Human Rights
Situation of Nepalese Migrant Workers

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Observation and Monitoring Report
South Korea and Malaysia

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National Human Rights Commission, Nepal
Harihar Bhawan, Pulchowk, Lalitpur
Human Rights Situation of Nepalese Migrant Workers

Observation and Monitoring Report

South Korea and Malaysia
(30 August to 7 September, 2013)

National Human Rights Commission, Nepal
Harihar Bhawan, Pulchowk, Lalitpur
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Foreword

Migration is a global phenomenon. In Nepal, migration for foreign employment is turning into reality of many Nepali families. However, the violation and abuse of the rights of Nepali migrant workers has been a critical issue and a number of labour destination countries are not the exceptions in this regard. Considering the vulnerability of migrant workers, NHRC- Nepal has embarked upon making a number of initiatives for the protection of the rights of Migrant workers overseas. In this concern, NHRC-Nepal formed a high-level delegation and carried out on-the-spot observation and monitoring of the de-facto situation of the rights of migrant workers working in South Korea and Malaysia.

During the visit, the NHRC-Nepal officials met with the NHRIs counterparts, government officials of South Korea and Malaysia, the Nepalese Embassy officials including the migrant workers and had comprehensive discussion on the perennial issues and problems related to rights of Nepalese migrant workers.

We are, therefore, happy to make public the Report of the Human Rights Situation of Nepalese Migrant Workers based on the observation and monitoring. Following the visit, the NHRC – Nepal has made recommendations to the Government of Nepal for the implementation with due priority.

We heartily extend our thanks to those involved in bringing out this report. We also hope that this report would be a helpful tool for all the concerned to enhance advocacy initiatives and also to the Government of Nepal for the implementation of the rights of migrant workers.

National Human Rights Commission
Harihar Bhavan, Lalitpur
### Acronym

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<th>Description</th>
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<tr>
<td>APF</td>
<td>Asia Pacific Forum</td>
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<td>ASAP</td>
<td>As soon as possible</td>
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<td>CMW</td>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</td>
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<td>DCM</td>
<td>Deputy Chief of Mission</td>
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<td>Gross Domestic Production</td>
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<td>Government of Nepal</td>
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<td>ICC</td>
<td>International Coordinating Committee</td>
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<td>National Human Rights Commission</td>
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1. **Introduction**

The National Human Rights Commission (NHRC) was established in 2000 as per the Human Rights Commission Act, 1997. The Interim Constitution of Nepal, 2063 (2007) elevated its status to a constitutional body giving it the same powers as those of any court to search, investigate, summon and order compensation for the victims of human rights violations. It has significantly contributed to foster the human rights culture in the country and have made significant achievements despite various challenges and constraints, mainly related to lack of resources, inadequate competencies, and the difficulties of maintaining independence. NHRI Asia Pacific Forum (APF) and International Coordinating Committee (ICC) have accredited it with status ‘A’.

An estimated, six million Nepali workers live abroad. Foreign labor migration is a phenomenon that has continued in Nepal for over centuries. This efflux of job seekers overseas for employment and better opportunities is increasing every year. The remittance from foreign labor migrants makes up a significant share of the country’s GDP and revenue. However, majority of the people seeking or pursuing foreign jobs are often the marginalized and unemployed people with no access to state mechanisms and resources. Due to their weak social and economic position, the migrant workers are often at the risk of facing serious human rights violation including their basic human rights. Data and experiences recounted by the migrant workers reflect the plights faced by migrant workers in different part of the world.

The current NHRC’s Strategic Plan has laid out a major objective of advocating for the collective rights including the rights of women,
children, and persons with disability, senior citizens and rights of the migrant workers. The Strategic Plan has specified different actions aimed at eliminating exploitation and discrimination of such groups.

Therefore, at the backdrop of NHRC’s earlier policy recommendation to the GON to ratify the Convention on the Rights of Migrant Workers (CMW) in order to protect rights of migrant workers in foreign countries and to bring about policy level change through NHRC intervention, the NHRC has made a decision to involve Hon’ble Commissioners to study visit to monitor labor receiving countries preferably South Korea and Malaysia, where Nepalese migrant workers are said to be facing severe human rights issues and challenges. It is believed that the monitoring visit will help protect the rights of the migrant workers in those countries. This visit will be a proper follow up of the commitments expressed in the International Conference of NHRI s on migrant rights hosted by the NHRC in 2012.

Objectives:
To study and monitor the status of Nepalese migrant workers in South Korea and Malaysia and to explore the possible areas of cooperation between NHRI s to protect the Human Rights of Nepalese Migrant Workers.

Objective
Overall Objective: The overall objective of the visit is to enable the NHRC to identify key issues and the challenges in the protection for the rights of Migrant Workers. The visit also aimed at identifying good practices followed by the countries in the region and sharing the lesson learnt. It will also help to explore possible areas of cooperation between NHRI s in the area of Migrant Workers; human rights;
Specific Objectives: The specific objectives of the program are as follows:
- To carry out basic research on how the migrant workers are being treated in the destination countries;
• To identify strengths and challenges of the GON in protecting migrant worker’s human rights in labor destination countries;
• To meet and discuss with the counterpart NHRI’s in South Korea and Malaysia to raise issues and challenges faced by Nepalese migrant workers in their respective countries and to embark upon evolving the solutions to those issues and challenges;
• To recommend GON to take necessary measures and steps to further protect the MW’s human rights.

2. Methods/Process

In the history of NHRC, this was for the first time the Commission decided to monitor human rights situation of Nepalese migrant workers by visiting the migration preferred countries. Upon such decision, it was communicated to the GON, Ministry of Foreign Affairs and respective Embassies for necessary arrangements. The President of Nepal was formally informed about the visit.

Following a thorough discussion in the NHRC’s board meeting, it was decided to select South Korea and Malaysia for the monitoring purpose. With the motives to identify issues and discuss on such issues with the counterpart Commission in the respective countries; the Commission decided the following methods:

- **Observation:** A huge influx of human resource from Nepal has been migrating to these countries and this trend is subsequently increasing with increase in the rates of unemployment in Nepal\(^1\). The NHRC chose observation as a tool to identify the trend, professionalism, and service of the GON that is responsible to protect the human rights and deliver necessary services to migrant workers. The Commission would also decide to observe the working condition, living condition, security situation, and general happiness of the workers from Nepal to these countries.

\(^1\) *Nepal Planning Commission Annual Report*
- **Meeting with the Nepalese Embassies:** With due focus on human rights of the migrant workers, the Commission would decide to meet with the Nepalese Embassies to Korea and Malaysia in order to identify practices, expertise, necessities of the MWs and abilities to address those needs.

- **Focus Group Discussion:** Maximizing the opportunity, the NHRC planned to meet and discuss with two groups of migrants; first with the established Nepalese migrants (who have become citizens of receiving countries), and second with migrant workers (who are bearing the working visa status).

- **Meeting with the Counterpart:** In order to utilize the mandate, power and function of counterpart Commissions in the two countries, the NHRC chose to meet the Commissioners and executives of the National Human Rights Commission of Korea (NHRCK) and the National Human Rights Commission of Malaysia (SUHAKAM) to discuss on specific issues of Nepalese migrant workers. The major purpose of this meeting is to maximize cooperation between the Commissions and to establish new links between the NHRCK and SUHAKAM with the respective Embassies of Nepal.

- **Recommendation:** Upon receiving all the information and situation, the Commission would decide to recommend the GON, Ministry of Foreign Affairs and other relevant agencies with specific steps they would need to take for protecting and respecting the rights of the Nepalese migrant workers in general.

### 3. **Government of Nepal's situation in migration preferred countries:**

**South Korea and Malaysia**

**South Korea:** The GON has an active presence in South Korea. The Commission could observe that the Ambassador to SK was active
and functioning well in his jurisdiction. The Ambassador is facilitated with a team of 9 people; comprising of DCM (MOFA Staff); Labor Attaché (a representative from Ministry of Labor and Transport); Secretaries (First and Second- one of them is a female) and support staffs. The team also has two local (Korean) staffs working there for a long time with Nepal Embassy. Most of the staffs in the team understand Korean language; some speak and communicate as well.

The Embassy has a new office in a newly rented building in a diplomatic area of Seoul. With a good space and infrastructure in place, there are two vehicles available to the team; one used by the Ambassador and the other used by the DCM and for other general purposes.

On 31st August 2013, the Labor Attaché received information during the briefing session to the NHRC that a Nepalese MW died at work. He then had to rush to the Company; about 6 hours drive from Seoul. Later tomorrow, he informed the Commission that this was a natural death, certified by the
Generally the Embassy is informed by the MWs and Korean companies that hire Nepalese workers if anything happens to a Nepalese MW. The NHRC could also observe the Embassy’s time is spent in dealing with normal to critical issues of Nepalese migrant workers in Korea i.e. attending programs organized by Nepalese communities; visiting the companies where Nepalese face problems; dealing with visas; managing the issues of different types of migrants i.e. business community, marriage migrants, journalists etc..

Korean Authorities. According to him, the boy, 24 years of age, was weak and ill and couldn’t physically bear the hard work. Otherwise the company’s treatment to him was very good; his living condition was also adequate etc.

High level delegation of NHRC with the Nepal Embassy representatives and Nepali Migrant workers community representatives after an interaction program at the Embassy hall. South Korea, September, 2013
Malaysia: The Nepalese Embassy to Malaysia represents the GON in Situated at JalanAmpang, Kuala Lumpur, the Embassy has a small flat in a multi storey building. The Charge-d’Affaires Mr. LekhNath Bhattarai is leading the office of total 8 Nepalese staffs (one of which is a female) and 4 local staffs. The Ambassador has not taken up the responsibilities yet. During observation, the Commission could see a long line and a big crowd of Nepalese migrant workers (about 500 people), who were present everywhere in the Embassy flat, including in lift, basement etc. The office rooms of the Ambassador, Charge d’Affaires, and other staffs were massively occupied by Nepalese citizenship cards, bundles of forms for visas and one-way travel authorization letters etc. People were frequently asking questions to the staffs handling reception and visa-consular section. The Government of Malaysia’s recently announced CRACK DOWN mission of MWs was becoming an alarming problem for the Nepalese migrant workers whose visa was expired, or passport was stolen/lost.

4. Issues and Challenges of Migrant Workers in Korea

Upon receiving information provided by the Embassy, MWs, representatives of Nepalese media, business circle, civil society and political communities in Korea, the Commission identified the
following as the key issues and challenges of Nepalese MWs in Korea:

a. Female Marriage Migrants need special prevention and protection: The protection and prevention of female marriage migrants to Korea was undoubtedly the first priority issue for the Nepalese community in Korea. According to the Embassy, there are approximately 1000 Female migrants who have come to Korea through marriage bureaus. The bureaus are match making agencies in Nepal, that are playing the key role in fixing marriage of Nepalese women with Korean men for the last few years. According to the MWs’ community, these bureaus are selling dreams to Nepalese women about the rich and happy life in Korea, citizenship upon arriving in Korea, job opportunity and a good family life.³

³A representative from a NGO called Young Star, in Seoul, opined that such bureaus should be dissolved, because they are seriously committing offence by enticing Nepalese women to marry old, disabled Korean male, by showing a bright future in Korea.
However, according to the President of Gulmi Samparka Samitee, Sinhong college Mr. Gandiv Subedi (24yrs, Male, MW under EPS) it will be better if these women don’t migrate to Korea by marrying a Korean male. He outlined few reasons for this: Firstly these girls are not trained in Korean Language (considering the language in Korea fully Korean, and people hardly understand languages other than Korean); only old Koreans seek foreign brides and they don’t treat women with respect; marriage bureau give false counseling to these women and they think they could escape once reached in Korea, but that becomes impossible upon coming here due to language, strict monitoring of the husband, and difficult life in Korea for a stranger, etc.

The Embassy, however, unveiled that such scenario doesn’t apply to all marriage migrants. About 300 married couples are very happy in their life. They visit Embassy frequently and report their well-being and happy family life with Korean men. However, some husbands maltreat their spouses. Embassy is aware that there are some reporting of violence against Nepalese female marriage migrants.

The major challenge for the Embassy to respond to this is mainly because protection of marriage migrants’ rights sometimes conflicts with the rights of Korean citizens. Mainly in the scenario, where neither Korea nor Nepal has signed the International Convention on Migrant Workers (CMW), it is difficult to raise the issues of rights even if such cases are duly notified to the Embassy. The only step to take is to request the Korean Government to take action against their citizens for delivering judicial remedies to the victim.
b. Discrimination Against Migrant Workers needs national attention:

In the focus groups, the Nepalese MWs raised their voice on facing discriminatory treatment by companies and government of Korea only because they are Migrant workers. The Korean Government has not yet recognized their migrant rights. Workers don’t get paternity or maternity leave from the companies3. if they get pregnant. They have no access to National Insurance and Pension facilities (NPS), due to which, other nationals have access get two times higher pension upon retirement, compared to that of the Nepalese MWs.

Similarly, the MWs raised some questions to the Delegation. Some of them were: If someone goes for a holiday for few weeks with due approval, company rejects their visa, though they give approvals, and once the person is back, they are held in airport and deported back. What to do in such a situation?; Similarly, workers cannot bring their family members i.e. mother, father to Korea except for 3 months. What to do?; likewise, A Korean husband evicts a Nepali wife after few years upon the expiry of her visa., the fact is she is not a divorcee, and she becomes illegal. What to do?

Despite discrimination in the migrant workers receiving country, discrimination was identified at the country of origin. GON began to send Nepalese MWs to Korea under the EPS system (Employment Permission System with the agreement entered into with the Korean Government).

3Junu Gurung, Chairperson of NGO Women for Women in Korea raised this issue. She has been active in providing shelter to Nepalese female migrants in need. 2 September 2013, Seoul.
According to Mr. Udaya Rai, the representative of Gefont in Korea, the employment market is divided into two categories; Manufacturing, and Agriculture/fishery. People who come to work in Manufacturing and after some time, they wish to change to agriculture or fishery, they cannot move due to this system. Only benefit of this system was that Nepalese could migrate to Korea for work in only 65000 Nepali rupees. However, the EPS blocks MWs to be able to freely choose the nature of work.

Working hour was also raised as an issue of discrimination. Korean companies consider 12 hours of work as normal working time with an hour break as per company’s nature of work. Nepalese workers expect 8 hours of work as normal. This is a cultural shock to the MWs in Korea and they are obliged to work long hours without any grievances.

Regarding the living conditions, mainly hostels, the only means of shelter in the agriculture sector and small manufacturing companies, were complained as problematic in particular. The company’s noisy but cozy rooms are provided for 7 to 8 people to accommodate together. Because companies are...?

The Embassy, however, has a clear version on this. The Ambassador HE Kaman Singh Lama repeatedly said that the workers should be ready to go through a difficult time if they chose Korea as a country of work. He clarified his statement by saying that Korean companies are strict, rigid and compelling. In fact, different from the Nepalese companies and their practices. The major challenge the Embassy faces is that the Nepalese MWs are treated according to the agreement and the Embassy can hardly do anything for preventing Nepalese citizens from such discriminatory practice.
5. NHRC Korea’s Commitments

Realizing that Nepalese nationals should not be discriminated in the foreign land on any ground, despite the race, sex, country of origin they have and the nature of work they do in Korea, the national mechanisms in Korea should take necessary steps to protect and promote the basic human rights of Nepalese citizens, the NHRC delegation met with the Korean counterpart of the National Human Rights Commission of Korea. The Chairperson of both the Commissions exchanged greetings and shared the functions and mandates of both the Commissions. NHRC raised situation of Nepalese migrant workers and drew the attention of NHRCK towards the issues explained in the paragraphs above. The NHRCK provided following commitments:

- The civil rights division of the NHRCK deals with policies, investigation, compensation etc. They have a 3 year promotional plan of the NHRCK. They have taken protection of the human rights of minorities in Korea as a key strategy
to protect and promote human rights in Korea. Therefore issues faced by Nepalese MWs would be of their serious concerns.

- They also informed the NHRC-Nepal that from their 3 offices, they received 74000 complaints last year, out of which, 3% were related to discrimination. They assured that if Nepalese MWs have raised these issues, they would be able to follow up, investigate and monitor their human rights.

- NHRCK also expressed their commitment to renew the MOU with NHRCN on enhancing mutual cooperation for protection and promotion of human rights of migrants by either country.

- The Ambassador and DCM of the Nepalese Embassy raised the specific case of violence and torture received by a Nepalese woman. The NHRCK mentioned about Article 4 and 6 of the Korean Constitution where rights of migrants are also protected. They expressed sincere commitment to support the Embassy if any of such incidents raises the issue of human rights of Nepalese MWs in Korea.

6. Issues and Challenges of Migrant Workers in Malaysia:

Malaysia, as a migration preferred country, has a large number of Nepalese migrant workers compared to Korea. However, the Embassy is very under-supported by the GON to deal with MWs’ issues. Upon receiving information from migrants from different sectors, business community, media representatives and the Embassy’s staffs, the NHRC found following issues and challenges of MWs in Malaysia:

a. Right to Life with dignity has to be well ensured and protected:

The increasing number of Nepalese MWs in Malaysia,
growing number of illegal workers every day, difficult working conditions mainly in agriculture and services are chief factors that lead Nepalese MWs to get involved in crimes, commit suicide, die due to stress and lead their life full of fear and anxiety in Malaysia. This is a serious issue taken into consideration by the NHRCN.

b. Discriminatory and maltreatment to Nepalese workers needs national attention:

The Delegation found Nepalese MWs are maltreated at many stages, firstly in Nepal, then at the Malaysian Airport, at the companies and at hostels where they live. The manpower companies receive double the amount needed for migrating to Malaysia and falsely prepare their documents, the companies don’t come to receive Nepalese workers at the Airport, because of which, they are compelled to spend hours and days at the airport. They are easily cheated by other companies and sent to work for jobs other than the work that was promised. This clearly makes these workers illegal and they are repeatedly cheated by the companies by not paying the salaries prescribed during contract by taking their passports away from them, by harassing them and engaging at work for long hours without overtime payment facilities. Their rights are further violated when they are looted and the police would not register their complaints simply because they are made bonded labors, without any identity in Malaysia.

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4The information is based on FGDs with Nepalese migrant communities in Malaysia, the Embassy of Nepal in Malaysia and the Nepali media representatives in Malaysia.
c. **Right to security, fair trial and due process has to be ensured:**

The Commission identified major issues from the general security of Nepalese MWs in Malaysia to their personal security at hostels. Some workers, while interviewed, responded that they are looted at hostels on the day of their salary distribution. No one can complain against it for the reason that they would face further problems to his or her own security and work. Not to mention, there are cases of suicides committed by Nepalese MWs, accidents happened due to lost concentrationat work, and some indulged in criminal activities as well in order to overcome the situation.

The Embassy also informed that there are approximately 400 Nepalese MWs in Jails and they are harshly treated. Some complain that they don’t get enough food to eat, they are not allowed to wear clothes (only inner wares allowed) they get no legal representation in the courts due to expensive legal service in Malaysia and some of them ask the Embassy, which, unfortunately, is not possible for the Embassy to facilitate as such.

The Delegation was surprised to be informed that the Government of Malaysia has very recently announced the CRACK DOWN of all illegal migrant workers in Malaysia (Approximately 5 million from all countries) and send them back to country of origin, which was already throwing impacts and hundreds of Nepalese MWs with illegal status were thronging at the Embassy for travel documents and passports.
7. NHRC Malaysia’s Commitments

NHRCN raised many of these issues and concerns to the NHRC of Malaysia (The SUHAKAM). As a counterpart NHRC, SUHAKAM welcomed NHRC’s concerns and worries about the situation of Nepalese migrant workers in Malaysia. By informing the NHRC about their legal status and mandate, functions and organizational structures, SUHAKAM expressed their concern and attention to the issues raised as furnished in the following points:

- Government of Malaysia is receiving 35% of their workforce through migration⁵. Therefore there are certain mechanisms in place for protecting the rights of MWs in Malaysia. However SUHAKAM found some of the issues raised by NHRCN as new but serious and as a national mechanism to protect and promote human

⁵According to the information provided by the Commissioner of SUHAKAM Mr. James.
rights, SUHAKAM committed to keep in close connection with the Embassy of Nepal to Malaysia for future cooperation.

- SUHAKAM guarantees their position to receive complaints from Nepalese MWs if they face any human rights abuses. They request the Embassy to facilitate the process and forward the complaints to the SUHAKAM.
- In the request of NHRCN to enter into an MOU for future cooperation between the two Commissions, SUHAKAM expressed their willingness to enter into such MOU in general terms. However, they said that due to the nature of work both the commissions do, and as part of international coordination mechanism, they would entertain any specific requests that NHRCN would make for them, including requests for detention centers visit, investigation of any particular case etc.
8. Conclusion

The visit of the NHRC delegation to study and monitor Nepalese MWs’ human rights situation in Korea and Malaysia indeed was an excellent opportunity for the NHRC to advance its knowledge, expertise and experience on protecting migrant worker’s human rights. This was very practical follow up of the International Conference of NHRI s organized by NHRCN in November 2012.

During the visit, NHRC learned that Nepalese MWs’ rights begin to infringe in Nepal. Most of the problems the men and women are facing in migrated countries have the root in Nepal in the first place. False counseling, breaching the right to proper information, production and procession of fake documents including fake marriage certificates, lack of interest of authorities in entering into MOU with migrants receiving countries prior to sending the nationals to those countries are some of the major reasons of problem they face in the foreign lands. Embassies are very poorly equipped and insufficiently human resourced. Poor bargaining power of the GON with the labor force requesting countries mainly on remuneration scales, bank deposit systems, insurance and pension systems, freedom to change companies and nature of work with prior notice and approval etc. is nurturing continuous harassment and discrimination against the Nepalese work force in those countries. Ultimately safety, security, privacy, dignity, integrity, legal rights, and fundamental freedoms ensured by all human rights instruments to the Nepalese work force have been at a stake, for which there should be at least the following steps to be taken up by the GON.
9. Recommendations (Policy recommendations)

- GON to ratify the CMW as soon as possible;
- GON to enter into MOU prior to sending any further work force to migrants receiving countries;
- GON to facilitate discussion with governments of Korea and Malaysia and all other migrants workers receiving countries to address issues of working hours, remuneration, working condition and access of Nepalese MWs to amenities viz. national pension and insurance systems.
- GON to take all possible measures to provide legal representation of Nepalese MWs in the courts of migrants workers receiving countries. For the purposes, Embassies shall be equipped with legal officers and counseling staffs as early as possible.
NHRC Recommendations on Protection and Promotion of the Rights of Migrant Workers
September 12, 2013

With the growing trend of globalization, dimensions of the work field for migrant workers and their destinations are getting wider year after year. Confined specially in the security field in the past, facets of foreign employment are now developing rapidly. As of today, the Government of Nepal (GoN) has opened the door for the foreign employment in as many as 109 countries for aspiring Nepalese migrant workers. Around 300 million Nepalese nationals have migrated to various countries in the world as migrant workers. Most of these migrant workers are stationed in Malaysia in south west Asia and in Qatar, Saudi Arabia, Jordan, Israel, Yemen and Lebanon in Middle East.

On the one hand, Nepal has been receiving the remittance worth billions of rupees through foreign employment every year and this enormous chunk has helped boost the Nepalese national economy as the main source of income. While on the other hand, the Nepalese migrant workers are facing difficulties and are compelled to lead hell-like life in foreign land due to the lack of adequate knowledge of migration including the procedures and process of foreign employment and its transparency.

At times, the facts are unveiled through media reports that the migrant workers are deprived of their basic rights against the universal human rights principles and values and most of the migrant workers are deprived of minimum humanitarian service and standard in their work place.

It is well known that the National Human Rights Commission-Nepal (NHRC-Nepal) has been carrying out various activities such as the policy-wise advocacy, social awareness raising, investigation, complaint handling, interaction and discussion, reports publication including making of recommendations on the issues related to the protection and promotion of the rights of migrant workers
through various mechanisms under its purview. In this regard, the
NHRC-Nepal has developed bilateral relationship with the NHRIs
of other countries in the preliminary phase. Following this, a
regional workshop on the rights of migrant workers was organized
by the NHRC-Nepal among the countries of Asia Pacific region in
Kathmandu in November, 2012. In this concern, it can be recalled
that the NHRC- Nepal and NHRC- Korea have inked the landmark
Memorandum of Understanding (MoU). The NHRC- Nepal has also
proposed before the NHRIs of Malaysia and Qatar for signing the
same nature of bilateral agreement.

In this regard, a high level five member team comprising Hon.
Chairperson and Commissioners of NHRC-Nepal have recently
toured South Korea and Malaysia (August 30 – September 5, 2013)
for the observation and monitoring on the de-facto situation of
the Nepalese migrant workers and the existing challenges they are
facing in those countries.

The NHRC-Nepal hereby recommends to the GoN to take steps to
ensure the rights of Nepalese migrant workers as furnished below
in accordance with the monitoring and investigation report on
migrant workers produced upon the high level study visit to two
countries.

1. Major Recommendations

Considering seeking priority for protecting and promoting the
rights of Nepalese migrant workers, NHRC seriously draws
attention of GoN to promulgate national laws, policies and
action plan and also to set up mechanism in line with the
NHRC recommendations sent on November 22, 2012
to ratify the International Convention on the Rights of
Migrant Workers
2. **Special recommendations**

2.1 **Landmark initiatives:**

As far as possible, there is a need of signing an agreement between Nepal and labor receiving country before Nepalese workers proceed to any country of the world for overseas jobs. Before signing the agreement, policy and law of the related country should be studied and analyzed regarding migrant workers and develop a creditable and distinct concept.

2.2 **Basic language skills and training:**

Any Nepalese migrant worker should be made familiar with language, culture and lifestyle of related destination country, and s/he should be trained on basic law and other arrangements before s/he is given permission to proceed overseas for jobs.

2.3 **Job guarantee:**

Before any Nepalese migrant worker leaves for overseas job, guarantee should be ensured for her/his job. Similarly, they ought to be equipped with necessary skill, education and training for related job prior to their departure for foreign employment.

2.4 **Certification of Proper Management, Insurance and Travel**

It is appropriate to send the migrant workers upon ensuring the appropriate employment, minimum salary, health certificate, life insurance and minimum expenses to be incurred in the event of the risk while traveling and insurance. The Government ought take stern and effective step to control fraud and forgery in this regard.
2.5 Control and end of exploitation and act of defrauding by brokers (Middle person)
The Government ought to launch effective monitoring on the trend of agreement about the job offer other than it is mentioned in the attractive advertisement and save the migrant workers from possible risk of falling victim of such gimmicks.

2.6: Control and prevent corruption, bribery and abuse of authority
Since the activities of cheating, exploitation and defrauding are provided shelter both overseas and back home due to the malpractice of corruption, bribery and abuse of authority, strong and effective steps ought to be taken against such practices.

2.7. Exploitation and discrimination free foreign employment
At times, most Nepalese migrant workers have fallen the victim of kind of exploitation, discrimination and even trafficking in foreign land. In order to protect from such risks, the GoN needs to have the sound and reliable relationship with the concerned government including other stakeholders of those countries. The GoN ought to adopt the appropriate measures to make preventive and protective activities effective and vibrant so as to ensure the Nepalese migrant workers to be out of any kind of vulnerability and harm.

2.8 Secure foreign employment and marriage migration
The GoN ought to draw clear national policies and guidelines and implement them effectively in order to ensure the minimum salary, safe workplace and working condition, exploitation and discrimination free labor and safe marriage migration. The Government should in any case take step to ensure the human rights of the migrant workers trapped in such circumstances.
The Government needs to take immediate step to make necessary arrangement to ensure for the prevention from exploitation, discrimination and physical torment perpetuated specially on woman migrant workers and those migrated through marriage migration system including their safe repatriation to their home country.

2.9 Human resource and institutional capacity development of Nepalese Embassies in labor destination countries
Despite the fact that various support activities are performed by the human resource and the labor attaché of the concerned embassies to facilitate to those stranded workers in difficulty due to the loss of their passport, visa document and travel itinerary in Malaysia and the middle east countries, the Government should take immediate step to ensure more effective management and development of human resource including the institutional capacity development of the concerned embassies.

2.10 Establishment and improvement of bilateral and multilateral relationship
It is deemed necessary to establish and widen the horizon of bilateral and multilateral relationship between the GoN through the embassy, NHRC-Nepal, and other reliable non-governmental organizations with the government and NHRIs of other countries that ensures to prevent the migrant workers from exploitation, discrimination and other possible risk and to rescue them immediately, and also to provide relief and reparation including their safe repatriation to home country.

It is also necessary that the GoN extend its relationship with the UN bodies including International Office of Migration (IOM) to ensure the protection of the rights of Nepalese Migrant Workers.