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Beyond the Ban: Safe Migration of Nepali Domestic Workers to the GCC

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Chapter 1: Background, Policy Context, and Problem Statement

1.1 Policy and Institutional Context

Global care-economy migration has produced a structural imbalance between countries of origin and countries of destination. In destination countries, migrant care and domestic workers face low wages, limited labor rights, and frequent exploitation; in countries of origin, their departure produces a "care drain," in which families and communities are left short of skilled caregivers, particularly for children, the elderly, and the sick. This dynamic disproportionately affects women, both as migrants and as the family members left behind to absorb unpaid caregiving roles. In most Gulf Arab states, migrant domestic workers are excluded from national labour legislation and are tied to an employer or kafeel (sponsor) through the restrictive kafala sponsorship system. Employers consequently wield near-total power over a worker's living and working conditions; a worker who leaves employment without the employer's permission, or whose employer fails to renew her work and residence permit, falls into irregular status and becomes liable to arrest, detention, and deportation.

The global care economy constitutes an estimated 381 million jobs, about 11.5 percent of total employment worldwide, and migrant workers — especially migrant women — form a critical share of care infrastructures and workforces globally (ILO, 2024). International migrants are disproportionately drawn into care roles: 60 percent of international migrants employed in the care economy are women, compared to just 35 percent across all other branches of economic activity combined (ILO, 2024). Demographic, socio-economic, and environmental transformations are reshaping the demand for and supply of care labour, and the role of migrant workers in meeting that demand is expected to grow. there are 11.5 million migrant domestic workers in the world.[1] Domestic work is a much higher source of employment for migrants than it is for non-migrant workers. Domestic work in general is a highly female dominated sector with women representing more than 81 per cent of national domestic workers and 73 per cent of all migrant domestic workers.[2] However, labour-migration governance frameworks and protection regimes do not consistently respond to this demand or adequately protect migrant care workers' rights. Intersecting inequalities of gender, caste/ethnicity, nationality, and socioeconomic status shape the migration and decent-work outcomes of migrant care workers everywhere, and Nepal is no exception.

Among different types of migrants, female migrant workers from developing countries stand out from other groups as they are typically employed in domestic work and need to reside in the private homes of their employers (Constable, 2015). As ‘migrant domestic workers’ (MDWs), they leave their families and children behind to pursue work overseas. Migration can offer the chance for new opportunities and to build a better life. But for millions of women around the world, crossing a border can come at an enormous cost: violence, labour exploitation, and discrimination – and along some routes, the threat of kidnapping, ransom, or being forced to work against their will.

[1] ILO report on “Global estimates on migrant workers”, 2015. By Maria Gallotti, ILO Labour Migration Branch

[2] Based on the ILO report on “Global estimates on migrant workers”, 2015. By Maria Gallotti, ILO Labour Migration Branch

Violence is omnipresent at all stages of migration – from journeys and border crossings to life in destination countries, and eventual return. Migrant women often suffer violence multiple times by different perpetrators. The risks are especially acute for women travelling without documentation, with little or no information about safe migration or limited financial resources – putting them at a greater risk of extortion and exploitation.

Beginning in the 1990s, the principal destination countries for Nepali migrant workers rapidly diversified away from India to include the Gulf Cooperation Council (GCC) states, other Middle Eastern countries, and East and Southeast Asian destinations, chiefly Malaysia, alongside Hong Kong and South Korea. The majority of Nepali migrant workers today are employed on temporary contracts (two to three years) in Gulf countries in construction, services (retail and wholesale), care, and domestic work (GIZ and ILO, 2015; Kharel, 2016).

1.2 Background of the Study

Current Context and Trends

Nepal is one of South Asia's largest labour-sending countries, with remittances constituting roughly a quarter of GDP. Within this outflow, care-sector migration — domestic work, eldercare, and childcare — has grown steadily, particularly among women migrating to GCC states, Malaysia, Lebanon, Jordan, Israel, and Cyprus, and increasingly to East Asian destinations such as South Korea and Japan under newer labour agreements. Nepal has, at various points, officially restricted or banned women's migration for domestic work to certain destinations (notably the Gulf and Lebanon), a policy intended to protect women from abuse but which in practice has pushed many into irregular and undocumented migration channels via India or third countries, increasing rather than reducing their vulnerability.

Official data show how quickly the Gulf corridor is growing, and how women are being filtered out of its formal channel. The GCC's share of Nepal's new labour approvals rose from 39 percent to 61 percent in a single fiscal year, with the UAE alone more than doubling to become the top destination nationwide; yet within that expanding corridor, women's share of new approvals fell from 16 percent in FY 2022/23 to 12 percent in FY 2023/24 (MoLESS, 2024; Figure 1). Demand on the destination side is structural rather than incidental: an estimated 5.8 million foreign domestic workers are employed across the GCC (ILO, 2021); roughly 90 percent of Kuwaiti households and 96 percent of Emirati households employ a domestic worker; and Nepal's own Parliamentary Committee estimated in 2020 that domestic workers make up more than three-quarters of all Nepali women migrants to the GCC (ICLCI, 2020). The ban has not removed this demand. It has removed the legal channel through which it could be met safely.

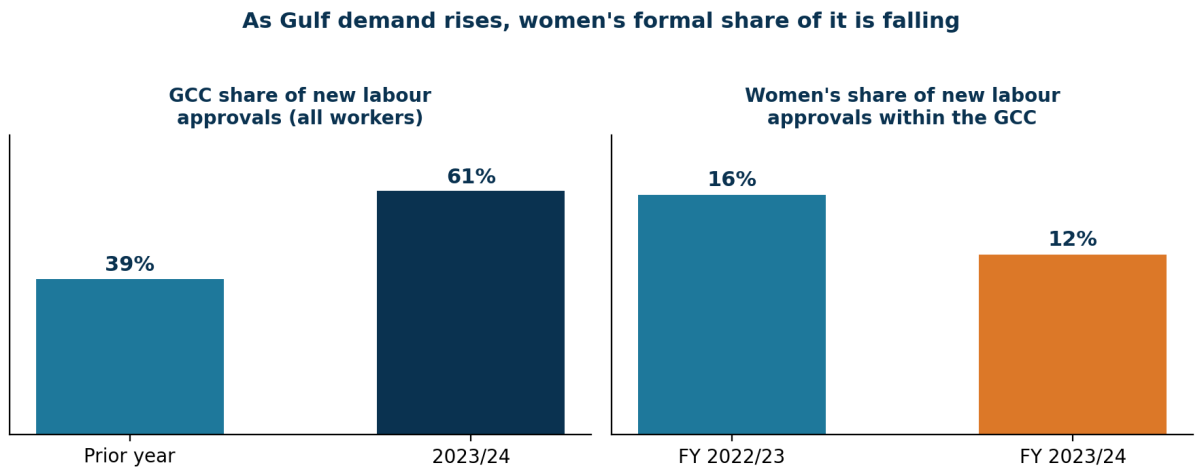

Figure 1. As the GCC's share of Nepal's overall labour migration rises, women's formal share of that same corridor is falling. Source: Nepal Labour Migration Report 2024 (MoLESS).

Migration has positioned Nepal squarely within the global care economy. Thousands of Nepali women are still employed abroad as domestic workers, caregivers, nannies, and eldercare workers, particularly in Gulf countries despite the ban. These migrant care workers provide essential care services in destination countries while contributing significantly to household incomes and national remittance flows. Yet they routinely face challenges related to labour-rights protection, recruitment practices, recognition of care skills, occupational vulnerabilities, and limited policy support across the migration cycle. Despite their growing economic and social significance, migrant care labour remains largely absent from Nepal's broader care-economy and development-policy discussions.

Nepal has made important, if partial, commitments relevant to the care economy in recent years. The Constitution of Nepal recognizes social justice, gender equality, social security, and the rights of women, children, senior citizens, and persons with disabilities. The Fifteenth Plan and the emerging Sixteenth Plan increasingly emphasize women's economic empowerment, care services, social protection, and gender-responsive development. Recent collaboration among the National Planning Commission (NPC), UN Women, the International Labour Organization (ILO), and national research institutions has highlighted the need for greater public investment in care services and stronger integration of care considerations into macroeconomic and development planning; the NPC has begun discussions on incorporating care-economy investments into national planning frameworks. Nevertheless, the experience of Nepali migrant care workers — who contribute significantly to household welfare and remittance inflows — remains largely disconnected from these national policy discussions.

Existing Policy Responses

Nepal's principal legal instruments governing labour migration are the Foreign Employment Act, 2007 and Foreign Employment Rules, 2008, the Free Visa Free Ticket policy, and a small number of bilateral labour agreements (BLAs) — for example with the UAE, Qatar, Jordan, Malaysia, and South Korea (under the Employment Permit System, EPS). The Foreign Employment Policy and periodic National Action Plans address labour migration generally but rarely disaggregate care work as a distinct category

with its own contractual, legal, and protection needs. Domestic work is also frequently excluded from labour-law coverage in destination countries — because of the kafala system in the Gulf, for example — meaning Nepali law cannot fully extend its protections extraterritorially.

On the instruction of the Parliamentary International Relations and Labour Committee (IRLC), MoLESS completely banned domestic workers from migrating to Gulf countries on 20 Chait 2073 (early April 2017). An earlier, narrower restriction had already been introduced in March 2016. This 2017 blanket ban remains, as of mid-2026, the central and most consequential policy governing Nepali women's migration for care and domestic work.

The ban was not designed to be permanent. In December 2020, following a committee visit to Oman, Saudi Arabia, and the UAE, the Parliamentary Committee on Industry, Commerce, Labour and Consumer Interest (ICLCI) published a report setting out six preconditions that the government must secure with a destination country before the ban on that corridor can be lifted (ICLCI, 2020):

1. A dedicated destination-country law: the receiving country must have a separate and unified law that sets out the services, terms, and conditions of domestic workers.
2. A bilateral labour agreement guaranteeing basic rights: Nepal and the receiving country must have concluded an agreement that secures the basic rights of domestic workers.
3. An effective bilateral grievance mechanism: workers must have a working channel through which complaints are received, investigated, and resolved across both countries.
4. Pre-departure and on-arrival training: workers must be prepared, before leaving and on arrival, for the specific conditions of domestic work in the destination.
5. Non-discrimination with destination-country workers: there must be no discrimination between Nepali domestic workers and workers of the destination country.
6. Legal accountability for employer abuse: sponsors and employers who abuse domestic workers must face enforceable legal consequences.

These six preconditions are the organizing framework of this study. They are Nepal’s own, officially endorsed statement of what must be true before domestic workers can migrate safely, and they therefore offer a benchmark against which the state’s progress can be measured on its own terms. Yet six years after publication, no Committee-level review of their implementation status has been undertaken, and the 2017 ban remains fully in force (Figure 2).

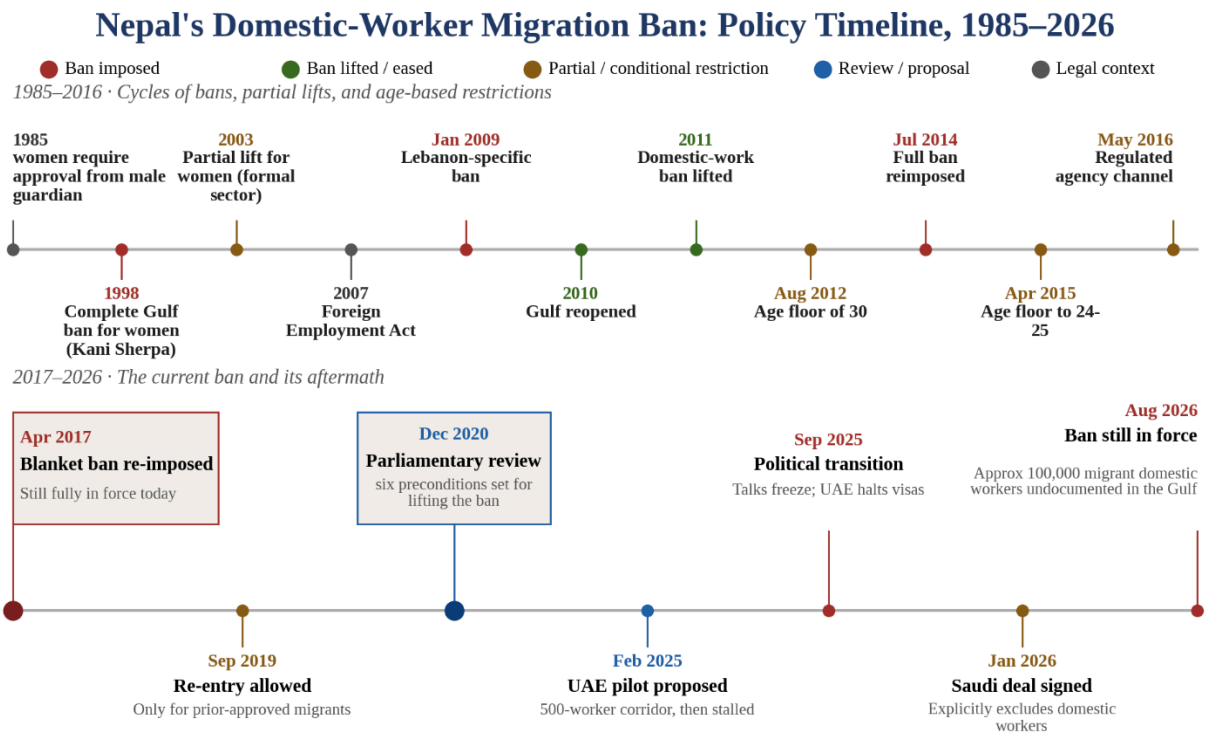

Figure 2. Nepal's domestic-worker migration ban: policy timeline, 1985–2026. The December 2020 Parliamentary Committee review set the six preconditions that remain the formal exit conditions from the 2017 ban. Source: author's compilation from key informant interviews, NHRC (2022), and McCarthy (2020).

Key Challenges, Gaps, and Implementation Issues

Nepal's labour-migration governance for care workers is marked by a persistent gap between protective intent and implementation. The 2017 ban did not stop women from migrating; it instead pushed many toward informal routes without official contracts, insurance, or government protection, a pattern of prohibition displacing rather than reducing risk that recurs across Nepal's history of destination- and sector-specific mobility restrictions (see Chapter 2). Even for those who migrate through nominally regulated channels, protection collapses once they enter the Gulf's kafala system, under which domestic workers fall outside standard labour law entirely and employers hold near-total control over a worker's visa status and mobility. This produces documented patterns of passport confiscation, unpaid or expanded duties, and confinement until a replacement worker is found, with cases showing two-year contracts stretching to nearly four years before embassy intervention secures release. This vulnerability is structural which built into where domestic workers work, who they work for, and how the sponsorship system functions rather than incidental to individual bad employers.

While these restrictions could have been used as an exercise of diplomatic leverage by weaker states, this was not the case for two reasons. Firstly, there is limited data and analysis of the significance of Nepali domestic workers in the West Asian labour market, so the government could not have known if this could be used as leverage. Secondly, these bans were a response to media reportage on deaths and abuse of

domestic workers in destinations in West Asia, which led to internal protests and demands for better protection of women workers by the Nepali state.

Bilateral agreements — such as the multi-year Nepal–UAE negotiations over a domestic-worker protocol and minimum wage — illustrate that agreement in principle repeatedly fails to translate into finalized, operational sending mechanisms. Meanwhile, Nepal has not ratified ILO Conventions 189 or 190, though an ILO-supported legal gap analysis is now underway to align domestic law with these standards, and government data systems still do not disaggregate domestic or care work from general unskilled-labour categories, limiting evidence-based policymaking.

Finally, the protection gap extends into the return phase. Existing instruments such as the Foreign Employment Welfare Fund are oriented toward financing outward migration and compensating death or injury rather than supporting reintegration; psychosocial and economic reintegration support remains minimal, inconsistent across local governments, and undermined by social stigma against returnee women. Where functional models exist such as donor-supported Employment Service Centres offering referrals and psychosocial counselling, or NGO-run shelters such as those operated by Pourakhi, AMKAS they remain confined to a handful rather than scaled nationally. Across the full migration cycle, the core implementation problem is less an absence of policy than an absence of enforceable, resourced follow-through: recruitment regulation, consular protection, bilateral agreements, and reintegration frameworks all exist on paper but consistently under-deliver relative to their stated ambitions.

1.3 Policy Problem Statement

Nepal's own Parliament has already defined what safe migration for domestic workers requires. The six preconditions set by the ICLCI in December 2020 describe, in essence, the protections a domestic worker abroad needs: a law that covers her, an agreement that binds both governments, a channel through which to complain, preparation before she leaves, equal treatment with local workers, and consequences for employers who abuse her. The policy problem is that these preconditions were framed as a single, all-at-once gate, with no phased pathway, no assigned institutional owner, no monitoring of progress, and no recognition that most of them lie within the jurisdiction of destination states rather than Nepal. As a result, a nominally conditional ban has become de facto permanent, while an estimated 100,000 or more Nepali domestic workers continue to work in the GCC through undocumented channels that place them outside every protection the preconditions were meant to secure.

Underlying this stalemate is a broader governance gap. Nepal lacks an integrated, sector-specific framework for migrant domestic and care labour spanning the full migration cycle: recruitment, pre-departure preparation, protection during employment abroad, and return and reintegration. Existing labour-migration governance treats domestic work as undifferentiated from other low-skilled labour migration, despite its distinct legal exclusions in destination countries, its gendered risk profile, and the constitutional rights of the women who predominantly perform it. This research tests the implementation status of each of the six preconditions, examines whether meeting them would in fact protect workers, and generates evidence-based recommendations for converting them from an abstract checklist into an operational, sequenced gate for regulated migration.

1.4 Research Questions

Primary research question: What policy reforms are required to establish a safe, regulated, and rights-based governance framework for Nepali migrant domestic workers in GCC countries?

1. What were the rationale, scope, and enforcement mechanisms of the 2017 GCC domestic-worker ban, and what evidence exists on its actual effects on migration patterns, irregularity, and worker vulnerability?
2. What is the current implementation status of each of the six preconditions across the six GCC states, and which of them depend on action by destination states rather than by Nepal?
3. What does institutional and worker-level evidence reveal about whether the six preconditions, where present, actually protect domestic workers, and what additional safeguards are needed for them to work in practice?
4. What legal, institutional, and diplomatic arrangements within MoYLE, DoFE, the FEB, and Nepali missions abroad are required to meet each precondition, and in what sequence should regulated corridors be opened?

1.5 Policy Relevance, and Linkage

Policy Relevance

This research matters to the public partner institution because care-sector migration represents a growing but under-governed share of Nepal's overall labor migration, with disproportionately high risks of exploitation, abuse, and irregular migration relative to other labor categories. Current policy responses — including outright bans on certain destinations — have had unintended consequences, and the institution lacks disaggregated evidence on care workers specifically to design more effective, rights-based alternatives. The findings can support MoYLE by informing the design of care-sector-specific clauses in future bilateral labor agreements, strengthening pre-departure orientation and recruitment regulation tailored to care work, improving embassy/labor-attaché protocols for handling care-worker grievances, and designing reintegration and portable social-protection schemes for returnees.

Because the six preconditions are Parliament's own stated exit conditions from the ban, a precondition-by-precondition assessment gives MoYLE an evidence base that speaks directly to the Committee's criteria, rather than asking the Ministry to adopt an external benchmark. It also identifies which preconditions the Ministry can advance on its own and which require diplomatic negotiation, allowing reform to begin without waiting for destination states.

The intended users of this research include MoYLE, DoFE, the Foreign Employment Board (FEB), Nepali diplomatic missions in destination countries, the National Planning Commission, and civil-society and labor-rights organizations engaged in migrant-worker advocacy including AMKAS Nepal, Pourakhi Nepal, WOREC Nepal, Maiti Nepal, ABC Nepal, People Forum for Human Rights, and the General Federation of Nepalese Trade Unions.

Linkage to National and Institutional Priorities

The research aligns with the Foreign Employment Act, 2007 and Foreign Employment Policy, Nepal's commitments under the Sixteenth and Seventeenth periodic National Plans, and Nepal's obligations under

international instruments including the ILO and the Global Compact for Safe, Orderly and Regular Migration (GCM). It also connects to Nepal's broader gender equality and social inclusion (GESI) commitments and to National Care Policy discussions emerging around unpaid care work, situating migrant care-labor governance as one pillar of a broader national care-economy agenda.

Chapter 2: Policy and Literature Review

2.1 National Legal and Policy Framework

Constitution of Nepal

The Constitution of Nepal, as a fundamental right, guarantees freedom of movement and freedom to choose one's occupation and employment. It declares any form of gender discrimination unlawful and guarantees freedom from forced labour and exploitation — reflecting a national policy commitment to citizens' freedom from exploitation and discriminatory treatment, and to liberty in choosing employment. Article 278 empowers the Federal Government to make treaties or agreements, and Article 279 requires such agreements to be accepted by a simple majority of the House of Representatives to become applicable to Nepal. Articles 51(i), 51(b)(3), and 51(m)(3) of the State Policies commit the state to making foreign employment free from exploitation, safe, and systematic; to guaranteeing employment; to implementing international agreements to which Nepal is a party; and to making treaties and agreements based on equality and mutual interest. The Federal Government therefore has clear constitutional authority to enter into Bilateral Labor Agreements (BLAs) to make foreign employment free from exploitation, safe, and systematic.

Read against these guarantees, the 2017 blanket ban raises a direct constitutional question. It rests not on a statute that weighs the rights at stake but on the discretionary powers in Sections 3 and 46 of the Foreign Employment Act, 2007, exercised on the instruction of a parliamentary committee. An administrative restriction of this kind, adopted to manage a real and documented risk, cannot lawfully extinguish a fundamental right merely because implementing that right safely is administratively difficult; the constitutionally consistent response to abuse risk is regulation calibrated to that risk. Because the ban falls, in substance, on women in a female-dominated occupation (women are more than 81 percent of national domestic workers and 73 percent of migrant domestic workers worldwide), it also engages the Constitution’s prohibition of discrimination on the basis of sex. The State Policies in Article 51 point the same way: they commit the state to facilitated, safe, and systematic foreign employment, not to its prohibition. This study therefore treats the six preconditions not only as policy criteria but as the mechanism through which the state can reconcile its protective concern with its constitutional obligations.

Foreign Employment Act, 2007

The Foreign Employment Act, 2007 establishes a detailed regulatory architecture for licensing recruitment agencies, mandating pre-departure contracts, insurance, orientation training, and welfare-fund contributions, and creates grievance mechanisms through the Department of Foreign Employment (DoFE) and a dedicated Foreign Employment Tribunal (FET). Section 8 prohibits gender discrimination in principle, yet immediately carves out an exception allowing employer institutions to demand workers of a specific sex — a provision that, read against Nepal's history of gender-targeted domestic-work bans, shows the Act was designed to accommodate rather than resist differential treatment of women migrants from the outset. Sections 3 and 46 further vest the state with broad discretionary power to designate or prohibit destination countries entirely, providing the direct legal basis for the blanket bans discussed

below, but the Act offers no intermediate regulatory category between "open" and "banned" — no provision for a country or sector to remain open under heightened protections tailored to elevated risk.

This absence is most consequential for care and domestic work specifically. The Act's entire protective machinery — the employer-institution contract (Section 25), the insurance requirement (Section 26), and the compensation and repatriation mechanisms (Sections 35–36) — assumes a legible, monitorable employer institution and a worksite subject to inspection or attaché intervention. Domestic work structurally defeats these assumptions: the "employer institution" is a private household, invisible to the Labor Desk (Section 73) and largely inaccessible to the Labor Attaché, whose statutory duties (Section 68) presume dispute-resolution and supervision channels that do not extend into private homes. Nowhere in the Act's 87 sections is domestic or care work named as a distinct category warranting adapted contractual terms, hours protections, or inspection modalities; it is treated identically to factory, construction, or company-based employment. Nepal's foundational labour-migration law is not designed with a sector-specific lens for care work, leaving that gap to be filled, if at all, by directives and bilateral agreements rather than by binding statutory protection.

Foreign Employment Rules, 2064 (2008)

The subordinate legislation implementing the Act reveals in detail how thoroughly Nepal's regulatory machinery is built around the recruitment transaction rather than the nature of the work performed, reinforcing the gap identified in the Act itself. The Rules specify licensing procedures for recruitment agencies (Rules 6–11), advertisement content (Rule 14), worker-selection criteria (Rules 15–16), pre-departure orientation-training curricula (Rule 20), and welfare-fund administration (Rules 24–28), yet at no point do these provisions differentiate by sector or occupation. The orientation-training syllabus covers destination-country law, culture, language, health, and safe travel in generic terms, but contains no module addressing the isolated, in-home working environment that defines domestic and care work, nor guidance on identifying or escaping confinement, contract substitution, or unpaid overtime.

This gap is most visible in the Rules' oversight architecture. Rule 13 empowers DoFE to refuse prior approval to send workers if a diplomatic mission or Labor Attaché advises against a particular country or employer institution, and Rule 43 permits appointment of a woman Labor Attaché where 1,000 or more women workers have been sent to a country — provisions that show the state anticipated gendered risk but addressed it only through diplomatic-level discretion rather than binding, sector-specific labor standards enforceable at the worksite. Advertisement requirements (Rule 14) mandate disclosure of wages, hours, and insurance, but presume a monitorable worksite and a channel through which false disclosures can later be verified — assumptions that do not hold for private households, which remain invisible to DoFE, the Labor Desk, and the Tribunal alike. Even the welfare fund's expanded-use provisions (Rule 26), which fund child-care centers for women workers' children and safe homes for women returnees, gesture toward the acute vulnerability of women migrants without codifying any dedicated protection, inspection, or complaint mechanism specific to domestic work itself. The Rules confirm that Nepal's foreign-employment regulatory framework was designed as a generic, sector-blind licensing and compliance regime — one capable of managing who migrates and through which channel, but structurally unable to reach what happens once a care worker crosses into an employer's private home.

Treaty Act, 1990

MoLESS/MoYLE is empowered to conclude bilateral labor agreements under Section 6 of the Treaty Act, which provides that a treaty may be signed following a decision of the Government of Nepal. Section 9 states that treaty provisions, once ratified by Parliament, carry the force of Nepali law; where not ratified, Nepal has a duty to enact enabling legislation but remains bound as a signatory to its obligations. Sections 4 and 5 of the Directives on the Management of Domestic Workers in Foreign Employment, 2073 (2015) state that the Government of Nepal may send domestic workers to foreign nations only after concluding a BLA, except under Government-to-Government (G2G) arrangements. To enforce joint verification and promote fair, ethical, and transparent recruitment, the Government has also enacted the Directives for Verifying the Demand Letter for Foreign Employment, 2019.

The 2017 Parliamentary Ban on Migrant Domestic Workers to the GCC

Nepal has implemented, repealed, and re-implemented various bans and restrictions on the migration of women migrant workers and/or migrant domestic workers since 1998 — the year all women migrant workers were first banned from migrating to Gulf countries following the highly publicized death of a domestic worker, Kani Sherpa, in Kuwait. In the years since, an estimated 24 separate bans, restrictions, or liftings — targeting specific countries, occupations, and/or ages — have been implemented and repealed, each justified as protecting migrant domestic workers or women migrant workers from exploitation and abuse abroad (NHRC, 2022; McCarthy, 2020).

In September 2019, MoLESS, in consultation with Nepal's foreign missions and on the instruction of the Parliamentary Committee on Industry, Commerce, Labour and Consumer Interest (ICLCI), lifted the ban on re-entry of migrant domestic workers, allowing certain workers a re-entry permit to legally return to Nepal and then return to the same job — but only if they had originally migrated with government approval.

The IRLC's 2017 directive is a critical primary source for this study because it exposes the decision-making logic behind Nepal's most consequential care-work migration policy — and that logic turns out to be almost entirely disconnected from the workers it claims to protect. Although the ban was nominally extended to male domestic workers for the first time, the process that produced it remained deeply gendered: the parliamentary delegation that recommended the ban did not consult a single male migrant domestic worker, and the surrounding political rhetoric — committee chair Prabhu Saha's framing of "our women" living in "pathetic condition" in the Gulf — collapsed the categories of "women" and "domestic workers" into one another, revealing that the policy's real target was female mobility rather than domestic work as an occupation. A policy justified as protecting an occupation but designed around controlling a gender produces exactly the kind of generic, sector-blind restriction that leaves the specific risks of care work — confinement, contract substitution, unregulated hours — unaddressed even as it curtails women's movement.

Equally important is the IRLC's underlying theory of change, which assumed that trafficking and informal migration could be suppressed through restriction rather than regulation. The evidence-based critique that migration bans function as a primary driver of the very informal channels — through India, and via

corrupt intermediaries at airports and immigration checkpoints — that facilitate trafficking directly rebuts the ban's stated rationale, and reframes the 2017 decision not as a protective intervention but as a securitization measure with a well-documented "hydra effect": restricting movement through one channel displaces risk into others that are harder to monitor, not easier.

The 2020 Parliamentary Committee Report and the Six Preconditions

The IRLC's 2017 directive closed the corridor; the December 2020 report of the Parliamentary Committee on Industry, Commerce, Labour and Consumer Interest (ICLCI) defined the terms on which it could reopen. Produced after the Committee's visit to Oman, Saudi Arabia, and the UAE, the report recommended conditional rather than permanent prohibition and set out six preconditions that must be secured with each destination country before the ban on that corridor is lifted. Table 2.1 sets out each precondition, the international standard it most closely reflects, and the actor whose action is required to meet it.

Table 2.1: The Six Preconditions, Their International Benchmarks, and Who Must Act

#	Precondition (ICLCI, 2020)	Closest international benchmark	Who must act
1	Dedicated destination-country law on domestic workers	ILO C189, Arts. 6 and 18: decent working and living conditions secured through national laws and regulations	Destination state
2	Bilateral labour agreement guaranteeing basic rights	ILO C97, Art. 10; C181, Art. 8(2); C189, Art. 8: cooperation between sending and receiving states	Both states (requires the destination state's signature)
3	Effective bilateral grievance mechanism	ILO C189, Arts. 16–17: access to courts, dispute resolution, and complaint mechanisms; C190	Shared; Nepal can build its own side unilaterally
4	Pre-departure and on-arrival training	ILO C189, Arts. 7–8: information on terms and conditions of employment before migration	Mainly Nepal (pre-departure); destination (on-arrival)
5	Non-discrimination with destination-country workers	ILO C189, Arts. 10, 11 and 14: equal treatment on hours, rest, minimum wage, and social security	Destination state
6	Legal accountability for employer abuse	ILO C189, Arts. 5 and 17; C190: protection from abuse, harassment, and violence, and effective enforcement	Destination state

Two features of this design shape the analysis that follows. First, the preconditions were framed as a package to be met in full for each destination, with no phased or pilot pathway and no institution designated to track progress. Second, four of the six (preconditions 1, 2, 5, and 6) depend wholly or partly on action by Gulf governments, while only preconditions 3 and 4 lie substantially within Nepal's own control. This study uses the six preconditions as its central analytical framework: Chapter 4 describes how each was assessed, Section 6.7 reports where each now stands, Chapter 7 analyses why they have stalled, and Chapter 10 matches a recommendation to each.

2.2 International Legal Frameworks

1. ILO Declaration on Fundamental Principles and Rights at Work (1998, amended 2022): guarantees the fundamental right to work, freedom of association, and freedom from forced labour and discrimination.
2. Migration for Employment Convention, 1949 (No. 97): one of the first conventions to recognize bilateral labor agreements between countries with high labor-migration flows. Article 10 provides that where migration between two territories is sufficiently large, competent authorities "shall, whenever necessary or desirable, enter into agreements for the purpose of regulating matters of common concern."
3. Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143): Article 15 recognizes the complementary role bilateral and multilateral labor agreements can play in resolving problems arising from the Convention's application.
4. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 1990: one of the nine core UN/OHCHR human-rights instruments. Article 27 provides that, with respect to social security, migrant workers shall enjoy the same treatment as nationals in the state of employment, insofar as they meet applicable requirements, and that states of origin and employment may establish arrangements to determine the modalities of application.
5. ILO Domestic Workers Convention, 2011 (No. 189): the first global treaty setting binding minimum labor standards specifically for domestic workers. In force since 2013, C189 requires ratifying states to ensure domestic workers enjoy conditions no less favourable than the rest of the workforce on social security, minimum wage, and rest periods; entitles them to a clear, preferably written contract; and obliges states to protect them from abusive practices by private employment agencies (Article 15) and to specify conditions for repatriation on termination of contract (Article 8). C189 explicitly calls on member states to cooperate to ensure effective application to migrant domestic workers specifically — precisely the sector-specific gap this study identifies as missing from Nepal's Foreign Employment Act.
6. ILO Violence and Harassment Convention, 2019 (No. 190): establishes, for the first time in international law, the right of everyone to a world of work free from violence and harassment, including gender-based violence. C190's scope is broad: it covers all workers regardless of contractual status, extends beyond the physical workplace to commuting, rest areas, and employer-provided accommodation, and requires states to address the impact of domestic violence on the world of work — directly relevant to domestic workers, whose workplace and residence are typically the same private household.
7. Private Employment Agencies Convention, 1997 (No. 181): Article 8(2) states that where workers are recruited in one country for work in another, member states "shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment."

Both C189 and C190 remain unratified by Nepal, though an ILO-supported legal gap analysis is now underway to align domestic law with these standards ahead of possible ratification, making the two

conventions not just a normative benchmark for this study but an active, contestable policy target within Nepal's current reform window. Because Table 2.1 shows that the six preconditions closely track C189's standards, ratification would also align Nepal's own benchmark for lifting the ban with the international framework it implicitly references.

2.3 Existing Evidence Base

ILO, Migrant Workers in the Care Economy (2024)

This ILO policy note situates Nepal's domestic-work migration problem within a much larger global structural trend. It establishes that the global care economy comprises 381 million jobs, and that international migrants are more likely than non-migrants to work in care roles — a demand driven by converging demographic and socio-economic pressures, chiefly ageing populations in high-income destination countries alongside shifting household structures that reduce unpaid family caregiving capacity. The gender composition of this workforce is starkly skewed relative to migration generally: 60 percent of international migrants employed in the care economy are women, compared to 35 percent across all other branches of economic activity combined. This figure gives empirical weight to the claim that care migration is not simply a subset of labour migration but a distinctly gendered phenomenon requiring its own governance lens. The note frames the governance challenge as an intersection between labour-migration governance and the specificities of the care economy, calling for equality of opportunity and treatment for migrant care workers, effective regulation of recruitment and non-standard employment arrangements (including digital platforms), and data disaggregated by sex, migration status, and other characteristics.

McCarthy (2020), A Comprehensive Analysis of Policies and Frameworks Governing Foreign Employment for Nepali Women Migrant Workers and Migrant Domestic Workers

McCarthy's ILO-commissioned study is the most detailed policy-formulation analysis available on Nepal's migration bans. Its central contribution is showing that bans are not evidence-based interventions but recurring political "quick fixes" driven by patriarchal policy narratives rather than empirical findings. Reconstructing a full timeline from 1998 to 2020, the study documents that Nepal imposed, lifted, and reimposed gender- and age-based restrictions on women's foreign employment at least eight times in two decades, with each new ban typically triggered by a single highly publicized death or abuse case rather than systemic assessment and with virtually no evidence that any ban reduced trafficking, exploitation, or abuse of migrant women once abroad. Using an intersectional framework centered on gender, class, and caste, McCarthy argues that Nepali policymakers construct migrant women as cheli ("daughters" of the patriarchal state) requiring protection rather than as rights-holding citizens — a framing that legitimizes restricting women's mobility instead of addressing the structural conditions (recruitment-agency malpractice, absent bilateral protections, under-resourced embassies) that actually drive their vulnerability. The study's most striking finding, directly reinforcing this study's problem statement, is that of nine bilateral labour agreements Nepal had signed by 2020, only the 2017 Jordan agreement contained specific provisions for domestic workers meaning that even where Nepal negotiates formally with destination states, care work is routinely deprioritized relative to general labour categories.

ILO (2020), ***A Comprehensive Analysis of Policies and Frameworks Governing Foreign Employment for Nepali Women Migrant Workers and Migrant Domestic Workers***

Based on 26 key-informant interviews with parliamentarians, ministries, CSOs, UN agencies, and recruitment agents, plus a review of over 200 news articles (1998–2020) and 11 returnee testimonies, this study examines *why* Nepal's ban regime persists rather than whether it works. Its core finding is that migration bans function as reactive, image-management "quick fixes" rather than evidence-based policy: most stakeholder groups interviewed (ministries, CSOs, UN staff, researchers, even recruitment agents) actually favoured lifting the ban, but parliamentarians kept it in place out of fear of political blowback, not because they believed it protected anyone. It documents the same "cheli" (protected daughter) framing your report already cites via McCarthy/Kharel, and adds a sharper point: bans strip women of the very protections (Welfare Fund, pre-departure training, embassy assistance) that formal channels provide, then blame the women themselves as "illegal" for using informal routes the ban itself created. It also confirms your report's finding on bilateral agreements — only the 2017 Jordan BLA has domestic-worker-specific provisions, and Nepal has consistently deprioritized negotiating such provisions with other GCC states in favour of general-worker agreements. Its recommendations (repeal and depoliticize bans; incorporate migrant women's voices in policymaking; ratify C189/C190; reform BLA negotiation) closely track what your Chapter 10 already proposes.

Wadhawan (2021), Invisiblized Migration, Unaccounted Work: The Governance of Women's Migration for Paid Domestic Work from Nepal and Sri Lanka to the Gulf

Wadhawan's comparative chapter situates Nepal's experience alongside Sri Lanka's, arguing that women's migration for domestic work is systematically rendered invisible in both migration data and governance frameworks despite women making up more than 81 percent of national domestic workers and 73 percent of migrant domestic workers globally. Drawing on village-level fieldwork in Sindhupalchok and policy interviews in Sri Lanka, the chapter shows that neither country's remittance or labour-migration data is disaggregated by sex, class, or destination in any way that captures domestic workers specifically, which leaves policymakers unable to use their own workers' economic weight as diplomatic leverage with Gulf states. Tracing Nepal's cycle of guardian-consent rules and age- and destination-specific bans from 1985 through the 2017 blanket ban, and Sri Lanka's parallel Family Background Report restricting mothers of young children from migrating, Wadhawan argues both are gender-discriminatory "protectionist" measures adopted reactively after high-profile abuse cases rather than through systematic risk assessment, and that such bans have been shown elsewhere (ILO and UN Women's ASEAN study) to increase, rather than reduce, migrants' vulnerability by pushing them toward irregular and undocumented channels. The chapter's central theoretical contribution is to read domestic workers' migration through the lens of social reproduction: it frames the undervaluing of domestic labour as "women's work" in both origin and destination households as the deeper structural cause of both the data gap and the weak protective governance, and calls for migration policy that recognizes women's agency in choosing migration (including through irregular channels) rather than treating them solely as objects of protection.

Hoskyns and Rai (2007), Recasting the Global Political Economy: Counting Women's Unpaid Work

Hoskyns and Rai's foundational article in *New Political Economy* argues that the global economy is undergoing a widespread depletion of the capacities that sustain "social reproduction," the unpaid biological, caring, and social-provisioning labour, disproportionately performed by women, that reproduces households and communities across generations. Their central claim is that because national accounting systems and international statistics exclude this labour from GDP and from most labour-market data, policymakers routinely work from distorted pictures of who is doing the work that keeps economies and societies functioning, and from what condition that capacity is in; without measuring and valuing unpaid and undercounted work, they argue, development predictions become unreliable and the policies built on them flawed. The article proposes that international statistical bodies incorporate time-use surveys and satellite accounts into national statistics so that the depletion of social-reproductive capacity becomes visible to policymakers before it produces a crisis, rather than being registered only after households, migrant-sending communities, or care systems have already been strained past their limits.

ASEAN Comprehensive Framework on Care Economy (2022)

Adopted at the 38th and 39th ASEAN Summits in 2021, the Framework organizes care-economy governance around six strategic priorities spanning ageing, disaster resilience, digital transformation, family policy, social protection, and environmental resilience, and explicitly identifies migrant workers as a vulnerable population whose labour rights are frequently abused during recruitment and employment and who are often unable to access social-protection benefits they are entitled to upon return home. Under Strategic Priority 5 ("Enhancing Social Protection/Leaving No One Behind"), the Framework catalogues concrete regional instruments Nepal's bilateral and domestic frameworks currently lack: a completed regional study on extending social security to informal workers, a dedicated study on the portability of social-security rights between member states, and formal guidelines to ensure migrant workers receive support for safe return and reintegration. While Nepal is not an ASEAN member and the Framework does not address the kafala system directly, its institutional model offers a structural comparator for evaluating Nepal's fragmented approach, in which recruitment regulation, bilateral agreements, welfare-fund administration, and reintegration programming are handled by separate, poorly coordinated institutions with no equivalent cross-sectoral platform or portability mechanism.

People Forum for Human Rights (2024), Study on Nepal's Bilateral Labor Agreements with Destination Countries

This comprehensive assessment of Nepal's nine bilateral labour agreements offers the most granular evidence of how thoroughly domestic-work-specific protection is missing from Nepal's formal migration diplomacy. The study finds that Nepal's agreements fall into two historical phases: a weak, principle-only first phase (Qatar 2005, South Korea and UAE 2007, Bahrain 2008), followed by a decade-long hiatus, and a more substantive second phase beginning with the ILO-supported Jordan agreement of 2017 — the only one of the nine that contains a dedicated annexed standard employment contract for domestic migrant workers. Agreements with Nepal's largest actual destinations for domestic workers (UAE, Qatar, Bahrain, Kuwait, Saudi Arabia) either predate this reform wave or, in the UAE's case, remain generic recruitment-and-repatriation instruments with no domestic-work carve-out. Even the improved post-2017

agreements share structural weaknesses directly relevant to care work: none provide for investigation into cause of death, none establish a right to change employer except in narrowly defined circumstances that mirror rather than dismantle kafala-style employer control, and joint monitoring committees meet "very scarce[ly] and inconsistent[ly]" with essentially no completed evaluations despite treaty-mandated annual review clauses. The study's own primary survey of 300 migrant workers found that 99.34 percent had no knowledge of the process by which bilateral agreements were signed and 98 percent were unaware of any benefits such agreements were meant to confer — indicating that even where legal protections nominally exist on paper, they fail to reach the workers they are meant to protect due to a near-total absence of dissemination. The study's comparative material shows what stronger design looks like elsewhere: the Philippines' dedicated inter-agency BLA monitoring committee, Bangladesh's and Sri Lanka's explicit statutory linkage between BLA existence and permission to send workers, and Jordan's own innovation of allowing Nepali diplomatic staff to inspect workplaces and living quarters directly.

Rajak (2025), Role of Nepal's Bilateral Labour Agreements in Safeguarding Migrants' Worker Rights

This master's thesis offers a rare comparative, data-driven assessment of Nepal's BLAs across three destination countries — Malaysia, the UAE, and South Korea. A clause-by-clause reading shows that even the more detailed instruments regulate recruitment costs, contract standardization, and repatriation obligations comprehensively, yet contain no domestic-work-specific provisions at all: the UAE MoU addresses "workers" generically across construction, hospitality, and domestic sectors alike, with no differentiated treatment recognizing that domestic work occurs in a private household rather than a monitorable worksite. The thesis's gendered migration data further substantiate this study's structural argument: work-permit records show that women accounted for only 6.99 percent of all permits issued between 2014 and 2024, and even after the Malaysia and UAE agreements took effect, the female migration share rose only marginally (to roughly 2.7 percent and 16 percent of flows respectively) — evidence that bilateral-agreement reform, absent explicit care-work provisions, does not on its own correct the systemic under-visibility of women, and by extension domestic/care workers, within Nepal's formal migration architecture.

Work in Freedom Programme, ILO Lessons Learned (2019)

The ILO's Work in Freedom programme implemented in South Asian countries of origin (Bangladesh, India, and Nepal) and destination countries including Jordan and Lebanon distilled a decade of programming into transferable lessons directly relevant to this study. Lesson 7 finds that "unless there is political commitment and funding to improve labour inspection of migrant worker and employer relationships, quick fixes of sponsorship systems are unlikely to work": an insurance scheme intended to remove employers' incentive to confiscate passports instead became an incentive for employers to abandon unwanted workers, because it was never accompanied by genuine labour-inspection reform. Lesson 8, directly on point for Nepal's ban debate, finds that "migration bans increase vulnerability to human trafficking": when both demand for migrant workers and supply of workers are high, employers and workers circumvent bans at greater cost and increased trafficking risk, and reversing poor migration-control policy requires sustained advocacy even after a ban is formally repealed, since bans

tend to be reinstated whenever political vicissitudes or a resurgence of patriarchal viewpoints occur. The programme also documented that gendered mobility restrictions — sponsorship systems, confiscation of passports and identity documents, and restrictions on women leaving hostels or dormitories during non-work hours — combined with wages routinely below the poverty line to produce stressful, high-risk working environments that pushed workers toward informal channels to "break out" toward something better.

Marchetti (2022), *Migration and Domestic Work* (IMISCOE Short Reader)

Marchetti's short reader synthesizes two decades of international scholarship on migrant domestic work, offering the conceptual scaffolding that the Nepal-specific evidence in this study fills in with country data. Building on the feminist literature on reproductive labour and the "care economy," she argues that domestic work is structurally devalued because it is performed in the private household rather than a monitorable workplace, and because it is coded as women's natural aptitude rather than skilled labour, exactly the dynamic this report's informants describe when they say domestic work is "not taken seriously as a skilled occupation" (Section 6.2.3). Her review of migration policy across sending and receiving states shows that residence and work-permit regimes systematically privilege skilled over unskilled migration, pushing domestic workers toward irregular status regardless of the origin country, which parallels this study's finding that Nepal's own ban has driven an estimated 90 percent of women into undocumented "visit-visa" migration rather than reducing their movement. Discussing ILO Convention 189 (2011), Marchetti frames it as a "new right" that only translates into local protection where domestic workers' cause is taken up as part of a broader social-justice struggle rather than treated as a narrow, isolated policy issue, a dynamic consistent with this study's finding that Nepal has neither ratified C189 nor built the sustained advocacy coalition that ratification would require. Her fourth chapter, on the intersectional inequalities and often deeply asymmetric employer-employee relationships that define live-in domestic work, offers a comparative frame for the kafala-driven confinement, contract substitution, and denial of rest documented in this study's returnee case narratives (Section 6.3), even though her book's own case material is drawn mainly from Europe, Latin America, and East Asia rather than the Gulf.

2.4 Identified Gaps in the Literature

Existing literature documents abuse patterns and care-chain effects but rarely translates this into concrete institutional-governance recommendations specific to Nepal's bureaucratic structure. There is limited disaggregated administrative data on care-sector migrants specifically, as opposed to general labor migrants, and minimal research on reintegration outcomes or portable social-protection design for returnee care workers. This study addresses these gaps directly by combining institutional key-informant evidence, secondary quantitative data from Nepal's National Human Rights Commission and Foreign Employment Board, and primary qualitative evidence from returnee women migrant workers, to demonstrate the need for sector-specific, migration-cycle-integrated governance reform.

Most importantly, although the 2020 preconditions are Nepal's own official benchmark for lifting the ban, no published study has systematically assessed their implementation status, tested whether they protect workers in practice, or proposed how they could be sequenced. This study is designed to fill that gap.

Chapter 3: Stakeholder Map

Stakeholders relevant to Nepali migrant care-worker governance were engaged through an initial scoping consultation to validate the research framework, key informant interviews across government and civil society, and review of institutional documents. Stakeholders fall into six broad clusters, summarized in Table 3.1. Returnee migrant care workers and their representative organizations were consulted directly (through secondary case data and shelter records reviewed in this study) to ensure the research reflects lived experience rather than institutional perspectives alone; a final validation workshop with MoYLE/DoFE officials and civil-society partners is recommended before this report's recommendations are finalized into ministry policy.

Table 3.1: Stakeholder Map

Cluster	Key Actors	Role / Interest	Engagement in This Study
Federal Government (policy & regulation)	MoYLE (Foreign Employment Section); Department of Foreign Employment (DoFE); Foreign Employment Board (FEB); Ministry of Foreign Affairs (MoFA), Labor Division; Ministry of Home Affairs (immigration); National Planning Commission (NPC)	Policy design, licensing, permit issuance, welfare-fund administration, diplomatic representation, immigration control, macro-development planning	Key informant interviews with Undersecretary (Foreign Employment Section, MoYLE), FEB officer, NPC officer, and MoYLE Section Officer
Legislature	Parliamentary Industry, Commerce, Labour and Consumer Welfare Committee (successor to the International Relations and Labour Committee, IRLC)	Oversight of MoYLE/DoFE; issues directives (including the 2017 ban); reviews bilateral agreements	Key informant interview with Committee Undersecretary and Section officer
Destination-country actors	GCC governments (Saudi Arabia, UAE, Qatar, Kuwait, Bahrain, Oman); Government of Jordan; Government of Israel (PIBA); Nepali labor attachés and diplomatic missions abroad	Set and enforce (or fail to enforce) domestic-worker labor law; issue visas/permits; operate the kafala sponsorship system where applicable	Reviewed via secondary literature, BLA texts, and KII accounts of embassy capacity
Civil society & NGOs	AMKAS Nepal (Aaprabasi Mahila Kamdar Samuha); Pourakhi Nepal; WOREC Nepal; Maiti Nepal; ABC Nepal; People Forum for Human Rights; National	Shelter services, legal aid, advocacy for ban repeal and C189/C190 ratification, community-level safe-migration orientation, research and documentation	Key informant interviews with AMKAS Nepal (Executive Director) and Pourakhi Nepal Founder; review of AMKAS Annual Report 2024/25 and FPAR study

Cluster	Key Actors	Role / Interest	Engagement in This Study
	Network on Safe Migration (NNSM); Samana Nepal		
International bodies	ILO (incl. Work in Freedom / STREAM projects); IOM; UN Women; Migrant Forum Asia (MFA); GAATW; APWLD; Migration Lab	Technical assistance, legal gap analysis for C189/C190 ratification, regional advocacy platforms (Abu Dhabi Dialogue, Colombo Process, GFMD)	Reviewed via secondary literature
Workers, private sector & recruiters	Returnee women migrant workers and their families; aspirant migrants; private recruitment agencies and sub-agents; the General Federation of Nepalese Trade Unions	Direct stakeholders in migration outcomes; recruitment agencies hold significant informal power over fees, contracts, and destination selection	Interview and case study of 5 returnee migrant domestic workers

Chapter 4: Proposed Approach and Research/Analysis Methods

4.1 Research Approach

This study adopts a mixed-methods, policy-analytic approach, combining qualitative inquiry (institutional mapping, key informant interviews, and case narratives) with analysis of available secondary quantitative and administrative data. A precondition-assessment framework: each of the six preconditions set by the 2020 Parliamentary Committee is treated as a testable criterion, and every data stream is coded against it. The migration cycle shows where protection fails; the precondition framework shows which of Parliament's own conditions each failure corresponds to, and therefore what must change before the ban on a given corridor can be lifted.

4.2 Data Collection Methods

1. Key informant interviews (KIIs) with officials from MoYLE (Foreign Employment Section), the Foreign Employment Board (FEB), the Department of Foreign Employment, the Parliamentary Industry, Commerce, Labour and Consumer Welfare Committee, and the National Planning Commission; leaders of civil-society organizations working on migrant domestic-worker protection (AMKAS Nepal, Pourakhi Nepal); and migration experts, together with case interviews with five returnee migrant domestic workers.
2. Semi-structured questionnaires developed around seven thematic modules: (i) the 2017 ban and its evolution; (ii) the 2020 Parliamentary Committee preconditions and their implementation status; (iii) destination-country protections and the kafala system; (iv) bilateral labour agreements; (v) the role of labour attachés and grievance handling; (vi) reintegration and return; and (vii) international best practices.
3. Administrative and secondary-data analysis using published statistics from Nepal's National Human Rights Commission (2022) report on migrant workers' rights, the Department of Foreign Employment (DoFE) Nepal Labour Migration Report series, and the ILO Work in Freedom programme's lessons-learned documentation.
4. Document review of bilateral labor agreements, destination-country domestic-labor regulations, and relevant Nepali legal instruments (Foreign Employment Act 2007, Foreign Employment Rules 2008, Directive on the Management of Domestic Workers 2073/2015), together with the 2020 Parliamentary Committee report and a country-by-country review of the statutory and regulatory frameworks of the six GCC states against preconditions 1, 5, and 6.

4.3 Data Sources

Primary sources include the key informant interviews conducted for this fellowship. Secondary sources include: the National Human Rights Commission's 2022 report on the rights of migrant workers (drawing on DoFE, Foreign Employment Tribunal, Nepal Police, and Nepali Diplomatic Mission administrative data spanning FY 2016/17–2021/22); the ILO's Migrant Workers in the Care Economy (2024); McCarthy's ILO-commissioned policy-formulation study (2020); the People Forum for Human Rights

study of Nepal's nine bilateral labor agreements (2024); Rajak's comparative thesis on BLAs (2025); AMKAS Nepal's FPAR study and 2024/25 Annual Report; and joint CSO advocacy statements.

4.4 Analysis Plan

Analysis proceeded in three steps. First, qualitative data from key informant interviews and case narratives were thematically coded against both the migration-cycle framework (pre-departure, in-destination, return) and the six preconditions, and are presented in Chapter 6 by evidence stream: institutional informants, civil-society informants, returnee workers, administrative data, and destination-country law. Secondary survey and administrative data were analysed descriptively and, where the underlying studies permitted, cross-tabulated by destination country, documentation status (regular vs. irregular), and migration channel.

Second, the evidence was synthesized precondition by precondition. For each precondition, the three evidence streams (legal and documentary review, key informant interviews, and worker-level case narratives and administrative data) were triangulated, and the precondition was assigned one of five status ratings: **Met** (in place in law and functioning in practice across the GCC); **Partially met** (in place in some states, or in law but not in practice); **Not met** (absent in all or nearly all states); **Not functioning** (formally provided for, but not operating for domestic workers); and **Weak or absent** (enforcement nominal or non-existent). Each precondition was also classified by the actor whose action is required to meet it: the destination state, Nepal, or both. Table 4.1 summarizes the indicators and sources used; the results are reported in Section 6.7.

Chapter 5: Scope and Limitations

5.1 Scope

This study focuses on Nepali migrating for domestic and care work to the Gulf Cooperation Council (GCC) states (Saudi Arabia, UAE, Qatar, Kuwait, Bahrain, Oman). The study period draws primarily on institutional data spanning FY 2016/17 through mid-2026, with historical review of Nepal's ban chronology back to 1998. Field-level qualitative evidence comes from key informant interviews conducted in 2026 with national-level policy actors in Kathmandu, and 5 migrant domestic workers interview. Within this scope, the six preconditions set by the 2020 Parliamentary Committee define the analytical frame. The study assesses each precondition across the six GCC states.

5.2 Limitations

1. Key informant sample size and selection: Interviews were conducted with a purposively selected, non-random group of national-level officials and civil-society leaders (10 informants across MoYLE, the FEB, the Parliamentary Committee, the National Planning Commission, AMKAS Nepal, and Pourakhi Nepal) and two migration experts. Only five returnee migrant domestic workers could be interviewed within the study's time frame. This provides institutional depth but is not statistically representative of all relevant offices, provinces, destination-country missions, or returnee experiences.
2. Raw-note format of interviews: Several key informant interviews were recorded as structured field notes (in a mix of Nepali and English) rather than as verbatim transcripts, in keeping with the informal, code-switched register in which the interviews were conducted. This preserves the substantive content and direct language of informants but means some quotations in Chapter 6 are lightly reconstructed from shorthand notes rather than transcribed verbatim; where this is the case, findings are presented as thematic summaries rather than direct quotations.
3. Because the object of this study — irregular domestic-worker migration under an active ban — is by definition undocumented, no administrative dataset captures its true scale. Estimates cited in this report (for example, of the domestic-worker population in Kuwait, the UAE, and Oman) come from key-informant approximations and embassy-level compilations rather than verified census data, and should be read as indicative orders of magnitude rather than precise counts.

Chapter 6: Findings

This chapter presents the evidence stream by stream: ten key informant interviews with government and civil-society leaders (Sections 6.1 and 6.2), five returnee case narratives (6.3), national administrative data (6.4), a review of domestic-worker law in the six GCC states (6.5), and the Philippines as a comparator (6.6). Section 6.7 brings these together in a precondition-by-precondition assessment.

6.1 Institutional and Policy-Level Findings

6.1.1 The Disconnect Between Parliamentary Directives and the "Visit Visa" Loophole

The Parliamentary Committee informant confirmed that no discussion of lifting the ban is under way, that no directive has been issued to the Ministry, and that no review of the six preconditions' implementation is in progress. Informants across government and civil society named the "visit visa" as the central loophole: brokers use short-term, minimal-documentation visas to bypass labour approval, so women keep migrating without contracts and are invisible to the state. The Committee informant also noted that mandatory pre-departure orientation is poorly implemented and that no destination-specific curricula exist for domestic-worker corridors, direct evidence that precondition 4 remains unmet.

6.1.2 Bureaucratic Friction and the Right to Information (RTI) Barrier

MoYLE officials reported that even basic data-sharing between MoYLE, Home Affairs, and Foreign Affairs, such as verifying agency compliance or tracing a missing worker, requires formal Right to Information (RTI) requests. The Committee informant confirmed that inter-ministerial coordination is handled case by case rather than through a standing protocol, which delays urgent grievance responses.

6.1.3 Diplomatic Invisibility Within Bilateral Frameworks

The minister's advisor stressed that Nepal's diplomatic architecture contains no care-specific protection: the January 2026 Nepal–Saudi labour agreement explicitly excluded domestic workers, and domestic work is treated as general low-skilled labour that falls outside DoFE oversight once it moves into private households. Informants contrasted this with the Philippines, which negotiates sector-specific agreements and heavily resources its labour attachés, whereas Nepal's attachés are under-resourced and sometimes appointed without relevant expertise. This bears directly on precondition 2: Nepal's most recent Gulf agreement moved away from, not toward, domestic-worker protection.

6.1.4 The Structural Exclusion of the Welfare Fund

An FEB informant explained that access to the Foreign Employment Welfare Fund (rescue, safe houses, compensation) depends on a per-permit contribution of NPR 2,500–3,000 paid before departure. Because the ban pushes domestic workers into irregular channels, they hold no permit, have paid nothing, and are locked out of the state's main safety net exactly when they most need it; for most of them the grievance pathway envisaged by precondition 3 does not exist. The Committee and MoYLE informants added that the Foreign Employment Tribunal does not proactively investigate trafficking cases and acts only when a complaint is filed.

6.1.5 Macro-Economic Reliance versus Care-Economy Neglect

The National Planning Commission and MoYLE informants noted that Nepal depends heavily on remittances from women migrants yet has no dedicated labour instrument recognising care work as a legitimate sector. Policy remains focused on restricting migration rather than governing and protecting the care economy.

6.2 Civil Society and Practitioner Findings

6.2.1 The Twenty-Year Ban Chronology, as Recounted by Practitioners

The Executive Director of AMKAS Nepal and the founder of Pourakhi Nepal independently traced the ban history from the 1998 Kani Sherpa ban through the 2012 age restrictions to the 2017 blanket ban, and both said none of these bans was ever a solution. Both described the 2020 preconditions as stalled because everything had to be fulfilled at once, with no phased or pilot pathway, no dedicated departure channel, and no training infrastructure; the AMKAS informant judged that more than 80 percent of the preconditions remain theoretical.

6.2.2 The Kafala System and Comparative Reform Models

Both informants identified kafala as the central driver of abuse, embedded in destination-country administration and in some agreement texts. Both cited the ILO Work in Freedom hostel-to-workplace model in Jordan (employer-pays and monitored) as protective, but noted that monitoring becomes impossible once a worker enters a private residence. The Pourakhi informant described a roughly 500-worker pilot combining live-in and live-out placement with destination-specific pre-departure training and grievance monitoring, judged successful within its scope but not continued under the current government.

6.2.3 Gendered Policymaking and the "Cheli" Framing

Both informants described the ban regime as rooted in a protectionist view of women, consistent with the "cheli" framing in McCarthy (2020), and said migrant women have long been excluded from policymaking ("government le sundena"). Both said domestic work is not taken seriously as a skilled occupation and proposed converting employer recommendation letters into portable skill certifications.

6.2.4 International Advocacy and Ratification Status

Both organisations campaign for ratification of ILO Conventions 189 and 190 through the National Network on Safe Migration and regional and global networks, and AMKAS ran a #RatifyC189 campaign on International Domestic Workers Day in 2024/25. Nepal has ratified neither.

6.2.5 Best-Practice Reference Points

Asked which country Nepal should emulate, both informants named the Philippines unprompted, citing its use of worker protection as bargaining leverage, well-resourced labour attachés, and total-protection model. Neither identified a Nepali initiative applying this at scale.

6.3 Findings: Interviews with Returnee Migrant Domestic Workers

Five returnee women were interviewed and are identified only by destination and documentation status. Table 6.1 maps each case against the six preconditions.

Respondent 1 — Dubai, documented. After a month of housekeeping and Arabic training she flew out on a formal contract. She worked until 4 a.m. most nights, was allowed one phone call home a month, and was falsely accused of theft, but was housed and fed adequately and built a house with her earnings. Contract and training made the migration survivable, yet no external body monitored her hours or the accusation.

Respondent 2 — Jordan, documented. Jordan is the one destination with a domestic-worker annex, standard contract, and training, yet she was rotated through seven households in three months, underpaid, physically and verbally abused, and given food she believed was adulterated. Her placement office refused to fund her return and her husband paid the fare. With no Nepali embassy in Jordan she had nowhere to turn: a bilateral annex is necessary but not sufficient.

Respondent 3 — Kuwait and Dubai, mixed documentation. Over about a decade she moved between documented and visit-visa migration, the channel-switching every institutional informant described. She was rotated through five households in Dubai and abused across three more in Kuwait, escaped, worked irregularly for three years, and was eventually returned by the embassy with no savings.

Respondent 4 — Bahrain, Kuwait, and the Maldives, documented (three migrations). Over about twenty years, always documented, she reported no violence or discrimination, was paid on time through formal channels, and used her earnings to buy land, build a home, and educate her daughter. She is the strongest evidence in the dataset that regulated, verified corridors protect.

Respondent 5 — Kuwait, undocumented. Recruited by a village agent on a "zero-investment" promise, she worked around the clock, was beaten when she said she could not continue, and her family paid the agent for her release. Because she travelled on a visit visa she held no permit, and so had no standing before the FEB or the Anti-Human Trafficking Bureau when she sought compensation.

6.4 Administrative and Secondary-Data Findings

6.4.1 Scale and Feminization of Migration

Labour approvals rose from about 220,000 (FY 2008/09) to 347,504 (FY 2021/22). Women's share of new permits rose from 4 to 11 percent over that period (from under 9,000 to about 33,000 women) and reached nearly 13 percent by FY 2023/24 (Bhagat, 2026, citing MoLESS). Two-thirds of women received first-time permits, against 52 percent of men. Nearly 80 percent of all workers were bound for Saudi Arabia, Qatar, and the UAE.

These figures understate women's migration. No official dataset counts Nepali women domestic workers in the GCC because most are believed to have migrated undocumented via India. The 2020 Parliamentary Committee estimated that over three-quarters of Nepali women migrants to the GCC do domestic work;

civil-society groups estimate that about 90 percent of female Nepali migrants in the GCC are undocumented; and the NHRC (2022) estimates that around 136,000 workers are smuggled abroad each year. Estimates of women domestic workers in the Gulf range from 60,000 to 100,000 or more (Bhagat, 2026). Within the GCC corridor, women's share of approvals fell from 16 to 12 percent between FY 2022/23 and 2023/24 even as the GCC's share of all approvals rose to 61 percent (MoLESS, 2024; Figure 1).

6.5 Legal Frameworks Governing Migrant Domestic Workers in the GCC Countries

Destination-country law is the evidence base for preconditions 1 (dedicated law) and 5 (non-discrimination) and, through the reach of labour inspection, for precondition 6. All six states operate the kafala system, which ties a worker's residency to a single sponsor and creates the power imbalance behind most abuse documented in this study. Table 2A.1 summarises the state-by-state position.

6.5.1 Saudi Arabia

Domestic workers in Saudi Arabia are excluded from the general Labour Law (Royal Decree M/51 of 2005) and are instead governed by a separate regulatory track: a 2013 Council of Ministers regulation on domestic workers, supplemented by a new domestic-workers regulation reported to have taken effect in September 2024. The 2024 update introduced a maximum 10-hour working day, a mandatory weekly rest day, one month of paid annual leave, and an explicit prohibition on employers confiscating a domestic worker's passport or identity documents — an improvement on the 2013 regulation, which specified only a minimum nine hours of daily rest and permitted total working hours of up to 15 hours a day.

Saudi Arabia's 2021 Labour Reform Initiative (LRI) allows most private-sector migrant workers to change employer at the end of a contract, or during a contract with notice, and to exit and re-enter the country without direct employer permission (subject to notification). However, domestic workers are largely excluded from the LRI's core mobility provisions and remain subject to a more restrictive, employer-consent-based transfer process administered through the government's Musaned electronic recruitment and contracting platform. Reporting an employee as "absconding" (huroob) remains a mechanism through which an employer can trigger legal jeopardy — including arrest and deportation — for a domestic worker who has left the household without consent, even in cases of abuse.

Enforcement responsibility sits with the Ministry of Human Resources and Social Development (MHRSD), but — as in every GCC state surveyed in this chapter — labour inspection does not extend into private households, and human-rights organizations continue to document passport confiscation, unpaid wages, excessive working hours, and physical and sexual abuse of domestic workers despite the 2024 regulatory update (Amnesty International, 2019; Human Rights Watch, 2020).

6.5.2 United Arab Emirates

The UAE regulates domestic work through a dedicated statute, Federal Law No. 10 of 2017 on Domestic Workers, separate from the general private-sector labour law (Federal Decree-Law No. 33 of 2021). The Ministry of Human Resources and Emiratisation (MOHRE) administers the sector, and since 2018 the

government has promoted state-authorized "Tadbeer" service centres as an intermediary recruitment channel intended to reduce direct, informal employer sponsorship of individual domestic workers.

The 2017 law guarantees a written contract, one paid weekly rest day, 30 days of paid annual leave, daily rest periods, retention of personal identity documents in principle, an end-of-service gratuity, and access to healthcare. It does not, however, specify a maximum daily or weekly number of working hours (unlike the general labour law's standard limits), nor does it set a minimum wage for domestic workers. Employer change generally still requires the consent of the original employer or completion of a minimum contract period, or must be routed through a Tadbeer centre; passport confiscation is prohibited in law but is reported to persist in practice (Human Rights Watch, 2017; ILO, 2020). As documented in Chapter 6, a UAE-specific domestic-worker migration pilot was under discussion with Nepal but had stalled as of this study, and the UAE remains one of Nepal's largest domestic-worker destinations without a dedicated bilateral domestic-worker annex (Chapter 2, citing People Forum for Human Rights, 2024).

6.5.3 Qatar

Qatar enacted Law No. 15 of 2017 on Domestic Workers, the first dedicated domestic-worker statute among the GCC states considered in this chapter, and has since gone further than its neighbours on wage protection. Law No. 17 of 2020 established Qatar's first non-discriminatory national minimum wage — QAR 1,000 per month basic pay, plus QAR 500 for housing and QAR 300 for food where these are not provided in kind — and this minimum wage explicitly covers domestic workers, a regional first (International Labour Organization, 2021).

Qatar's 2020 kafala reforms abolished the exit-permit requirement and the No-Objection Certificate (NOC) previously needed to change employer for most of the workforce. In practice, however, domestic workers must still provide notice — commonly cited as up to one to three months — before changing employer, and civil-society monitoring continues to document employers requiring an informal NOC-equivalent resignation letter that functions as a de facto continuation of employer control (Human Rights Watch, 2018). The 2017 law sets a maximum 10-hour working day (with rest breaks), a weekly rest day, and paid annual leave, and Qatar's Wage Protection System (WPS) has, on paper, been extended to the domestic sector, though enforcement inside private households remains markedly weaker than in the company-based sectors the WPS was originally designed to monitor. Complaint access runs through Ministry of Labour dispute-resolution committees and a Workers' Support and Insurance Fund. Despite these formal advances, Amnesty International's 2020 investigation "My Sleep Is My Break" found many Qatar-based domestic workers working up to 100 hours a week with no weekly rest day at all, indicating a substantial gap between the 2017 law's text and its enforcement (Amnesty International, 2020).

6.5.4 Kuwait

Kuwait's Law No. 68 of 2015 concerning Domestic Workers was one of the earliest dedicated domestic-worker statutes in the GCC. The Public Authority for Manpower (PAM) administers the law, and the government has established a state-owned recruitment company intended to reduce reliance on private manpower agencies. The law guarantees a written contract, a maximum 12-hour working day

(compared with the 8-hour standard under Kuwait's general Labour Law No. 6 of 2010), one mandatory weekly rest day, 30 days of paid annual leave, an end-of-service benefit, and prohibits passport confiscation. Kuwait set a minimum wage for domestic workers of KWD 75 per month in 2016, one of the first such minimum-wage provisions specific to domestic work in the region.

The law's central weakness is enforcement: there is no labour-inspection mechanism capable of reaching into private households, and employer-change provisions generally still require completion of the contract term or the employer's consent, with abuse-related exceptions processed case by case through PAM (Human Rights Watch, 2015). This enforcement gap is especially consequential for Nepali workers given Kuwait's status as one of the largest concentrations of Nepali domestic workers in the Gulf — estimated in this study's key informant interviews at roughly 65,000 to 69,000 (Chapter 6, Section 6.1) — and given that Kuwait, unlike Jordan, has no bilateral labour agreement with Nepal specific to domestic work at all (Chapter 2, citing People Forum for Human Rights, 2024).

6.5.5 Bahrain

Bahrain is often cited as the GCC state with the broadest nominal labour-law inclusion of domestic workers: certain provisions of the general Labour Law for the Private Sector (Law No. 36 of 2012) extend to domestic work, earlier and more broadly than the dedicated-statute model used elsewhere in the Gulf. However, key protections — maximum working hours, a mandated weekly rest day, and overtime pay — remain excluded or unspecified for domestic workers specifically, leaving these terms to individual contract negotiation between worker (or agency) and employer.

Bahrain's Labour Market Regulatory Authority (LMRA) introduced a "flexible work permit" (flexi-permit) in 2017, allowing certain irregular migrant workers to self-sponsor their own residency outside the direct kafala tie to a single employer. In practice, domestic workers are largely excluded from flexi-permit eligibility. A nominal right to change employer after one year exists under Bahrain's broader labour reforms, but implementation specific to domestic workers is inconsistent (International Trade Union Confederation, 2017). Complaint and mediation channels exist through the LMRA and Ministry of Labour, but — as elsewhere in the region — domestic-worker-specific casework and inspection capacity remain limited by the private-household worksite problem common across the GCC.

6.5.6 Oman

Oman has the least developed domestic-worker-specific statutory framework among the six GCC states surveyed here. Domestic workers are explicitly excluded from Oman's Labour Law (Royal Decree 35/2003) and are instead governed by a stand-alone 2004 ministerial regulation. Unlike Qatar, Kuwait, the UAE, and (since 2024) Saudi Arabia, Oman's regulatory framework does not specify a statutory maximum number of working hours, does not mandate a weekly rest day, and sets no minimum wage for domestic workers — these terms are left almost entirely to individual contracts negotiated between the employer (or an intermediary agency) and the worker.

Employer or job change generally requires the sponsoring employer's consent. A 2023 Social Protection Law introduced broader social-insurance reforms in Oman, but the extent to which domestic workers are meaningfully covered remains unclear and is not addressed by a dedicated domestic-worker provision. Because Nepal has never authorized formal labour approvals for domestic work to Oman — it falls under the same 2017 blanket ban discussed throughout this report — the entire Nepali domestic-worker population in Oman, estimated by Nepali missions at approximately 8,000 to 10,000 (Chapter 6, Section 6.1), works entirely outside both Nepal's own protective framework and any dedicated Omani statutory protection specific to domestic work.

Comparative Summary

Read against the preconditions, Table 2A.1 shows precondition 1 partially met (four states with dedicated instruments, Bahrain partial, Oman none) and preconditions 2 and 5 unmet in every state.

Table 2A.1: Comparative Legal Frameworks for Migrant Domestic Workers in the GCC

Country	Dedicated Domestic-Worker Law	Statutory Weekly Rest Day	Statutory Max. Daily Hours	Minimum Wage Covers Domestic Workers	Kafala / Mobility Reform	Nepal BLA with DW Annex
Saudi Arabia	Yes (2013 regulation; updated 2024)	Yes (since 2024)	10 hrs (since 2024)	No	Partial — 2021 LRI largely excludes domestic workers	No
UAE	Yes (Federal Law No. 10/2017)	Yes	Not specified	No	Partial and uneven	No
Qatar	Yes (Law No. 15/2017)	Yes	10 hrs	Yes (Law No. 17/2020)	Most advanced — NOC/exit permit abolished 2020	No
Kuwait	Yes (Law No. 68/2015)	Yes	12 hrs	Yes (KWD 75/month, 2016)	Limited	No BLA at all
Bahrain	Partial (2012 Labour Law, limited coverage)	Not specified for DWs	Not specified	No	Flexi-permit (2017) largely excludes DWs	No (2008 BLA, principle-only)
Oman	No (2004 ministerial regulation only)	No	No	No	Minimal	No

6.6 Case Study: The Philippines — Deployment Leverage and Institutional Protection for Migrant Domestic Workers

Among labour-sending countries, the Philippines offers the most developed reference model for protecting migrant domestic workers. Its Department of Migrant Workers (DMW), operational since February 2022 under Republic Act 11641, consolidated seven previously fragmented agencies including

the Philippine Overseas Employment Administration and the labour-attaché network into a single cabinet department with unified authority and budget, each overseas post staffed by a labour attaché and a welfare officer from the compulsory OWWA welfare fund. This institutional consolidation sits on a clear legal foundation: Republic Act 8042 (1995), as amended by RA 10022 (2010), establishes that the state "shall allow deployment of overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected," with protection certified through destination-country law, a multilateral convention, or a signed bilateral agreement.

The Philippines actively converts its scale as a labour supplier 2.19 million OFWs and USD 38.34 billion in remittances in 2024 into diplomatic leverage. After domestic worker Joanna Demafelis was found murdered in Kuwait in 2018, Manila imposed a total deployment ban that was lifted only once Kuwait signed a harmonized Standard Employment Contract with passport-confiscation and 24-hour assistance provisions; a similar 2021–2022 halt to Saudi Arabia was lifted only after a Memorandum of Cooperation guaranteeing pre-termination rights and a minimum wage. This leverage is reinforced by mandatory, government-verified contracts against a set wage floor raised from USD 400 to USD 500 per month in 2025 though the DMW's own admission that enforcement of the new floor is currently "incentive-based rather than penalized," and the 2023 murder of domestic worker Jullebee Ranara five years after the Kuwait deal, both show that a signed agreement is necessary but not sufficient for safety without sustained enforcement.

This protection is front-loaded before departure through mandatory orientation (PDOS/CPDEP), TESDA skills certification, and since 2025 a "Know Your Employer" video call between worker and employer before contract signing, and it is backstopped abroad by OWWA-funded shelters and legal-assistance funds. The contrast with Nepal is instructive: Nepal's 2017 blanket ban on Gulf domestic-worker migration was never paired with this kind of institutional, contractual, and diplomatic architecture, and its own attempt at a Philippine-style regulated corridor as the Nepal–UAE pilot for 500 domestic workers, first reported in February 2025 remains unsigned as of 2026. The Philippine case suggests the decisive variables are not the ban itself but verified contracts, a funded welfare and repatriation system, and genuine enforcement capacity at the destination.

6.7 Precondition-by-Precondition Assessment: Where the Six Preconditions Stand

Table 6.2 rates each precondition using the scale in Section 4.4; the subsections give the supporting evidence.

Table 6.2: Status of the Six Preconditions, 2026

#	Precondition	Status	Key evidence	Who must act
1	Dedicated destination-country law	**PARTIALLY MET**	Saudi Arabia (2013, updated 2024), UAE (2017), Qatar (2017), and Kuwait (2015) have dedicated instruments; Bahrain partial; Oman none. Enforcement inside households weak everywhere.	Destination state
2	Bilateral labour agreement guaranteeing basic rights	**NOT MET**	Only Jordan (2017) has a domestic-worker annex; no GCC state does; Kuwait and Oman have no BLA; the January 2026 Saudi agreement excluded domestic workers.	Both (needs GCC signature)

#	Precondition	Status	Key evidence	Who must act
3	Effective bilateral grievance mechanism	**NOT FUNCTIONING**	No domestic-worker channel; individual complaints settled at 17–24 percent; 54 percent of non-filers did not know where to complain; undocumented workers excluded from the Welfare Fund.	Shared; Nepal can act unilaterally
4	Pre-departure and on-arrival training	**NOT MET**	Generic curriculum with no module on isolation, contract substitution, or confinement; no destination-specific or on-arrival training; contracts often received one to two hours before departure.	Mainly Nepal
5	Non-discrimination with destination-country workers	**NOT MET**	Domestic workers excluded from general labour law in all six states; minimum wage covers them only in Qatar and Kuwait; kafala mobility reforms largely exclude them.	Destination state
6	Legal accountability for employer abuse	**WEAK / ABSENT**	No labour inspection reaches private households in any state; absconding charges and document confiscation persist; no employer sanction in any abuse case documented in this study.	Destination state

Source: this study's key informant interviews, returnee case narratives, destination-country legal review, and administrative data. Ratings follow the scale in Section 4.4.

6.7.1 Precondition 1: Dedicated Destination-Country Law — Partially Met

Four of six GCC states have a dedicated instrument (Kuwait 2015, UAE 2017, Qatar 2017, Saudi Arabia 2013/2024); Bahrain applies only selected general provisions and Oman has only a 2004 regulation with no hours limit, rest day, or minimum wage. This is the precondition closest to being met and the natural basis for a first regulated corridor. But content varies (the UAE sets no hours limit, consistent with Respondent 1's 4 a.m. finishes), and laws that cannot be enforced inside households, as in Qatar, satisfy the precondition in form only.

6.7.2 Precondition 2: Bilateral Labour Agreement Guaranteeing Basic Rights — Not Met

Only the 2017 Jordan agreement has a domestic-worker annex (McCarthy, 2020; People Forum for Human Rights, 2024). The Qatar, UAE, and Bahrain agreements are principle-only, Kuwait and Oman have none, and the January 2026 Saudi agreement excluded domestic workers. Joint committees rarely meet, and 98 percent of surveyed workers knew of no benefit from the agreements. Respondent 2's experience in Jordan shows that an annex without enforcement does not protect.

6.7.3 Precondition 3: Effective Bilateral Grievance Mechanism — Not Functioning

No domestic-worker grievance mechanism operates with any GCC state. Nepal's own channels favour institutions over individuals (17–24 versus 82–85 percent settlement), only 16 percent of returnees ever complained, and RTI-dependent coordination slows response (Sections 6.1.2, 6.4.2). Most decisively, the Welfare Fund and compensation require a labour permit, excluding undocumented workers by design (Section 6.1.4); Respondents 2 and 5 illustrate the result. Much of what is missing (a hotline, case management, civil-society referral, Welfare Fund reform) is within Nepal's own power to build.

6.7.4 Precondition 4: Pre-Departure and On-Arrival Training — Not Met

The Rule 20 orientation is generic, with no module on isolation, confinement, or contract substitution, and no destination-specific curricula or on-arrival training exist (Section 6.1.1). Nearly half of returnees received their contract one to two hours before departure (Section 6.4.3). Training helped Respondent 1 but did not protect Respondent 2. This is the precondition most fully within Nepal's control, so its non-fulfilment is a domestic policy choice, not a diplomatic constraint.

6.7.5 Precondition 5: Non-Discrimination with Destination-Country Workers — Not Met

Domestic workers are outside or only partly inside general labour law in every GCC state. Where a maximum working day exists it is longer than the general standard (12 versus 8 hours in Kuwait), and elsewhere it is unspecified. Only Qatar and Kuwait extend a minimum wage, and the main kafala reforms (Saudi Arabia's LRI, Bahrain's flexi-permit) largely exclude domestic workers. Respondents 1, 3, and 5 worked hours no general-sector worker could lawfully be required to. Because this depends on destination-state legislation, the recommendations focus on wage floors, certification, and negotiating leverage (Chapter 10).

6.7.6 Precondition 6: Legal Accountability for Employer Abuse — Weak or Absent

No GCC state inspects private households, and passport confiscation, unpaid wages, and abuse persist despite prohibitions (Section 6.5). Huroob reporting and employer-consent rules turn escape from abuse into legal jeopardy for the worker, and the ILO Work in Freedom programme found that kafala quick fixes fail without real inspection reform (ILO, 2019). None of the abuse in this study's cases led to any known consequence for an employer or recruiter. Because household inspection is structurally unavailable, substitutes are needed to make abuse visible: wage records, regular welfare contact, and hostel-based placement.

6.7.7 Synthesis: Four of Six Preconditions Depend on Gulf States Acting

Six years on, one precondition is partially met, four are not met or not functioning, and one is weak or absent, consistent with the AMKAS view that over 80 percent remain theoretical. Two features explain the stalemate. Four of the six depend on Gulf governments, so an all-at-once requirement gives them a veto over when the ban ends; and the two within Nepal's control (grievance and training) were never built because the framework gave no institutional owner, timeline, or pilot pathway. The evidence also shows the preconditions describe the right protections: across the cases, the more were present in substance, the safer the outcome. The preconditions are the right diagnosis; the delivery mechanism is what failed.

Chapter 7: Analysis

7.1 The Failure of Protectionist Paradigms and the "Hydra Effect"

The evidence assembled in Chapter 6 confirms, across every data source examined, that mobility restriction functions as a poor substitute for labor regulation. The 2017 GCC domestic-worker ban, and its predecessor and successor iterations dating to 1998, demonstrate a clear "hydra effect": by cutting off formal, legal pathways without neutralizing the underlying economic push factors in Nepal or the intense demand for care labor in the Gulf, the state has merely displaced risk rather than reduced it. Workers are funneled toward unregulated sub-agents operating cross-border routes via India and dependent on the visit-visa loophole which a pattern independently confirmed by every institutional and civil-society informant in this study, and consistent with the ILO Work in Freedom programme's cross-country finding that migration bans systematically increase vulnerability to human trafficking rather than reducing it (ILO, 2019).

The quantitative record reinforces this qualitative consensus. The 90 percent undocumented-status estimate among female Nepali migrants in the GCC (CSO Joint Statement, 2025), set against the Parliamentary Committee's own 2020 estimate that domestic workers make up more than three-quarters of all women migrants to the region, indicates that the ban has not shrunk the flow of women into GCC domestic work, it has simply moved that flow almost entirely outside the reach of Nepali labor law, embassy protection, and the Welfare Fund. The NHRC's estimate of roughly 136,000 migrant workers smuggled each year (NHRC, 2022), and the falling share of women in formal GCC approvals despite the corridor's rapid growth (MoLESS, 2024), point in the same direction. To establish a genuinely protective governance framework, policymakers must discard the patriarchal narrative of restricting female mobility (even though the ban applies to both men and women, it is women who predominantly migrate for domestic work) documented in this study's key informant interviews as still shaping institutional thinking as recently as 2020.

Nepal's foundational labor-migration laws, notably the Foreign Employment Act (2007), operate on the assumption of a visible, monitorable employer and an accessible worksite. This legal architecture collapses when applied to domestic work under the GCC kafala system, where the worksite is a private home and the employer wields near-total control over the worker's visa status. Respondent 2's case narrative is analytically important precisely because it falsifies the simplest version of the "documentation solves the problem" counter-argument: even a fully documented, trained departure to Jordan — the one country with a dedicated bilateral domestic-worker annex — produced severe multi-household rotation, physical abuse, and suspected food tampering, because the underlying enforcement and inspection architecture at the destination remained thin. Destination-country domestic law consistently supersedes Nepal's protective intent, exposing workers to extreme punitive measures including, per key informant testimony, imprisonment for pregnancy in some GCC jurisdictions. Lifting the ban must therefore be contingent not merely on the existence of a bilateral agreement, but on establishing institutional arrangements that mandate standardized, care-tailored contracts — specifically enforcing the

employer-pays principle — and fortified, expert-led embassy monitoring capacity of the kind that remains largely absent even in Nepal's strongest existing bilateral relationship.

Effective governance across the labor migration cycle further demands seamless, real-time data interoperability. The current reliance on formal RTI requests for basic inter-agency data sharing, documented independently by both MoYLE and Parliamentary Committee informants, exemplifies a fragmented and sluggish state apparatus. Protecting a vulnerable, highly mobile workforce requires immediate data synchronization between MoYLE, the Ministry of Home Affairs (managing immigration), and the Ministry of Foreign Affairs (managing diplomatic missions). Until these administrative silos are dismantled and replaced with a unified digital mapping framework, enforcement of labor protections will remain reactive.

7.2 Triangulating Institutional, Practitioner, and Worker-Level Evidence

A central methodological strength of this study is the convergence of three independent evidence streams — national administrative data (NHRC, 2022), institutional key informant interviews (MoYLE, FEB, Parliamentary Committee, National Planning Commission), and worker-level case narratives on the same core diagnosis. Where the NHRC report documents at the population level that roughly 90 percent of female migrants to the GCC are undocumented and that individual complaints are settled at less than a third the rate of institutional complaints, interviews at the level of individual biography show exactly how that statistical pattern is produced: through visit-visa departures arranged by village-level agents with no formal paper trail, through contracts delivered too late to be meaningfully reviewed, and through a Welfare Fund and complaints architecture that is procedurally accessible only to the minority of workers who happen to hold a formal labor permit. This triangulation gives the findings in Chapter 6 a degree of evidentiary weight that no single data source could provide alone, and it directly supports the central analytical claim of this chapter: Nepal's problem is not an absence of protective policy language, but a persistent, multi-level failure to translate that language into enforceable, resourced protection reaching the specific population that needs it most.

7.3 The Six Preconditions as an Analytical Lens: Right Diagnosis, Stalled Prescription

Viewed through the six preconditions, the findings in Chapter 6 resolve into a single analytical pattern. Each precondition corresponds to a protection whose absence the evidence documents directly. The absence of destination law and non-discrimination (preconditions 1 and 5) explains the 11- to 14.5-hour working days and sub-minimum wages recorded in the administrative data. The absence of a domestic-worker bilateral agreement and grievance channel (preconditions 2 and 3) explains why complaints reach neither DoFE nor the missions. The absence of domestic-work-specific training and timely contracts (precondition 4) explains why workers depart without informed consent. And the absence of employer accountability (precondition 6) explains why abuse, once it occurs, carries no consequence. The preconditions are, in this sense, a correct specification of what protects a domestic worker abroad.

The failure lies in how the preconditions were designed to be delivered. Framed as an all-or-nothing package, they leave the ban in place until every condition is met for a destination; yet four of the six depend on the actions of Gulf governments over which Nepal has limited leverage, while the ban itself withholds Nepal's most valuable bargaining asset: a regulated supply of workers. The design also offered no route by which the two conditions within Nepal's control could be built and tested, since without any regulated corridor there are no workers through whom a grievance mechanism or training programme could be piloted. The Foreign Employment Act compounds the problem, because Sections 3 and 46 allow a destination to be only open or banned, with no intermediate category in which a corridor can open under heightened, precondition-specific safeguards. The result is a circular stalemate: the preconditions cannot be met because the ban is in place, and the ban cannot be lifted because the preconditions are unmet.

Breaking this circle requires treating the preconditions not as a single gate but as a sequence of gates, opened corridor by corridor as each is verifiably met, beginning where precondition 1 is already satisfied and where Nepal can build preconditions 3 and 4 alongside a bounded pilot. This is the logic of the stalled Nepal–UAE pilot, and of the Philippines' deployment rule described in Section 6.6.

7.4 A Constitutional Lens on the Ban

The precondition framework also offers a way to reconcile the ban's protective purpose with Nepal's constitutional commitments. The Constitution guarantees freedom of movement and free choice of occupation, prohibits discrimination on the basis of sex, and directs the state through Article 51 to make foreign employment safe, systematic, and free from exploitation (Section 2.1). An indefinite ban adopted through ministerial discretion on committee instruction, and falling in substance on women in a female-dominated occupation, is difficult to reconcile with those guarantees, particularly when the evidence shows that it has displaced rather than reduced risk. The gendered process that produced it, documented in Chapter 2 and in practitioners' accounts of the cheli framing (Section 6.2.3), reinforces the concern.

A restriction that is necessary and proportionate to a documented risk may still be defensible; a restriction with no defined end point, no periodic review, and no evidence of effectiveness is much harder to justify. The six preconditions supply exactly the elements the current ban lacks: a defined standard against which the restriction's continued necessity can be tested, and a defined path by which it ends. Operationalizing them corridor by corridor is therefore not only better migration policy but a more constitutionally defensible expression of the protective intent behind the ban.

Chapter 8: Discussion and Policy Implications

8.1 The Sequencing Problem: Why a Precondition-Based Approach Has Stalled for Six Years

The December 2020 Parliamentary Committee report set out six preconditions for lifting the ban, several of which depend on sustained diplomatic negotiation that Nepal has not pursued with proactive urgency, according to this study's key informants. The result is a policy sequencing problem: the ban's own stated exit conditions require exactly the kind of diplomatic capacity and sector-specific bilateral engagement that Nepal's current, generic bilateral-agreement architecture has consistently failed to produce outside the single Jordan exception. As Section 6.7 shows, four of the six preconditions depend on Gulf states acting, while the two within Nepal's own control have not been built. Six years after the preconditions were published, no Committee-level review of their implementation status is underway. The previous government prepared a pilot to send 500 domestic workers to the UAE and formed a working group to study similar arrangements with other GCC states, but the pilot has not been continued under the current government.

The policy implication is that Nepal cannot resolve this sequencing problem by continuing to wait for an omnibus bilateral agreement to satisfy all six preconditions simultaneously before any regulated migration resumes. The stalled UAE pilot points toward a more tractable alternative: narrow, closely monitored pilot corridors that can satisfy the substance of the preconditions — standardized contract, employer-pays recruitment, destination-country legal coverage, and a defined grievance channel — for a bounded worker population, before being scaled. This reframes "lifting the ban" not as a single binary policy switch but as a sequence of expanding, evidence-gated regulated corridors, each of which generates the monitoring data Nepal currently lacks to assess whether expansion is safe. Legally, this requires amending Sections 3 and 46 of the Foreign Employment Act to create an intermediate, gated category between "open" and "banned," tied explicitly to verified fulfilment of the six preconditions on a destination-by-destination basis.

8.2 What the Case Evidence Implies About the Limits of Bilateral Agreements Alone

Respondent 2's case is the single most policy-significant data point in this study's worker-level evidence, precisely because Jordan is the one destination where Nepal's diplomatic architecture already meets preconditions 2 and 4 on paper: a dedicated domestic-worker bilateral annex, a standardized contract, and pre-departure training. That this case still produced severe multi-household rotation and physical abuse demonstrates that a bilateral agreement is a necessary but not sufficient condition for protection. What was missing were preconditions 3 and 6: a reachable grievance channel and consequences for the employer. The policy implication is that the six preconditions must be met in substance, not only on paper, and that future bilateral agreements must be paired with resourced, accountable enforcement mechanisms (inspection rights into private households or, at minimum, into hostel-based intermediary placements, per the ILO Work in Freedom Jordan pilot and the Pourakhi 500-worker pilot, Section 6.2.2) rather than treated as protective instruments in themselves. Contract standardization without enforcement

capacity produces protection on paper that does not reach the worker in practice, mirroring the pattern the People Forum for Human Rights (2024) study found across Nepal’s other eight bilateral agreements.

8.3 Reframing Care Work Within Nepal's Development and Care-Economy Agenda

The ILO's estimate that migrants make up a disproportionate 60 percent of the global care-economy workforce, against 35 percent in other sectors (Chapter 2, Section 2.3), implies that Nepal's migrant care workers are not a peripheral subset of general labor migration but a core constituent of a global sector undergoing rapid demographic-driven growth. The National Planning Commission and MoYLE informants' shared observation that Nepal has not formulated a dedicated labor instrument recognizing care work as a dignified, revenue-generating sector (Section 6.1.5) has a direct corollary: without such recognition domestically, Nepal is poorly positioned to negotiate sector-specific protections internationally, since a state that does not recognize care work as skilled, valuable labor within its own borders has limited standing to demand that destination states do so. Embedding migrant care-worker governance within Nepal's emerging national care-economy and Sixteenth/Seventeenth Plan agenda — rather than treating it solely as a foreign-employment or anti-trafficking issue — is therefore not simply a matter of institutional tidiness but a precondition for credible diplomatic leverage.

Recognition matters for the preconditions themselves. The invisibility of domestic work, its treatment as an extension of women’s “natural” caregiving role rather than as skilled labour, is precisely what allows subjective wage-setting, denied rest days, and live-in confinement to be treated as normal. Recognizing domestic work as skilled, visible, and contractually distinct is therefore a condition for preconditions 4 and 5 to function as intended, not a separate agenda.

Chapter 9: Conclusion

This study set out to answer a single overarching question: to what extent have the six preconditions set by Nepal's 2020 Parliamentary Committee for lifting the GCC domestic-worker ban been met, and what framework would allow Nepal to meet them and replace prohibition with safe, regulated migration? The evidence assembled from national administrative data, ten key informant interviews spanning government, Parliament, and civil society, five case narratives of returnee women migrant workers, and a country-by-country review of GCC law converges on a clear answer. Six years after they were set, one precondition is partially met, four are not met or not functioning, and one is weak or absent. Meanwhile, the ban has not achieved its protective purpose. It has displaced an estimated 90 percent of Nepal's female GCC-bound domestic-worker population into undocumented status, stripped of contracts, embassy protection, and Welfare Fund access: precisely the outcome the ILO's cross-country evidence on migration bans predicts, and the pattern this study's own case narratives, from an extortion case in Kuwait to a worker rotated across five households in Dubai, illustrate at the level of individual lives.

The study's central finding is that the six preconditions are the right diagnosis but a stalled prescription. Each describes a protection whose absence the evidence documents directly, and across the case narratives the more preconditions were present in substance, the safer the outcome. But the preconditions were designed to be met all at once, with no pilot pathway and no institutional owner, while four of the six depend on Gulf governments acting. The two within Nepal's control, a functioning grievance mechanism and domestic-work-specific training, have not been built either. The result is a circular stalemate that has left a nominally conditional ban in place indefinitely, in continuing tension with the Constitution's guarantees of movement, occupation, and gender equality.

At the same time, the evidence resists a simplistic "just lift the ban" conclusion. Respondent 2's case in Jordan demonstrates that meeting some preconditions on paper (a bilateral annex, a standard contract, and training) does not guarantee safety without a reachable grievance channel and real accountability for employers inside the household where domestic work occurs. The policy task is therefore twofold: Nepal must replace prohibition with regulation, and that regulation must be gated on the six preconditions being met in substance, one corridor at a time, beginning with the stalled Nepal–UAE pilot and with the preconditions Nepal can meet on its own. The regulation must also be built around institutional capacities that do not yet exist in functional form: real-time inter-agency data sharing, a Welfare Fund decoupled from permit status, a legally distinct care-work contract category, professionalized and adequately resourced labour attachés, and a scaled local-government reintegration system.

Every institution and organization consulted for this study, from the Parliamentary Committee to NGO shelter staff, expressed genuine concern for the welfare of Nepali women abroad. The gap is not one of protective intent but of enforceable, resourced follow-through. Nepal has tried some two dozen bans and restrictions since 1998, and none has worked. It is time to properly regulate what the state has clearly been unable to stop. Chapter 10 sets out the specific recommendations, matched to each of the six preconditions, through which MoYLE, the Foreign Employment Board, Parliament, and Nepal's diplomatic missions can begin that work.

While it is important to read agency and not just victimhood into the narratives of domestic workers, the systematic nature of their exploitation is inextricably linked to gendered roles in social reproduction, both at home and at the destination, that influence employment options and the governance of them. The undervaluation of unpaid domestic work in South Asia and beyond, and the continuing reports of ill-treatment of paid domestic workers in sending countries, points to a deep-rooted bias against women's equality and dignity, both as citizens in their own countries and as migrants at the destination. Globally, domestic work is constituted as 'women's work' and is severely undervalued or unpaid. Measuring domestic work is an important step to avoid policy failures (Hoskyns and Rai 2007). Such policy failures are especially visible in the cases of female domestic migrant workers from Nepal and Sri Lanka to the Gulf. On top of their work not 'counting', women's migration and the remittance income they transfer home are invisible in the data. We need more scholarship to examine the contribution of migrant workers to social reproduction in destination countries in the global south. Care work matters and should be both valued and accounted for.

Recognizing women's contribution to social reproduction at home and at work is therefore essential. Narratives of victimhood must be revisited in such a context. In approaching transnational migration through the lens of human rights of migrants, one must go beyond interpreting 'gender' as a pre-given heuristic device handed down from previous theories: 'Aspirations for a gender equal world cannot avoid employing epistemic vigilance to discern where and which thinking about "gender" is valid, and how unjustifiable biases may be corrected to ensure satisfactory treatments of the relationship between gender, belonging, rights and entitlements' (Truong, 2012). Thus, data must reveal, policies must be gender responsive, and contribution to social reproduction at source and destination must be acknowledged. Mobility is key in women's route to economic independence and influence; when it makes space for women to choose their paid/unpaid responsibilities with the support of enabling state policies. There is also a pressing need to gender global migration governance policies in order to adequately respond to the gendered aspects of the labour migration processes from South Asia and other regions. Such a governance vision could eventually succeed in breaking down traditional stereotypes around gender and women's work.

Chapter 10: Policy Recommendations

The recommendations in this chapter are built around the six preconditions. Section 10.1 matches one headline recommendation to each precondition, so that every recommendation answers a specific gap identified in Section 6.7. Section 10.2 sets out how the preconditions can be converted from an all-at-once checklist into a sequence of operational gates. Section 10.3 then provides the detailed implementation matrix, organized into six clusters: (A) regulated deployment and negotiating leverage; (B) pre-departure safeguards, including a "Know Your Employer" protocol; (C) monitoring and protection of workers abroad; (D) integration of migrant remittances into official financial channels; (E) social protection and its portability; and (F) cross-cutting legal and institutional enablers. Each detailed recommendation is paired with the best-practice model it draws on (principally the Philippines' Department of Migrant Workers system, but also India's and Bangladesh's digital migration-management platforms and the Gulf states' own Wage Protection Systems), together with the precondition(s) it serves, the responsible Nepali institution(s), and the implementation mechanism.

10.1 Six Recommendations Matched to the Six Preconditions

Table 10.1 pairs each precondition with its current status and the headline recommendation that addresses it. Detailed actions are cross-referenced to the implementation matrix in Section 10.3.

Table 10.1: Six Recommendations Matched Directly to the Six Gaps

Precondition	Status	Headline recommendation	Detailed actions
1. Dedicated destination-country law	**PARTIALLY MET**	Sequence regulated corridors to destinations where domestic-work law already exists, beginning by reviving the stalled Nepal–UAE pilot.	A.1, A.2
2. Bilateral labour agreement guaranteeing basic rights	**NOT MET**	Ratify ILO Conventions 189 and 190 and use ratification as leverage to negotiate domestic-worker-specific BLAs or annexes, backed by time-bound suspensions tied to published demands.	F.3, A.3
3. Effective bilateral grievance mechanism	**NOT FUNCTIONING**	Stand up a 24/7 multilingual hotline and SOS function, backed by formal MOUs with civil-society shelters, a standing inter-agency data protocol, and Welfare Fund access regardless of permit status.	C.4, C.5, F.1, F.2
4. Pre-departure and on-arrival training	**NOT MET**	Mandate a recorded "Know Your Employer" call, destination-specific language and skills training, and digital contracts issued before departure, following the Philippines model.	B.1, B.2, B.4
5. Non-discrimination with destination-country workers	**NOT MET**	Negotiate a domestic-work wage floor and portable skills certification, bargaining from strength as the Philippines does, and recognize domestic work as skilled.	A.4, B.3, F.5
6. Legal accountability for employer abuse	**WEAK / ABSENT**	Make abuse visible from outside the household through digital welfare check-ins, Wage Protection System linkage, and hostel-based placement, as in the ILO Work in Freedom programme.	C.1, C.2, C.3

10.2 Sequencing: From Checklist to Operational Gate

The recommendations are designed to be delivered in sequence rather than all at once. **Phase 1 (immediate):** Nepal should act on what lies within its own control, building the grievance infrastructure and training reforms that answer preconditions 3 and 4 (Clusters B and C, and Recommendations F.1 and F.2), none of which requires waiting for a destination government. **Phase 2 (first gated corridor):** the revived Nepal–UAE pilot should serve as the first gated corridor: a bounded, closely monitored group of 500 workers in a destination where precondition 1 is already met, negotiated with a domestic-worker annex (precondition 2), hostel-based placement, and Wage Protection System linkage (precondition 6), with quarterly reporting to Parliament. **Phase 3 (corridor-by-corridor expansion):** further corridors should open destination by destination only as each precondition is verified, under the gated middle category in the Foreign Employment Act proposed in Recommendation A.2, with Nepal's regulated supply of workers used as leverage for the preconditions that depend on Gulf states. In this design, the six preconditions stop being the reason the ban continues and become the rule for how it ends.

10.3 Detailed Recommendations and Implementation Matrix

Cluster A: Regulated Deployment and Negotiating Leverage

Preconditions addressed: 1 (destination law), 2 (bilateral agreement), and 5 (non-discrimination), plus the legal gate for all six.

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
A.1	Revive and finalize the stalled Nepal–UAE domestic-worker pilot (a proposed 500-worker regulated corridor) as the first evidence-gated regulated corridor.	The UAE pilot was first reported in February 2025 and reported still "planning to sign" as of July 2025; as of 2026 no agreement has been signed and the 2017 blanket ban remains fully in force.	MoYLE; Cabinet; Ministry of Foreign Affairs (MoFA)	Reactivate the 2025 draft agreement; set a fixed Cabinet decision deadline; publish quarterly status updates to Parliament
A.2	Amend the Foreign Employment Act to create a regulated middle category between "open" and "banned": permit domestic-work deployment to a destination only once the six preconditions are verified for that destination, replacing blanket-ban politics with a conditional, rules-based gate (a Philippines-style "protections first, then deployment" rule).	Philippines Republic Act 8042 (1995) as amended by RA 10022 (2010): deployment is permitted only where migrant workers' rights are protected by destination-country law, a relevant multilateral convention, or a bilateral agreement.	MoYLE; (Foreign Employment Act amendment)	Amend Foreign Employment Act Sections 3 and 46 to add a gated category; condition designation on verified fulfilment of the six preconditions, certified destination by destination
A.3	Use Nepal's scale as a labour supplier as active bargaining	Philippines' 2018 Kuwait deployment ban	MoFA; MoYLE; Cabinet	Publish a demand checklist before any

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
	leverage: impose explicit, time-bound deployment suspensions (not indefinite bans) tied to a published list of specific demands, rather than open-ended prohibition.	(imposed after the murder of domestic worker Joanna Demafelis; lifted only once Kuwait signed a Standard Employment Contract agreement) and its 2021–2022 Saudi Arabia ban (lifted after a November 2022 Memorandum of Cooperation granting pre-termination rights, a minimum wage, and a passport-confiscation ban).		suspension; attach a sunset clause tied to agreement signature, not to a fixed calendar date
A.4	Require a government-verified standard employment contract with an explicit floor wage before any domestic-worker corridor opens, and reject sub-floor contracts at the visa/labor-permit stage.	Philippines DMW Advisory No. 25, Series of 2025: minimum monthly wage for household service workers raised from USD 400 to USD 500, integrated into every DMW-verified contract.	DoFE; Nepali missions/labor attachés at destination	Contract-verification checklist at labor-permit issuance; publish country-specific wage floors for domestic work

Cluster B: Pre-Departure Safeguards, "Know Your Employer," and Contract Transparency

Preconditions addressed: 4 (pre-departure and on-arrival training) and 5 (non-discrimination, through skills certification).

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
B.1	Adopt a mandatory "Know Your Employer" (KYE) video-conference protocol between the prospective domestic worker and employer before the contract is finalized, giving the worker **informed consent** on household composition, job duties, rest periods, and living conditions.	Philippines DMW Advisory No. 25, Series of 2025: mandatory videoconferencing between employer and domestic worker before contract signing; DMW/Migrant Workers Offices retain audit/monitoring rights over the call.	DoFE (mandate-setter); recruitment agencies (call facilitator); missions abroad (audit)	Recorded video call logged in the worker's digital case file; DoFE/mission spot-audit rights over a sample of calls
B.2	Require destination-specific, multi-day pre-departure orientation — beyond Nepal's	Philippines' Comprehensive Pre-Departure Education	DoFE; accredited	Country-specific curricula; orientation certificate required

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
	current generic training — covering language basics, household-work norms, isolation/stress coping, and how to access grievance channels once abroad.	Program (CPDEP) for household service workers; India's Pre-Departure Orientation Training linked to its mandatory Pravasi Bharatiya Bima Yojana insurance scheme.	orientation-training centers	before permit issuance
B.3	Introduce a portable domestic-work skills certification (cleaning, eldercare, childcare, cooking) recognized by both Nepali local governments and destination-country employers, converting informal employer recommendation letters into a formal, transferable credential.	Philippines' TESDA National Certificate II in Household Services, a prerequisite for first-time household-service-worker deployment.	Council for Technical Education and Vocational Training (CTEVT); local governments	Establish skills-testing centers; link certificate to a national worker registry
B.4	Digitize and centralize contract issuance so every domestic-work contract is uploaded, timestamped, and accessible to the worker and to DoFE before departure — closing the gap in which many workers currently receive their contract only one to two hours before their flight.	India's eMigrate 2.0 platform (2025 relaunch), integrated with DigiLocker for document storage; Bangladesh's ILO-supported Overseas Employment Platform (OEP, launched December 2025), a single digital system spanning registration through post-arrival monitoring.	DoFE; national digital-government agency	Single digital case file per worker, from recruitment through return, accessible to the worker via mobile app

Cluster C: Monitoring and Protection of Domestic Workers Abroad

Preconditions addressed: 3 (grievance mechanism) and 6 (legal accountability for employer abuse).

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
C.1	Establish a Nepal-run digital welfare check-in system requiring periodic (e.g., monthly) proof-of-life/welfare contact with each domestic worker via a mobile app or SMS, automatically flagging non-response for mission follow-up.	Philippines' "Kumusta Kabayan?" digital welfare-monitoring system, piloted in Kuwait and Israel as part of the DMW's 2025 reform package.	MoFA; missions/labor attachés; MoYLE (system owner)	App/SMS-based check-in linked to the worker's digital case file; automatic escalation protocol after a defined non-response window
C.2	Condition a domestic worker's residence/work-permit renewal on proof of wage payment through	WPS is mandatory for private-sector wages in the UAE (since 2009),	MoFA (diplomatic request); DoFE	Bilateral request to condition permit renewal on

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
	the destination country's Wage Protection System (WPS) where one exists, and press destination governments to extend WPS coverage to domestic work where it does not yet apply.	Qatar, Bahrain, and Saudi Arabia; Saudi Arabia's WPS is being extended specifically to domestic workers, mandatory from January 2026, requiring bank-transfer payment within 10 days of the salary due date.	(contract condition)	WPS-compliant bank payment; embassy-side compliance monitoring
C.3	Prioritize hostel-based placement models in which domestic workers are based in a monitored hostel and dispatched to households on a day-work or rotational basis for any new regulated corridor, since private-household placement is structurally unmonitorable by any external party.	The ILO's Work in Freedom programme's Jordan hostel-based ethical-recruitment pilot; Pourakhi Nepal's earlier roughly 500-worker hostel-based placement pilot combining live-in and live-out models.	MoYLE; destination-country counterpart ministries; NGOs (implementation partner)	Pilot a hostel-based placement track as part of any UAE agreement negotiation (Cluster A)
C.4	Operate a 24/7 multilingual hotline and an SOS function within a mobile app for domestic workers, integrated with both the destination mission and Nepal-based NGOs for rapid shelter referral.	India's eMigrate 2.0 24x7 multilingual helpline; the Philippines' OWWA hotline network and "Bahay Kalinga" shelters for distressed OFWs in Gulf posts.	MoFA; MoYLE; CSO partners (AMKAS Nepal, Pourakhi Nepal)	Toll-free number and app-based SOS button integrated with the mission's duty-officer roster
C.5	Formalize third-party/NGO monitoring partnerships (given the state's own limited capacity to inspect private households) with organizations already operating shelters and legal aid, giving them a recognized referral and reporting channel into government case systems.	ILO Work in Freedom's NGO-partnership monitoring model; AMKAS Nepal's existing shelter and legal-aid casework (275+ returnees supported in 2024/25).	MoYLE; Foreign Employment Board (FEB); AMKAS Nepal; Pourakhi Nepal	Formal Memorandum of Understanding establishing a recognized referral pathway into Welfare Fund and Foreign Employment Tribunal casework

Cluster D: Integrating Migrant Remittances into Official Financial Channels

Complementary to preconditions 5 and 6: traceable wage payment protects against wage theft and creates an enforcement record.

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
D.1	Make bank-account-linked, WPS-style salary payment a	UAE, Saudi Arabia, Qatar, and Bahrain's	DoFE (contract condition);	Mandatory Nepali or destination-country

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
	mandatory contract condition for every regulated domestic-work corridor, so wages are paid into a traceable account rather than in cash — simultaneously protecting against wage theft (Cluster C) and formalizing the remittance itself.	Wage Protection Systems, which require electronic wage transfer through an approved bank or exchange house and give the labour ministry an automatic, real-time compliance record.	Nepali commercial banks (account-opening partner)	bank account opened before departure, as a labor-permit condition
D. 2	Pre-register every departing worker with a Nepali bank or licensed mobile-wallet remittance service before departure, directly addressing survey evidence that low financial literacy — not cost alone — is the leading reason workers still rely on informal hundi channels.	Nepal Rastra Bank (NRB) formal-channel awareness campaigns; existing migrant-worker mobile-banking products such as Global IME Bank's "Global Smart Plus," which lets workers pay Nepali obligations directly from abroad.	Nepal Rastra Bank (NRB); commercial banks; DoFE (pre-departure orientation)	Bank/wallet enrollment added as a checklist item within mandatory pre-departure orientation (Cluster B)
D. 3	Narrow the cost gap between formal and informal channels on high-volume corridors (India, South Korea, the Gulf) through negotiated preferential transfer rates and rebate/matching incentives — since evidence shows hundi persists even where formal fees have fallen, due to speed and informal trust networks rather than cost alone.	Nepal Rastra Bank's Remittance Bylaw, 2010; the World Bank's global target of reducing remittance transfer costs below 10 percent of the transferred amount; studies estimating that informal channels still carry roughly 20–40 percent of Nepal's total remittance flow depending on corridor.	NRB; Ministry of Finance; licensed remittance service providers	Corridor-specific fee caps or rebates; public formal-versus-informal cost comparison campaigns
D. 4	Extend formal-channel access specifically to undocumented/irregular domestic workers, who are disproportionately reliant on informal channels precisely because they lack the formal labor permit that current bank/remittance products are built around.	Cross-referenced against this study's finding that an estimated 90 percent of female Nepali domestic workers in the GCC are undocumented and are therefore structurally excluded from formal financial products tied to permit status.	NRB; commercial banks; MoYLE	Simplified know-your-customer (KYC) pathway for self-declared overseas workers, independent of labor-permit status

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
D.5	Integrate remittance data with the Social Security Fund (Cluster E) so that a portion of a WPS-verified formal remittance can be auto-routed into a worker's SSF account, converting channel formalization into a lived social-protection benefit rather than a compliance-only exercise.	A Nepal-specific design combining the WPS-style bank-payment model (D.1) with the existing SSF Foreign Employment Social Security Scheme payment rail.	NRB; Social Security Fund (SSF); DoFE	Opt-in auto-deduction triggered upon receipt of a bank-verified formal salary payment

Cluster E: Social Protection and Its Portability

Complementary: extends social protection to workers whom the unmet preconditions currently leave without cover.

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
E.1	Fix the Social Security Fund's "registration-without-contribution " collapse: as of 2025 more than two million migrant workers had been enrolled in the SSF at the labor-permit stage, but only around 2 percent continued contributing afterward. Replace one-time, permit-stage enrollment with an active, incentivized ongoing-contribution model.	Nepal's own SSF Foreign Employment Social Security Scheme (operational since 2023, requiring 21.33 percent of basic remuneration or a minimum of roughly NPR 2,000/month) and its documented ~2 percent post-enrollment continuation rate.	SSF; MoYLE; NRB (payment rail)	Auto-deduction linked to formal remittance receipt (D.5); reminder system via the same mobile-banking channel used for D.2
E.2	Pursue bilateral social-security/totalization agreements first with destination countries where this is administratively and politically feasible — South Korea, Japan, and Israel — rather than assuming Gulf states are a realistic near-term target.	The Philippines, after decades of negotiation, has secured only 15 bilateral Social Security Agreements — including Canada, Spain, France, South Korea, Switzerland, and the United Kingdom — and none with a GCC state, indicating that Gulf totalization agreements are unlikely to be a near-term win even for the region's most diplomatically resourced sending country.	MoFA; SSF; MoYLE	Sequenced negotiation roadmap prioritizing non-GCC destinations first

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
E.3	For Gulf destinations where a bilateral totalization agreement is unlikely soon, formalize a voluntary, portable individual social-insurance product (accident/disability, dependent-family, and old-age savings) that a worker can contribute to and draw on regardless of documentation status abroad.	Nepal's existing SSF product design already offers three relevant schemes — accident and disability security, dependent family security, and old-age security — for foreign-employed workers; the extension recommended here is to waive the formal-permit prerequisite specifically.	SSF; MoYLE	Waive the current formal-labor-permit prerequisite for SSF enrollment for self-declared overseas workers
E.4	Align Nepal's approach with international social-protection-portability guidance and pursue this as part of the same legal-reform track as ILO Convention 189/190 ratification, building sustained diplomatic pressure for portability even where full totalization agreements remain out of reach.	The ILO's Multilateral Framework on Labour Migration and the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102), both of which set international reference points for extending and coordinating social protection for migrant workers.	MoYLE; Ministry of Law; Parliament	Coordinate with the C189/C190 ratification track (Recommendation F.3)

Cluster F: Cross-Cutting Legal and Institutional Enablers

Preconditions addressed: 2 (bilateral agreement) and 3 (grievance mechanism), plus cross-cutting reforms that give all six preconditions a legal and institutional home.

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
F.1	Decouple Welfare Fund eligibility from pre-departure permit status, so that women who migrated or returned through informal channels, a direct legacy of the ban, are not permanently excluded from compensation, medical support, and reintegration assistance.	The Philippines' OWWA welfare fund, which finances shelters and legal assistance for distressed workers at overseas posts regardless of how the worker is later found to be in distress (Section 6.6).	FEB; MoYLE	Amend Welfare Fund rules to accept claims from self-declared returnees, at minimum for a transitional period covering current undocumented migrants

#	Recommendation	Best-Practice Reference	Responsible Actor(s)	Implementation Mechanism
F.2	Build a standing inter-agency data-sharing protocol linking the FEB, DoFE, MoFA, and the Home Ministry through a single case-file and welfare-check-in system, and create a distinct “domestic and care worker” category in Nepal’s labour migration data.	The Philippines’ consolidated Department of Migrant Workers (RA 11641); Bangladesh’s Overseas Employment Platform (Cluster B, B.4).	MoYLE; DoFE; FEB; MoFA; Ministry of Home Affairs	Legally authorized data-sharing protocol replacing case-by-case RTI requests; new occupational code for domestic and care work in DoFE records
F.3	Formally advance ratification of ILO Conventions 189 and 190, aligning Nepal’s domestic law with the standards the six preconditions already implicitly reference, and use ratification as diplomatic leverage in bilateral negotiations with GCC states.	The ILO-supported legal gap analysis already underway in Nepal; the Philippines’ ratification of C189 in 2012 and its use of C189 standards in bilateral contract negotiations.	MoYLE; Ministry of Law; Parliament; MoFA	Complete the gap analysis; table ratification in Parliament; reference C189 standards in every new BLA negotiation
F.4	Ground future migration-management decisions in constitutional rights: require any future restriction to demonstrate in writing why regulation calibrated to the specific, evidenced risk is insufficient, and never to apply in substance to women alone, even where framed in gender-neutral terms.	Constitution of Nepal: freedom of movement and occupation, non-discrimination on the basis of sex, and the Article 51 State Policies on safe and systematic foreign employment.	MoYLE; Parliament; Ministry of Law	Statutory necessity-and-proportionality test and sunset clause for any restriction issued under Sections 3 and 46
F.5	Recognize domestic and care work as a skilled occupation, converting employer recommendation letters into formal, portable skill certifications, and pair this with gender-sensitisation training for Nepali officials posted to GCC missions.	The Philippines’ TESDA National Certificate II in Household Services; civil-society proposals documented in Section 6.2.3.	MoYLE; CTEVT; MoFA	Certification linked to Recommendation B.3; mandatory gender-sensitisation module in labour-attaché and mission pre-posting training

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