

Healthcare, Legal and Ethical Challenges of Climate Change Migrations in Bangladesh and in Nepal¹

João Casqueira Cardoso²

Kazi Maruful Islam³

Puspanjali Adhikari⁴

Elvira Alves Barry⁵

Abstract: This text looks at the issues related to climate change in Bangladesh and in Nepal in the last decade, focusing on the current challenges. In the last few years, both countries have faced political and social turmoil. Simultaneously, climate change has impacted the capacity of resilience to crisis, in a context already prone to natural disasters. In addition, Bangladesh, and to a lesser extent Nepal, are facing new and growing migration phenomena, in many ways directly or indirectly connected to climate change. How can the two countries overcome difficulties, some of which are structural? What are the organisational challenges, in the area of public health, but also in the relevant legal and ethical fields? What best practices can be identified to increase the resilience of the populations in such a complex context? The attempt to answer those questions includes an analysis of the field context, and looks in a critical way various aspects of the problem and of the challenges to apply the best humanitarian standards in the two countries.

Keywords: Healthcare; Migração; Climate Change; Bangladesh; Nepal.

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2 University Fernando Pessoa/Faculty of Human and Social Sciences/CEPESE/Portugal.

ORCID: <https://orcid.org/0000-0002-0894-452X>. Email: jcasq@ufp.edu.pt

3 Dhaka University/Department of Development Studies/Bangladesh.

ORCID: <https://orcid.org/0000-0001-5886-7393>. Email: kazi.maruf@du.ac.bd

4 Kathmandu University School of Medical Sciences/Department of Community Medicine/Nepal.

ORCID: <https://orcid.org/0000-0002-3738-0209>. Email: puspanjaliadhikari@kusms.edu.np

5 University Fernando Pessoa/Faculty of Human and Social Sciences/CEPESE/Portugal.

ORCID: <https://orcid.org/0000-0001-7450-1172>. Email: 2022126217@ufp.edu.pt



Introduction: The situation in the field

Bangladesh and Nepal are two countries where the impact of climate change has increased the risks of natural disaster. Nepal's diverse geography and fragile ecosystems make it highly vulnerable to climate-induced hazards such as floods, landslides, droughts, and glacial lake outbursts. These hazards increasingly disrupt settlements and livelihoods, especially in hill and mountain regions. According to the Ministry of Forests and Environment (2021), over 80% of natural hazards in Nepal are climate-related, displacing thousands of families annually. Studies show that unpredictable weather, declining agricultural productivity, and fragile infrastructure drive migration as a key coping strategy (Centre for Social Change, 2022; IOM & Government of Nepal, 2024). Many households resort to seasonal or permanent migration – rural to urban or abroad – to secure livelihoods and stability. The MECC⁶ Policy Brief (IOM, 2025) and Nepal's 16th Periodic Plan (2024/25–2028/29) acknowledge the strong links between climate change, environmental degradation, and migration, especially among smallholder farmers, marginalized groups, and women dependent on natural resources. Climate-induced migration poses social and economic challenges: internal migrants face overcrowding and limited services in cities, while families left behind bear increased burdens and risks (IOM, 2022; ICIMOD, 2023). In Nepal (but this problem also concerns other South Asian countries, such as Bangladesh), poorer communities remain the most vulnerable due to limited coping resources. The Asian Development Bank (2023) warns that Nepal could lose 2.2% of its GDP by 2050 due to climate impacts, thus exacerbating migration pressures. Strengthening climate adaptation, resilient infrastructure, and localized disaster management is therefore crucial to reduce forced migration and build sustainable resilience.

In Bangladesh, the field situation observers note an acute exposure to climate-induced hazards, in a scale that continues to drive the country into the world's most significant scenarios of internal displacement. As a low-lying, densely populated delta, the country experiences recurrent cyclones, storm surges, floods, salinity intrusion, and riverbank erosion – all of which collectively push populations to relocate as a survival strategy (Shamsuddoha *et al.*, 2012; Tasnim & Parvin, 2024). Both sudden-onset disasters and slow-onset environmental transformations shape these mobility patterns. The scale is substantial: more than four million people were displaced by disasters in 2019, while projections suggest that up to 19.9 million internal climate migrants may emerge by 2050 (World Bank, 2021). Persons displaced flow largely toward urban centers such as Dhaka and Chittagong, where infrastructure, services, and governance capacities are already under severe strain (RMMRU, 2018).

In sum: the two countries face common problems linked to climate change and migration, although with different levels of intensity. Taking into account this panorama, this paper looks at healthcare challenges, the legal challenges, and ethical challenges, putting side by side the two countries, and comparing both problems and solutions.

1. Healthcare Challenges

The first challenge related to healthcare in case of forced migration is the access to healthcare services. This challenge is high, in Bangladesh and Nepal. Indeed, the migrants are moving to or within moderate development South Asia countries, where the public healthcare systems are already under pressure, due to bureaucratic

⁶ MECC stands for Migration, Environment, and Climate Change.

obstacles and the lack of resources. Moreover, Nepal, Bangladesh, and their neighbour countries, are also disaster prone countries. Two factors can mitigate (if not worsen) the problems: the health condition of the migrant population, on the one hand; the healthcare systems of the host countries, on the other hand.

As concerns the health condition of the migrant population, there is little doubt that the migrants and reaching host countries or regions due to climate change consequences suffer from an exposure to the direct physical and/or emotional harm (and increased allostatic load), or at least to the indirect or diffuse effects of climate shock or stress. But, in fact, “there is limited research on how climate migrants access health services in host communities as well as their array of health needs (Ridde *et al.*, 2019, *cit. in* Clark-Ginsberg, Chandra & Becerra-Ornelas, 2023). Clark-Ginsberg, Chandra and Becerra-Ornelas (2023) underline, from studies done in the United States, that “some evidence suggests that it may be migrants in better health condition who end up moving due to climate change; in short, the most unhealthy people may not be able to move.” Still, details are worth specific attention. In particular, we know that people on the move may not have access to the *specific services* they need in their new locations. This includes three key areas: primary care, gender issues (including Gender-Based Violence, which is high in situations of instability associated with migration), and mental health. It is thus essential that the healthcare systems of the host countries or regions should adapt to such specific needs, and prepare for them.

As regards the healthcare systems of the host countries, it is useful to take into account the “resilience” of the health systems of the host countries, namely its capacity to cope and adapt to stress effects, and in this case to the sudden increase in the population of given areas.

The second challenge related to healthcare in case of forced migration is the detection, prevention, control and reporting of diseases. Concentrating here the focus on Non-Communicable Diseases, namely the non-contagious ones (typically chronic diseases, caused by *environmental causes*), which are often related to migration (and noting that it is a *myth to believe that migration is the cause of contagious diseases*), the International Organisation for Migration (IOM) specifies that “Non-communicable diseases (NCDs) are chronic diseases resulting from genetic, physiological, environmental and behavioral factors, and are the leading cause of death worldwide, accounting for nearly 70% of global mortality rates.” (IOM, 2018: 1). To ease the detection, prevention, control and reporting, as well as the solutions linked to the NCDs among climate-induced migrants, the IOM recommends to: (a) “create programmes that empower migrant communities to support health promotion initiatives in origin and host countries” (when possible, knowing that in some cases it might be difficult, because of the limited contacts of the host authorities with the countries of origin); (b) to “develop national surveillance systems to track NCD trends and determine the health priorities of migrants”; (c) to “provide clinicians and public health planners in host countries with adequate knowledge on NCD profiles of migrants’ origin countries”; and (d) to “foster multi-sectoral dialogue among health, migration, labour, housing and transport sectors to address migrants’ structural vulnerabilities to NCDs.” (IOM, 2018: 3). This set of recommendations is an excellent guideline. However, they often face the reality of other obstacles, namely the formal obstacles related to the legal status of the migrants, in particular when they are international migrants.

2. Legal Challenges

Both international and national legal frameworks, in Bangladesh and in Nepal, actually guarantee the formal protection of people on the move in the context of forced displacement that can be caused by climate change. In theory, any person should have access to healthcare in this context – internally displaced persons, asylum

seekers, refugees, or even stateless persons. We know, from the experience of some specific populations (e.g. Bihari or Urdu speaking community during the pandemic of Covid-19) that difficulties of access to public healthcare exist in Bangladesh, as indicated in the report of the Dean of Harvard T.H. Chan School of Public Health (Williams, 2021). The national laws, always relevant to look at because they can adapt better to the needs in specific contexts, still show some “gaps” in the applicable law, and in particular no full application, yet, of international norms.

Let's take an example: the refugees are, under international law, assisted under the scope of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. But the “Refugee Convention” (and its Protocol) do not consider “climate” as a basis for requesting refugee status. In addition, neither Nepal nor Bangladesh are State parties to the 1951 Convention and the 1967 Protocol, according to the updated “RIMAP”, Rights Mapping and Analysis Platform of the United Nations High Commissioner for Refugees (UNHCR). Even though Nepal and Bangladesh are not State parties to the Convention, this does not mean that the *core contents* of the Refugee Convention do not apply in Bangladesh and Nepal, as we shall see further. In fact, the national laws and/or the case law from the highest courts of the countries have affirmed the applicability of the international customs – including the Refugee Convention. As concerns national laws, it is then important to look first at the Constitutions, and at what they affirm with regards the rights of the people on the move or, more simply, migrants.

As far as Bangladesh is concerned, the Constitution of the People's Republic of Bangladesh (Ministry of Law, Justice and Parliamentary Affairs, 2019) provides in its Preamble that Bangladesh was founded with a vision of the importance of a society “(...) in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens”. Article 11 of the Constitution emphasises that “The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed”. It is also important to note that Bangladesh's Constitution is clear about the *effect of international law on national law*. Article 25 of the Constitution, on the “Fundamental Principles of State Policy”, states that “The State shall base its international relations on (...) respect for international law and the principles enunciated in the United Nations Charter (...)”.

The Nepal Constitution (of 2015) also guarantees human rights, by stating in article 16(1) that “Each person shall have the right to live with dignity”. In its “Directive Principles” (article 50(1)), the Nepal Constitution makes clear that it is part of the State objectives “protecting freedom, equality, property and all citizens through rule of law; by embracing the norms and values of fundamental rights and human rights, gender equality, proportional inclusion, participation and social justice”. It underlines even more this goal in article 50(2) of the Constitution by saying that “It shall be the socio-cultural objective of the State to build a civilized and egalitarian society by ending all forms of discrimination, oppression and injustice based on religion, culture, cultural practices, customs, traditional practices, or on any other grounds” (Constitute Project, s.d.).

Furthermore, the national laws and the case law in Nepal and Bangladesh specify the rights of people on the move. In Bangladesh, the main diploma as regards migrants is the *Foreigners Act, 1946* (Act No. XXXI of 1946). Yet, more recently, a decision of the Supreme Court of 2017 has had a crucial impact on migrants that may suffer serious consequences in their life or health, if obliged to return to their home country. It is the caselaw *Refugee and Migratory Movements Research Unit (RMMRU) v. Government of Bangladesh* (Writ petition no. 10504 of 2016, Bangladesh: Supreme Court, 31 May 2017). This decision has been called “Bangladesh's judicial encounter with the 1951 Refugee Convention” (Forced Migration Review, 2024).

In this case, the Supreme Court of Bangladesh held that the 1951 Refugee Convention had “become a part of customary international law which is binding upon all the countries of the world, irrespective of whether a particular country has formally signed, acceded to or ratified the Convention or not.” It states that: “Though Bangladesh has not formally ratified the Convention relation to the Status of Refugees, yet all the refugees and asylum-seekers from scores of countries of the world to other countries have been regulated by and under this Convention for more than 60 (sixty) years. This Convention by now has become a part of customary international law, irrespective of whether a particular country has formally signed, acceded to or ratified the Convention or not.” (p. 9).

In practice, in this case, the Supreme Court of Bangladesh also and decisively based its decision on the fact that Bangladesh is a full State party to the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, of 1984. This played a role in the decision of *not pushing back* (“refouler”, an action prohibited by the Refugee Convention, also) to Myanmar a Rohingya person, after he had served a criminal sentence, because he could be persecuted or tortured, or even fear for his life in his home country.

Apart from the 1951 Refugee Convention and its 1967 Protocol, dealing specifically with refugees, other international norms also apply in Bangladesh and Nepal. Both countries are part of a set of human rights norms the relevance of which is decisive in the area of “People on the Move”. In particular, this is the case of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, approved by the United Nations General Assembly in 1990, and in force internationally since 1 July 2003.

This international convention is essential, because it guarantees the *right to healthcare for migrants and their families in case of emergency*, in equal conditions with national:

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

Article 28

Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused to them by reason of any irregularity with regard to stay or employment.

Bangladesh is among the few State parties in the world to have fully accepted to be bound by this important international convention. So far, Nepal is not. Still, despite the fact that Nepal is not a State party to the international convention on Migrant Workers and Members of their Families, Nepal (and Bangladesh) are also parties to several international conventions which protect migrant workers, like the international Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights.

Some of the above-mentioned international conventions make a direct reference to the situation of refugees. This is the case of the Convention on the Rights of the Child, widely approved by States (including Bangladesh and Nepal). Under article 22 of this international convention, “(1) States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance (...).”

Moreover, the Convention on Persons with Disabilities makes a wider reference to migrants and mobility, when stating in article 18 (Liberty of movement and nationality) that “(1) States Parties shall recognize the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities: (...) b. Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement.”

Apart from the “classical” international conventions, it must be noted that the United Nations Sustainable Development Goals (SDGs) are also applicable to both countries. As Niroula (2021) says “All SDG goals are interlinked and specifically Goal 8 on decent work and economic growth, and Goal 10 on reduced inequalities highlight the rights of the migrant workers. The implementation of SDG 8 is essential to increase employment opportunities and formalize jobs, create a safe and secure environment for women, and reduce the gender gap in employment opportunities.” Other important “soft law” (non binding) instruments at international level are essential. This is the case of the Global Compact for Safe, Orderly and Regular Migration (or Global Compact on Migration – usually abbreviated GCM), approved by the United Nations General Assembly on 19 December 2018. Objective 6 of the GCM emphasizes ethical recruitment and safeguarding the condition that ensures a decent working environment for all migrants.

Both Bangladesh and Nepal have been active in implementing and reviewing the progress of the implementation of the GCM, but still many gaps appear when looking more closely. In many ways, the core legal challenge is the absence of a formal, nationally recognized legal framework that identifies and protects climate-displaced people (CDP). Studies have specifically been conducted in Bangladesh on this issue, and show that, despite decades of evidence documenting climate-induced migration (Shamsuddoha *et al.*, 2012), the national policies such as the Disaster Management Act (2012) and the National Adaptation Plan (2023–2050) do not define CDP or articulate their specific rights. This legal vacuum aligns with broader global patterns, as climate migrants do not qualify as refugees under the 1951 Refugee Convention, and remain globally outside the purview of international protection frameworks, as we have seen (Okedele *et al.*, 2024). The result is also a condition of *legal invisibility and marginalization*. Legal precarity is compounded when displaced families lose land documents, identity papers, or property records during disaster events. This creates a form of *de facto* statelessness, in practice, limiting access to housing, healthcare, education, and justice in receiving areas (Hannan, 2024). Land rights remain, in the case of Bangladesh again, a critical issue: although *khas* land redistribution programs exist, they remain inadequate relative to need, and no rights-based, durable housing policy is yet in place (Bari *et al.*, 2021; UNFCCC, 2025). Without clear legal status, climate-displaced families face exclusion from social protection mechanisms and local administrative processes that determine access to essential services. To conclude this section, we observe that the limitations of the law, *in practice*, impact the realities in the field, and generate another type of challenges – the ethical challenges.

3. Ethical Challenges

The practical problems and ethical dilemmas related to people on the move in the context of climate change are very much depending on the context of each country, and even sometimes on the regional context. It is hard to generalize, and it would even be academically incorrect to do so; but at least some more obvious problems can be underlined. In the case of Bangladesh, the main issue is the Rohingya question. Rohingya are not recognised as refugees by Bangladesh, yet being considered as such under the United Nations law. They reach the round number of 1 million in 2025, being concentrated in the Cox's Bazar District, the most eastern region of Bangladesh. Fleeing from Myanmar, where they are denied citizenship for historical and more recent political reasons (Minz & Kujur, 2023). The Rohingya communities rely almost entirely on humanitarian assistance for their survival, and are highly exposed to weather-related hazards, as shows the recent data of the PRiA project (PRiA project, 2024).

The situation differs in Nepal, where the number of people on the move coming from other States or equivalent entities is much more reduced. In 2021, Nepal "hosted 20,000 people of concern to UNHCR. Approximately 13,000 Tibetans resided in 13 settlements across the country, 6,400 Bhutanese resided in two settlements in the east of Nepal, and 670 refugees and 130 asylum seekers of other nationalities were in Kathmandu." (UNHCR, 2021). But this number has not increased, on the contrary, knowing that there are yet specific challenges linked to refugees in Nepal. One of them is the fact that one-third of the refugees in Nepal are children (UNHCR, 2023). In Bangladesh, the Rohingya population are indeed *de facto* refugees (albeit not being recognized with the specific refugee status by the Bangladesh authorities, once again). In Nepal, contrary to Bangladesh, there are no stateless persons registered.

As concerns the Rohingya question in Bangladesh, the data from UNHCR show some interesting progress. Yet, there are some areas of potential or actual problems, raising some specific ethical challenges. In particular, the opening of refugee installations on the island of Bhasan Char (or more simply Char island) is an issue. As Mallick puts it, we can question whether it is a solution or a "new dilemma" for Rohingya refugees. It is true that the situation on Char island does not involve the same degree of safety and security problems as in the Cox's Bazar District. But the issue of freedom of movement, for a population living on an island, remains.

In fact, within Bangladesh, internal displacement also concerns the resident population, and represents one more challenge to be dealt with by public authorities already under pressure in urban centres. Internal migrations motivated by both social and economic needs, on the one hand, and by climate change, on the other, heightens the vulnerability of migrants. Newly displaced populations encounter harsh living conditions, limited access to basic services, and heightened risks of exploitation in informal labor markets, including conditions resembling modern slavery (IIED, 2025). Social tensions can also rise as displaced populations compete with host communities over scarce urban resources (McAdam, 2011).

Another ethical issue is Gender-Based Violence (GBV). So far, the access to GBV services has been low among the Rohingya population. This is in part due to the fact that complex and delicate questions are at stake when dealing with this type of issue, but also and mainly due to the lack of resources in the field and adequate installations, as reported (Stoken, 2020). The United Nations Population Fund (UNFPA) recommends a survivor-centered approach, because "GBV is a manifestation of power inequality: if people around survivors in a position of power (such as reporters and service providers) impose their perspective, they can unintentionally create another experience where the survivors feel further disempowerment. Dealing with GBV survivors in a survivor-centered manner involves prioritizing their best interest, and applying the guiding principles of safety, confidentiality, respect, and non-discrimination." (UNFPA, 2015). In fact, this ethical challenge is also related to climate-change,

as ethical burdens of climate-induced displacement are not evenly distributed, and gender-based disparities are especially pronounced. Climate-induced internally displaced women face heightened exposure to gender-based violence, restricted livelihood opportunities, insecure housing, and limited legal recourse (Sultana, 2025). In the rest of the country too, women-headed households and smallholder farmers also experience disproportionately greater asset losses and higher rates of distress migration (IIED, 2025).

Concluding notes

Overall, the challenges analysed demonstrate how much work remains to be done to act on the causes of the problems in the interconnected areas of climate change healthcare, legal and ethical issues in Bangladesh and Nepal. Indeed, the Sustainable Development Goals (SDGs) encompass the dimensions of such issues, considering for example SDG 3 (Good Health and Well-being), 5 (Gender Equality), 6 (Clean Water and Sanitation), 10 (Reduced Inequalities), 11 (Sustainable Cities and Communities), 13 (Climate Action), and 16 (Peace, Justice and Strong Institutions). In sum, the question is a wider one, also linked to the way climate justice is achieved. Both Bangladesh and Nepal contribute minimally to global greenhouse gas emissions, and yet endure disproportionate climate impacts – an inequity highlighting the moral obligations of high-emitting countries (Barnett & Webber, 2009; Doglous, 2022). In addition, the failure of global governance frameworks to recognize climate-induced displacement, as highlighted by Okedele *et al.* (2024), raises profound ethical questions about responsibility, restitution, and the universal applicability of human rights in the context of environmental crisis.

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