



Speech delivered by Justice Anup Raj Sharma, Hon. Chairperson, National Human Rights Commission, Nepal in the inaugural session of the International Conference on Protection of Rights of the Migrant Workers.

12 – 14 November 2019,
Kathmandu, Nepal.



Rt. Hon. Vice-president of Nepal Nanda Bahadur Pun 'Pasang',

Hon. Minister for Foreign Affairs Mr. Pradeep Kumar Gyawali,

Hon. Minister for Labour, Employment and Social Security Mr. Gokarna Bista,

Hon. Chairperson of the Global Alliance of National Human Rights Institutions Dr. Carlos Alfonso Negret Mosquera,

UN Resident coordinator Valerie Juliend,

Chairpersons, Commissioners and Representatives of National Human Rights Institutions from different countries,

Representatives of diplomatic corps, development partners and UN Agencies,

Civil Society and media personnel

Ladies and gentlemen,

It is our great and honor to welcome you all distinguished guests from National Human Rights Institutions, Government Organizations, Civil Society, UN agencies, experts, intelligentsia and academicians, media, and business representative to this International Conference on Protection of Rights of the Migrant Workers organized in Kathmandu under the auspices of National Human Rights Commission, Nepal.

Labour migration is an important part of overall global migration accounting for two-thirds of all international migratory flows. It benefits both the countries of destination and countries of origin by balancing the supply and demand of labour force. The migrant workers get opportunity for employment and their families receive the benefit of remittances from such opportunities. Protection of their rights in the whole migration process is therefore an issue of prime importance for both sending and receiving countries.

To look at other side of the coin, increased movement and mobility of people has created situation where migrant workers are increasingly facing challenges in the enjoyment of their fundamental human and labour rights. It is happening in their own home countries, at transits and in destinations. In some dire situations, migrant workers end up in vicious cycle of grave human rights abuses, including exploitation, forced labour and human trafficking. In addition, workers are at times, deprived of their inalienable rights, decent works, including freedom of movement, freedom of association, collective bargaining, rest and leave, basic pay, and taking part in their national elections.

We are here to assess the major challenges and opportunities to protect the rights of the migrant workers, share our experiences, and come up with measures to overcome the challenges and to strengthen the multi stakeholders' collaboration including NHRIs.

Recruiters and employers play appreciable role linking migrant workers to employment opportunities abroad and establishing them in jobs. However, some of their practices have also pushed workers to a cycle of exploitation and human rights abuses. State machineries are found not very effective in protecting migrant workers in times of need and ensure effective access to justice with necessary redress and remedies. Women and girls migrating abroad for work are facing further abuses ranging from sexual and gender based discrimination to violence, physical and psychological abuses and so on. Despite normative frameworks, such as international human rights laws, international and regional mechanisms and guidelines, as well as national legislations, workers migrating overseas are facing the challenges. This calls for institutionalized and effective approach to implement the existing measures, timely adoption of policies and legislations, and forging international and regional cooperation for harmonization of policies and regulations. There is an urgent need to make sure that businesses respect human rights of the migrant workers by complying with the internationally recognized standards, including UN Guidelines on Business and Human Rights, ILO's Fair Recruitment Initiatives and IOM's International Recruitment Integrity System (IRIS), among others.

Some unscrupulous agents and intermediaries send workers through irregular pathways putting them at further risk of trafficking and human smuggling, which must be stopped through tougher sanctions against the offenders and providing legal and other support to the victims. In some countries, restrictive and discriminatory policies or practices of governments are apparent reasons behind people being pushed to migrate irregularly. Women are found to be more affected by restrictive measures to realize their potentials to have a decent work and higher earning. Gender equality and gender sensitivity in migration are crucial issues to be respected and fulfilled.

The Global Compact for Safe, Orderly and Regular Migration (GCM) has given due consideration to human rights issues associated with migration and also opened up avenues for international cooperation and partnership for better governance and management of migration. It provides an unprecedented opportunity to reform in governance of international migration, including movement and mobility of migrant workers in a more organized manner.

In March 2019, the Global Alliance of National Human Rights Institutions (GANHRI), by adopting an outcome statement during its annual conference, asserted its role to ensure human rights-based and gender-responsive implementation, follow-up and review of the GCM objectives. It has emphasized that NHRIs should play a comprehensive and coherent oversight and monitoring role towards ensuring respect for international human rights obligations in migration. We all are encouraged by this timely initiative of GANHRI. In many ways, this Conference may be taken as continuation of the initiative taken by GANHRI.

I am confident that the conference will hold extensive discussion on various challenges and prospects for protecting rights of the migrant workers in all stages of the migration process. The outcome of the Conference - the Kathmandu Declaration, we hope, will contribute significantly

to bring together all the stakeholders including NHRIs in implementing appropriate policies and measures and create an environment for better respect and enjoyment of human rights. I hope, this Conference will also allow opportunity to strengthen inter-NHRIs cooperation and make their roles towards protecting rights of migrant workers more effective. May I also take this opportunity to put forward our humble request to GANHRI to take initiative for the implementation of the outcome document of this Conference by establishing some strong and effective mechanism.

Finally, I would like to extend our sincere gratitude to the Rt. Hon.Vice-President, Mr. Nanda Bahadur Pun 'Pasang' for gracing the event as well as for inaugurating the conference and delivering highly valuable remarks to enthuse all of us.

I would like to thank Honorable Ministers; Honorable Chairperson of Global Alliance of National Human Rights Institutions; Chairpersons, Commissioners and Representatives of NHRIs from various countries; and all the distinguished guests.

Similarly, we are equally thankful to the Government of Nepal, United Nations Development Program (UNDP), International Labour Organization (ILO) and International Organization (IOM) for necessary support for the Conference.

I would like to extend my hearty thanks to all the participants, and wish you will enjoy your stay in Nepal. Finally, I hope that this kind of conference will be held periodically in the future either by the GANHRI, APF or any NHRIs.

!!Thank you !!

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Kathmandu