with migrant workers and manage labor camps.⁵⁶

⁵⁶ MCRC Report. The condition of migrant and seasonel farmworkers in Michigan.
Retrived from https://www.michigan.gov/documents/mdcr/MSFW-Conditions2010_318275_7.pdf

Like Russia, Gulf and UAE could make regulations for banks not to release money if the contractors for construction work do not meet the standard of labor law. Similarly, the Nepal government could make strict policies to regulate recruiting agencies and not provide license or permit if the recruiting companies involve in falsifying documents while recruiting workers.⁵⁷ Some additional recommendations to suppress workers exploitation are as follows:

1. Abolish the Kafala system and ensure that migrant workers are free to change jobs or return to their country once they do not wish to continue their jobs.
2. Impose dissuasive penalties for violation of the international labor law.
3. Ensure that migrant domestic workers have access to effective complaints mechanisms.
4. Passport should not be confiscated for any purpose.
5. The ILO convention has not been ratified by the Gulf and UAE. Therefore, these countries need to ratify the ILO convention to protect forced labor.
6. Preventive training should be provided to better protect those assigned to hazardous work, such as in the use of personnel protective equipment.
7. Health insurance should be provided by the employers to every migrant worker.
8. A strict law should be ratified to punish people involved in informal networking and illegal labor trafficking.
9. Strengthen the implementation of the Human Trafficking and Transportation (Control) Act 2007 and the Regulation 2008 to protect migrant workers from forced labor.

⁵⁷ILO Report. Preventing Forced Labor Exploitation. Retrived from http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcm_041904.pdf

10. International trade unions should be actively involved in monitoring exploitation of labor and able to bring culprit at the international court for punishment.

10. Conclusion

The exploitation of Nepalese migrant workers in the Gulf is deemed the modern slavery. Nepalese migrant workers sign a contract before moving to the Gulf, and upon arrival, the employer often disregards the contract, or does not pay them wages, assigns them to do an unprotected job, or treats them with disrespect. Many Nepalese workers are not aware of these consequences because nobody tells them what they will face when they get to the Gulf.

Some of the determinants for the exploitation of Nepalese migrant workers is the inhumane accommodations as the employers force several workers to live in one room where respiratory illnesses are prevalent. Also, the living conditions consist of poor hygiene, poor sanitation, congestion and poor ventilation. Most of these labor camps are infested with bugs and rodents which spread diseases among migrant workers. However, the majority of the migrant workers cannot go to the hospital when they fall sick because they have not been provided with health insurance by their employers. Consequently, many migrant workers end up dying from preventable diseases. The migrant workers are also forced to work without protective gear and work under severe heat conditions due to high temperatures. These conditions result in the workers' deterioration of health and also cause death due to heat stroke and dehydration.

The International government is not paying attention to stop the exploitation of Nepalese migrant workers. Hence, the government of Nepal should develop policies, which say that Nepal will not

work with the Gulf until they change the laws, until they abolish Kafala system, and until they put fundamental labor rights in place. Hence, civil society should put pressure on the Nepalese government to form these policies mentioned above to deter Nepalese labor exploitation.

International human rights and labor laws, theoretically, are very sound and applicable to protect migrant workers but in practice are disastrous. Nepal and the Gulf states do not seem serious to implement these international laws. For example, many states of the Gulf and Nepal are not a signatory to the United Nations Convention on the Rights of All Migrants and Their Families (ICMR 1990). If Nepal and the Gulf were members of this convention, it would most likely create advocacy and protection of the rights of Nepalese migrant workers. In addition to this, the government of Nepal enacted well thought out laws, i.e. Human Trafficking and Transportation Control Act 2007 (HTTCA) and Foreign Employment Act 2007 and 2008 (FEA); however, there is a lack of political will to implement these laws to protect the Nepalese migrant workers from abuse and exploitation at their workplaces. Therefore, youth organizations and like-minded organizations need to crystallize their advocacy to put pressure on the Nepalese government to be a signatory of the ICMR and implement HTTCA properly to stop the exploitation of Nepalese migrant workers in the Gulf.

Some of the more ways to solve these labor exploitations may involve the government of Nepal having a bilateral meeting and agreement with the Gulf states and coming to an understanding that there is a need to implement the international labor laws and adhere to human rights. The Gulf states need to review the effects of the Kafala system by setting up a tribunal to investigate malpractices of labor abuse and recommend best practices that promote labor equality and

fairness. The media needs to create awareness of labor exploitation of Nepalese migrant workers in the Gulf and UAE. This awareness effort will expose employers who are circumventing the requirements of international labor laws and the basic tenets of human rights.

The Gulf can be further pressured by India, Pakistan, Sri Lanka, Bangladesh, and Nepal from which the Gulf gets cheap labor. This can be done by forming a pressure group by making a coalition that can lobby with the international government to formulate policy that stops the migrant workers' exploitation and ensure equal rights.

The uniqueness of this paper is the compact analysis of four major determinants; work, health, wage discrimination, and accommodation. Most of the literature covers these factors individually but not together. Also, in this paper, I am proposing movements at both local and international levels by forming a new coalition between governments of South Asian countries in order to create a pressure group and use that forum to get better-working conditions for its migrant workers. At the local level, the civil society advocacy must put pressure on the Nepal government to not send workers abroad until the Gulf do not maintain the minimum standard of labor law.

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