National Human Rights Commission, Nepal

Central Office
Harihar Bhawan, Pulchowk, Lalitpur, Nepal

Phone: +977 1 5010015 Fax: +977 1 5547973 G.P.O. Box: 9182, Kathmandu, Nepal

Email: nhrc@nhrcnepal.org Website: www.nhrcnepal.org
Memorandum of Understanding (MOU) between the National Human Rights Commission of Nepal (NHRCN) and the Human Rights Commission of Malaysia (SUHAKAM)

An Information Note

The International Conference on Protection of Rights of the Migrant Workers held under the auspices of National Human Rights Commission of Nepal on 12-14 November 2019 in Kathmandu produced an outcome document in the form of Kathmandu Declaration, 2019. The conference held extensive discussion on various challenges and prospects for protecting rights of the migrant workers through all stages of the migration process, particularly focusing on the situation obtaining in South–South migration in the Asia-Pacific Region. Cooperation and partnerships based on international legal and cooperative frameworks as well as synergy between human rights mechanisms and joint political commitments were deemed effective tools for protection of migrant workers’ rights. In pursuance of it, the National Human Rights Commission of Nepal (NHRCN) and the Human Rights Commission of Malaysia (SUHAKAM) has signed the memorandum of understanding (MoU) dated 14 November 2019. The MoU aims to promote on equal cooperation and exchange between the Parties based on the Seoul Guidelines on the Cooperation of National Human Rights Institutions for the Promotion and Protection of Migrant Rights in Asia (Adopted in Seoul, November 2008) and other outcomes of NHRIs’ international conferences on rights of the migrant workers. Furthermore, it also continue to enhance the respect, protect and remedy in relation to rights of migrant workers.

The MoU exclusively focuses on the following areas of cooperation:

1. The Parties shall enhance institutionalized networking of NHRIs both at the bilateral and regional levels, to strengthen cooperation, collaboration and advocacy for respect and protection of rights of the migrant workers and their families.

2. The Parties shall consider signing agreements between NHRIs at the bilateral and regional levels for facilitating joint cross-border oversight and monitoring of human rights of migrant workers, including women migrant workers, irrespective of their status.

3. The Parties shall adequately respond to complaints relating to rights of the migrant workers according to prevailing labour laws and other relevant laws of each State.

4. The Parties shall engage to protect the rights of the migrant workers; to educate employers, workers and other appropriate persons on rights of migrant workers; and to facilitate provision of training, technical assistance, and legal assistance to migrant workers.

5. The Parties agreed to work within their mandate to prevent cross border human trafficking, migrant smuggling and forced labour in Malaysia and Nepal, and work collaboratively with the respective governments to assist and facilitate the identification of victims of human trafficking and forced labour.

6. The Parties agreed to work in partnership with the relevant ministries, departments, diplomatic missions, agencies and organisations in order to improve migrant workers’ conditions and to support them in pursuing their rights.

The Parties will meet every six months to discuss policy issues and will nominate focal points at both NHRIs to act as conduits of information sharing and to coordinate joint activities.