

Foreign Labor Migration and Trafficking in Persons in Nepal: A Situational Analysis

Everyone has the right to life, liberty and security of person.

UDHR 1948/Art 3

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

UDHR 1948/Art 24

No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ICRMW 1990/Art 10

No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfill a contractual obligation.

ICRMW 1990/Art 20



National Human Rights Commission
Harihar Bhawan, Lalitpur
Nepal



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Preface

National Human Rights Commission (NHRC) was established on the year 2000 with the objective of promotion and protection of human rights in Nepal. The NHRC has been elevated to a Constitutional body by the Interim Constitution of Nepal, 2007. The NHRC had to dedicate its time and efforts to respond the situation of armed conflict with special focus of human rights violations and abuses under the civil and political rights. NHRC has been working on the issues related to the economic, social and cultural rights only after the success of April Movement 2006 followed by Comprehensive Peace Accord (CPA) 2006 which brought formal end of more than a decade long internal armed conflict of Nepal.

Foreign employment has become one of the central pillars of the Nepali economy constituting 20 percent remittance of the country's GDP. Even at the household level, labour migration has become one of the main livelihood means at the household level which has been a major contributing factor to the poverty reduction. It is estimated that approximately 2.2 million Nepalis are working as migrant workers in various countries. It is estimated that 10 per cent of labour migrants is female. Among the migrants, nearly 90 percent is working in Qatar, Malaysia, Saudi Arabia, the UAE and Kuwait. However, a great deal of migration taking place for the purpose of unskilled jobs has been a hindrance in taking benefit unlike other migrant driven countries with skilled workers. Though some governments have taken some positive initiatives taken by government towards safe migration through legislative and regulation related steps in the field of the labour migration, the large number of Nepali migrant workers have been the victims of exploitation, human rights violations

and abuses by the receiving government, recruitment agencies and private agencies.

The NHRC has prioritized the rights of the migrant workers as one of the key human rights issues among the Nine Core Conventions of human rights. Present publication has attempted to elaborate the role of the Commission, relevant competency and recommendations of the Commission. It is expected that that this publication will be helpful in the advocacy for the protection and promotion of human rights through national and international cooperation among key stakeholders including government agencies, National Human Rights Institutions(NHRIs) and civil society organizations.

**National Human Rights Commission
Nepal**

Acronyms and Abbreviations

CBS	Central Bureau of Statistics
C-TIP	Counter Trafficking in Persons Project
DOFE	Department of Foreign Employment
FEPB	Foreign Employment Promotion Board
FY	Fiscal Year
GCC	Gulf Cooperation Council Countries
GDP	Gross Domestic Product
GoN	Government of Nepal
ILO	International Labor Organization
INGOs	International Non-Governmental Organizations
IOM	International Organization for Migration
ITUC	International Trade Union Confederation
MOLTM	Ministry of Labor and Transport Management
MOU	Memoriam of Understanding
NGOs	Non-Governmental Organizations
NHRC	National Human Rights Commission
NIDS	National Institute of Development Studies
NPC	National Planning Commission
PNCC	Prawasi Nepali Coordination Committee
US	United States of America
WMWs	Women Migrant Workers

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Foreign Labor Migration and Trafficking in Persons in Nepal: A Situational Analysis

1.1 Introduction

Nepal has been tremendously experiencing a huge mobility in its modern history. Two streams of migration are very rapid in Nepal: i) rural to urban migration and ii) cross-country migration for foreign employment. The former stream of migration has rapidly changing the settlement patterns of Nepal and has also brought challenges for urban management and employment as well as the protection of young migrants, especially females from sexual exploitation. The latter has become one of the key sources of Nepal's economy as reflected by its contribution in National Gross Product (GDP), generation of revenue and foreign currency, and household economy in Nepal. It has contributed to reduce poverty and increased wages in agriculture sector. Given the current domestic labor market, development of economy and instability of polity in Nepal, foreign labor migration will remain important for few years in Nepal as a major source of income and survival for the family. International Monetary Fund projected that Rs. 3 hundred billion entered in Nepal in 2011 as remittance. This accounts for 55.6 per cent of the total foreign currency earning. Its contribution to foreign currency is immense in the context that import contributes only 15.5 per cent of foreign currency in Nepal (Bhattari, 2012). In 2011, the foreign employment contributed to 23.5 per cent of GDP of Nepal. In the FY 2011/12, remittance entered in Nepal through banking system was Rs. 359 billion – it is reported that the remittance amount is estimated to be Rs. 1 billion daily though the formal channel while it may reached to Rs. 130 billion if we calculate both formal and informal channels.

Remittances have largely contributed to household economy. The proportion of households receiving remittances increased from 23.4 per cent in 1995/96 to 30 per cent in 2008 and to 55.8 per cent in 2011 (CBS, 1997; CBS, 2009 and CBS, 2011). From 1995/96 to 2008, the remittances per household (of remittance receiving households) have increased from Rs. 15,160 to Rs. 65,755 – a four times increase in between 1995/96 to 2008. In this period, remittance

from Nepal declined from 45 per cent in 1995/96 to 17 per cent in 2008 and for India, it declined from 33 per cent to 13 per cent. On the other hand, the share of remittances from abroad excluding India increased from 22.4 per cent of total remittances in 1995/96 to 70 percent in 2008. Remittance at the household level has also played important role in poverty reduction. For example, it has helped in reducing poverty rate from 41.76 percent in 1995/96 to 30.85 percent in 2003/04. If there was no increase in remittances, poverty would have dropped by 4.8 percent instead of 10.9 percent. National Planning Commission estimated in 2009 that poverty rate dropped to 25.4 percent - mainly due to remittances (CBS, 2010).

Despite the immense contribution of foreign labor employment in Nepalese macro and micro economy, it has also brought challenges to protect and promote the rights of workers and their families in Nepal. There has been blurring differences in migration and trafficking, smuggling and exploitation. The major challenge has been how to protect the rights of mobility of migrant workers, especially of women in the context of foreign employment. Although the Foreign Employment Act 2007 and Foreign Employment Regulations 2007 are crucially important legal measures that eliminate the gender discrimination in mobility, ensure the welfare measures for the migrants and their families and regulate the recruiting agencies and service providers, these legal measures have not been effectively implemented. Fraud, deception begins from pre-departure to departure stage and migrant workers end up in conditions of forced labor, slavery and slavery like conditions including sexual exploitation at the destination countries.

In this context, this Paper critically reviews the magnitude and patterns of foreign labor migration, processes of migration, nexus of migration and trafficking and migration and exploitation. It further goes on critically discussing on the efforts to regulate the foreign labor migration especially in the Fiscal Year (FY) of 2011/12 and emerging challenges to regulate the foreign labor migration.

1.2 Magnitude and Patterns

The Population Census of Nepal 2011 observed 1,917,903 absentee populations (1,663,237 males and 254,666 females) who were residing at abroad at the time of enumeration. This figure was only 762,181 (679,469 males and 82,781 females) in 2001 (CBS, 2011). Thus,

census statistics suggests that during the last 10 years, the number of people residing at abroad increased by 152 percent. Not only the number of absentees increased, but also the number of females being absentees has also increased from 11 per cent in 2001 to 13 per cent in 2011.

In 2011, among the absentees, males accounted for 86.7 per cent and female 13.3 per cent. More than 85 per cent absentees originated from rural areas and the rest from the urban areas. Among the ecological belts – hill accounted the highest proportion (52%), followed by Terai (42.3%) and the least for mountain (5.6%). Among the development regions, western development region stood the first one (30.2%), followed by central (24%), eastern (23.3%), far western (11.9%) and the least from mid-western development region (11.6%). Absentee population originated from across the 75 districts. Yet there are 25 districts with absentees ranging from 282 to 13,131 (low magnitude); 29 districts with absentees from 13,132 to 31,485 (medium magnitude) and 21 districts with absentees from 31,846 to 97,626 (high number). The districts with large number of absentees come mainly from eastern Terai, west hills and Terai and far-west Terai. Districts with low number of absentees include mainly mountain districts, some mid-western hills and some central Terai districts. Districts with medium number of absentees mainly come from hill ecological belt and some Terai districts (Box 1.1).

Box 1.1 Magnitude of absentee population, (abroad), Nepal, 2011

Absentees (abroad)	Number of districts	Districts
High (31,846-97, 626)	21	Jhapa, Morang, Sunsari, Siraha, Dhanusa, Mahottari, Kathmandu, Chitawan, Nawalparasi, Rupendehi, Tanahun, Kaski, Syanja, Baglung, Gulmi, Palpa, Arghakanchi, Pyuthan, Dang, Kailali and Kanchanpur
Medium (13,132-31, 485)	29	Panchthar, Illam, Dhankuta, Bhojapur, Khotang, Udayapur, Saptari, Sindhuli, Sindhupalchok, Kavre, Sarlahi, Nuwakot, Lalitapur, Makwanpur, Dhading, Gorkha, Lamjung, Myagdi, Parbat, Kapilbastu, Rolpa, Salyan, Surkhet, Banke, Bardiya, Achham, Doti, Bajhang and Baitadi
Low (282-13, 131)	25	Taplejung, Terhathum, Sankhuwasabha, Solukhumbu, Okhaldhunga, Ramechhap, Dolakha, Rasuwa, Bhaktapur, Manang, Mustang, Dolpa, Rukum, Jajarkot, Dailekha, Jumla, Mugu, Kailkot, Bajura, Humla, Darchula, Dadeldhura, Parsa, Bara and Rautahat.

Source: CBS, 2011: Preliminary Results of Population Census 2011.

The census figures come close to the data of Nepal Migration Survey 2009¹ carried out by NIDS and World Bank. The survey estimated 3 million foreign labor migrants in Nepal (2.1 million current labor migrants and 817 hundred thousand returned migrants). This accounted for 10.8 per cent of the 27.5 million estimated residence population of Nepal in 2009. Of the 2.1 million current foreign labor migrants, nearly 41 per cent were in India, 38 in the Gulf countries, 11.5 per cent in Malaysia and nearly 9 per cent in developed countries. Those migrating to developed countries were mainly from urban areas, hills and central development region. Nearly 90 per cent labor migrants originated from rural areas. Terai accounted for half the labor migrants while the hills and mountains accounted for 45 per cent and 4 per cent, respectively. Among the development regions, the highest proportion of foreign labor migrants originated from eastern (28%), followed by central (28%), west (22%) while the mid-western and far-western regions share 11 per cent and 10.5 per cent, respectively. With respect to sex of the labor migrants, nearly 7 per cent accounted for females.

Levels and Trends of Foreign Labor Migrants According to Department of Foreign Employment

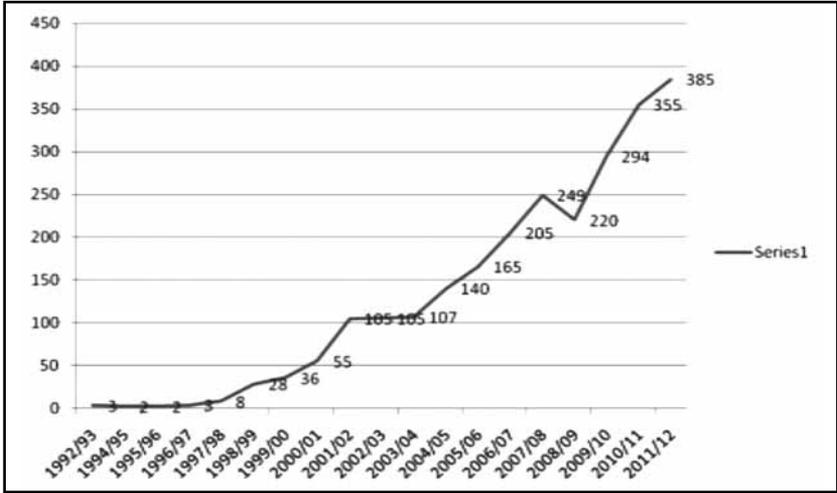
Figure 1.1 shows the levels and trends of foreign labor migrants since early 1990s to the FY 2011/12 drawing data from DOFE. Labor migration prior to 1990 was almost entirely directed to India, mainly because of a long historical tie between Nepal and India and open border between two countries. In early 1990s, Nepal adopted liberalized economic policy – deregulation, privatization of enterprise and linking Nepal's economy with the global economy through labor migration. Initially, the key destination countries were of Middle East and South East Asia. By this FY 2011/12, the Government of Nepal has opened 108 countries comprising of all the Continents.

Department of Foreign Employment maintains data for those who go via Nepal by taking labor permit. Thus, the DOFE data do not cover the foreign labor migrants who go via India. As presented in Figure

¹ The survey was carried out in May-June 2009 by NIDS and World Bank utilizing two two-stage probability sampling. The survey covered 3,200 households (199 wards * 16 households/per ward) and covered all the development regions and ecological belts and captured three types of households: i) households with current migrants abroad; ii) households with returnee migrants from abroad and iii) households with non-migrants for abroad.

3.1, the number of foreign labor migrants in the FY 1992/93 was merely 3,065 which increased to 55,025 in FY 2000/01. From the year 2001/02, the number of foreign labor migrants exceeded one hundred thousand till FY 2005/06 and by FY 2006/07 it reached to more than two hundred thousand annually. By the FY 2010/11, the number reached to more than three hundred fifty four thousand and by the FY 2011/12, it reached to 385,000 – suggesting that each year the number of foreign labor migrants has been increasing rapidly in Nepal. In the FY 2011/12, it is reported that, on the average, a total of 1,700 persons took labor permit daily from the Department of Foreign Employment.

**Figure 1.1 Trends of foreign labor migrants, Nepal
(Number of migrants in '000)**



Note: data were tabulated in Nepali calendar years and the Nepali dates of FY 2050/51 = 1992/93; 2051/52=1994/95 and so on. The data for 2012 year covers from January to June.

Source: http://www.dofe.gov.np/np/innerpage.php?page_id=102 (Access on September 19, 2012).

Looking at the number of foreign labor migrants by destination countries from FY 2006/07 to 2011/12, it is revealed that the major destination countries of Nepali labor migrants emerged as Malaysia (31%), Qatar (28%), Saudi Arabia (20%) and UAE (13%) while countries of Kuwait and Bahrain together accounted for nearly 4 per cent of the total foreign labor migrants. Other major destination countries include: Oman, South Korea, Lebanon, Israel, Afghanistan and Japan (Table 1.1).

Table 1.1 Distribution of foreign labor migrants by destination countries, FY 2006/07-2011/12, Nepal

Country	Number			Percent			Share of females out of total (%)
	Male	Female	Total	Male	Female	Total	
Malaysia	473,814	4,094	477,908	28.7	7.2	31.4	0.9
Qatar	483,745	2,164	485,909	29.3	3.8	28.0	0.4
Saudi Arabia	344,647	746	345,393	20.9	1.3	20.0	0.2
UAE	224,962	9,374	234,336	13.6	16.4	12.7	4.0
Kuwait	32,974	21,742	54,716	2.0	38.1	2.6	39.7
Bahrain	25,569	1,836	27,405	1.5	3.2	1.3	6.7
Oman	15,048	1,224	16,272	0.9	2.1	0.7	7.5
South Korea	15,344	363	15,707	0.9	0.6	0.6	2.3
Lebanon	1,759	3,297	5,056	0.1	5.8	0.4	65.2
Israel	1,759	3,297	5,056	0.1	5.8	0.3	65.2
Afghanistan	5,309	24	5,333	0.3	0.0	0.2	0.5
Japan	5,076	320	5,396	0.3	0.6	0.2	5.9
Others	21,232	2,237	23,469	1.3	3.9	1.5	9.5
Total	1,651,238	57,099	1,708,337	100.0	100.0	100.0	3.3

Source: http://www.dofe.gov.np/np/innerpage.php?page_id=102 (Access on September 19, 2012).

How Nepali Migrant Workers Go for Work at Abroad?

According to the Foreign Employment Act 2007, a Nepali can go to abroad for work in two ways: through the institutional basis and on the individual basis. In the former case, the recruiting agencies manage all the formalities required to send a worker in a foreign country while in the latter case, it is the individuals who manage all the requirements. Drawing on the discussion with authorities of DOFE, those who go through the individual basis, they would be responsible themselves for the nature of work, working hours, salary and other social benefits. Those who go through the institutional basis are entitled to claim to the FEPB if the said working condition is not met in the destination country. However, in both cases, if the workers die in the destination country or have to be rescued, FEPB will manage for it.

Table 1.2 shows the distribution of foreign labor migrants in the FY 2011/12 by sex, according to ways of going to foreign employment. A total of 375,057 persons left for seven major destination countries (Qatar, Malaysia, Saudi Arab, UAE, Kuwait and South Korea). Overall, 30.5 per cent went through individual basis while the rest, 69.5 per

cent, went through institutional basis. Proportionally more females over males went through individual basis. For example, of the 21,305 females, nearly 70 per cent went through individual basis while the comparable figure for males is merely 28 per cent. Thus, it seems that more females are at risk of exploitation, trafficking in the process of foreign employment.

Table 1.2 Distribution of foreign labor migrants by ways of going to foreign country for work, Nepal, FY 2011/12

	Number			Colum %			Row %	
	Male	Female	Total	Male	Female	Total	Male	Female
Individual basis	99,381	14,879	114,260	28.1	69.8	30.5	26.5	4.0
Institutional basis	254,366	6,426	260,792	71.9	30.2	69.5	67.8	1.7
Total	353,747	21,305	375,052	100.0	100.0	100.0	94.3	5.7

Source: http://www.dofe.gov.np/np/innerpage.php?page_id=102 (Access on September 19, 2012).

Majority of migrants going for foreign employment to Qatar appears to be through individual basis. This holds especially for males. In case of females, it is Kuwait where an overwhelmingly majority went through individual basis (82%). Data also reveal that a few migrants went through individual basis in Malaysia, Bahrain and South Korea. On the other hand, among the 260,792 migrants who went through institutional basis, majority went to Malaysia (37%), followed by Saudi Arab (26%), Qatar (17%) and UAE (13%) (Table 1.3).

Table 1.3 Percentage distribution of foreign labor migrants in the FY 2011/12, Nepal

Country	Individual basis			Institutional basis			Total
	Male	Female	Total	Male	Female	Total	
Qatar	60.9	4.1	53.5	17.4	6.0	17.1	28.2
Malaysia	2.4	0.1	2.1	36.9	34.1	36.8	26.2
Saudi Arab	12.6	0.3	11.0	26.6	2.9	26.0	21.5
UAE	18.0	11.9	17.2	12.6	42.9	13.3	14.5
Kuwait	3.3	81.7	13.5	3.5	5.2	3.5	6.6
Bahrain	2.5	1.8	2.4	1.1	4.1	1.2	1.6
South Korea	0.3	0.1	0.2	2.0	4.7	2.1	1.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number	99,381	14,879	114,260	254,366	6,426	260,792	375,057

Source: http://www.dofe.gov.np/np/innerpage.php?page_id=102 (Access on September 19, 2012).

Female Labor Migration

The DOFE has maintained gender disaggregated data on foreign labor migrants since FY 2006/07. It records show that total number of female labor migrants was 57,000 during FY 2006/07-2011/12. This figure is much lower number as believed to be. It is guestimated that nearly 200,000 females are in the foreign labor markets – comprising of about 8 to 10 per cent of the total foreign labor migrants (NPC and IOM, 2011). The major destination countries of female labor migrants are Saudi Arabia, Malaysia, Israel, Lebanon, Oman, Kuwait, Qatar and Bahrain including Korea and Hong Kong. Among these countries, approximately 45 per cent are believed to be in Saudi Arabia (OSRT-NHRC, 2010).

It is reported that 80 per cent of women migrant workers are involved as domestic service in the destination countries (NPC and IOM, 2011) – an informal, unorganized and legally unprotected sector. Thus, women are high risk at exploitation and trafficking.

1.3 Nexus between Foreign Labor Migration, Migration and Trafficking

In the context of foreign labor migration, it is essential to understand the complete process of migration from pre-departure phase to departure phase, working condition at abroad and to returned/ repartition status.

1.3.1 Pre-departure and Departure Stage

Several studies argue that exploitation of foreign labor migrants initiates from villages. This happens mainly due to lack of information and exploitation by recruiting agencies. Nepali migrant workers going to Gulf countries and Malaysia largely come from low economic brackets, socially disadvantaged groups and those residing in remote areas (Bairacharya and Sijapati, 2012). They are unaware of basic information such as name of the country, currency of the country, religion and culture, transport system, food system, traffic system and what to do and what not to do. The Government has made the provision of pre-departure orientation training for 3 days but studies indicate that large majority of migrants do not take such training. This is because all the Government approved training centers are located in Kathmandu valley and it will be costly to come to Kathmandu and take the training – travel cost, food and lodging (NPC

and IOM, 2011). Further, it is reported that the pre-departure training certificates are sold in black-market. Although some International Non-Governmental Organization (INGOs) and Non-Governmental Organization (NGOs) provide pre-employment orientation in some districts such as by WOREC, ABC Nepal, Maiti Nepal and others, but their coverage and sustainability is limited.

Recruitment agencies are legally obliged to ensure that migrant workers have pre-departure orientation training but this frequently does not take place (Amnesty International, 2011). This training is meant to explain how the migration process works and inform migrants of their rights and duties in the destination country. By law, workers must receive a contract before they leave Nepal. Among the 62 respondents in the study of Amnesty International study (2011), 27 told that they had not taken pre-departure training.

The same study suggests that brokers are often trusted more than recruitment agencies as they are locally based. Recruitment agencies can similarly deceive and they are reported to involve in the trafficking of Nepalese migrant workers and their subsequent exploitation, including forced labor. These abuses usually begin with contractual discrepancies – including pay, type of job and working hours. Of 115 migrant respondents, 108 said that their recruitment agents or brokers had deceived them about the terms and conditions of their employment contract.

The recruiting agencies in Nepal are reported to charge much higher money than that of stipulated by the Government of Nepal. The expenses borne by the domestic migrant workers tend to increase because of the multi-layered agent involvement in the foreign labor migration process from village to district headquarter and to Kathmandu or to India. A World Bank study (2011) estimated that a domestic worker requires paying Rs. 70,000 to go to Qatar (excluding the payment made to the agents or subagents, if any). The expenses are reported for labor permit, pre-departure orientation, fee for Welfare Fund, airfare, airport tax, commission to the recruitment agencies. Under the *Kafala* system (which will be shortly discussed), the expenses for airfare and commission to be paid to the recruitment agencies are paid by the sponsor. Thus, nearly 80 per cent of the total expenses incurred by the migrant domestic workers are the illegal commission taken by the recruitment agencies (Table 1.4).

The same study argued that the maximum amount that the Government allows the recruiting agencies to charge to the migrant workers ranges from Rs. 70,000 to Rs. 84,000 in various Gulf countries and Malaysia. However, in reality, on the average, a Nepali worker spends about Rs. 114,000 for Malaysia and Gulf countries. The Amnesty International (2011) study showed that of 57 migrant respondents, 42 paid more than the maximum set by Nepalese law.

Table 1.4 Expenses borne for a domestic migrant work to go to Qatar, 2009

Migration expenses	Nepali Rs.	Per cent
Labor permit fee	500	0.7
Pre-departure orientation fee	700	1.0
Welfare Fund	1,000	1.4
Airfare	25,000	35.7
Airport Tax	1,160	1.7
Health insurance	3,000	4.3
Commission to recruitment service company or agent in Qatar	30,000	42.9
Recruitment agency profit in Nepal	8,640	12.3
Total	70,000	100.0

Source: World Bank, 2011.

It is also claimed in the Amnesty International (2011) study that most women who migrate for domestic work face official restriction, and are also forced to pay a bribe. Pourakhi – a NGO working for the protection of migrant workers in Nepal - documented over a hundred cases where domestic workers who left from Kathmandu Airport were forced to pay a bribe of about Rs. 10,000 to 60,000 to immigration officials just to leave the country.

1.3.2 Working Condition at Destination Countries: the Case of Kafala System

In many major destination countries of Nepali labor migrants, it is reported that migrant domestic workers are neither covered by these countries' labor laws nor by the security laws. Studies conducted by foreign scholars as well as native scholars (Hamill, 2011 Bairacharya and Sijapati, 2012) reveal that migrant domestic workers in Arabian

Peninsula are trapped into exploitative conditions and are enslaved due the *kafala* system. The *kafala* system, historically, meant to a sponsorship system for hosting foreigners in these countries. Over time, its meaning has changed and it has been used primarily to regulate labor flow by the Gulf Cooperation Council (GCC) countries². In other words, this system helps governments to monitor the movement of migrant workers within these countries. Key features of the system include: i) the contract period of a worker is minimum of two years; ii) during the contract period, the worker's visa and legal status is tied to the sponsor and iii) doing this, the employer has complete control over the mobility of the worker. The worker cannot change employment without the consent of the employer or even leave the country without obtaining an exit visa from the employer. Eventually, employers are legally entitled to confine domestic migrant workers to the house for years. In these countries, as the domestic workers are not protected by their domestic labor laws, migrant domestic workers completely come under this system.

The *kafala* practice is also reported in Lebanon. According to authorities of Nepali Mission in Lebanon (cited in Hill, 2012), of the total 12,000 Nepali domestic workers in Lebanon, only 300 can move freely while others are confined with the employers and their rights to mobility, rights to contact with the family and other basic labor rights have been restrained.

Bairacharya and Sijapati, (2012) reviewed the implication of the *kafala* system for the Nepali migrant domestic workers vividly in GCC countries. The mechanism through which domestic workers trapped into enslavement, exploitation and trafficking involves the absence of contractual agreements, violation of labor and human rights, sexual abuse and rape, consequences of breaching of a contract agreement on the part of the workers, lack of justice to the workers by the law enforcement and judicial agencies in the destination countries, exploitation by recruitment service agencies in the destination countries and in Nepal, lack of basic information about destination countries among the workers, and no protection measures envisioned in labor laws and social security laws to the domestic workers in these countries (Box 1.2).

² These countries include Saudi Arabia, Kuwait, Bahrain, Qatar, the United Arab Emirates and Oman.

Box 1.2 Elements of exploitation, enslavement and trafficking under the *kafala* system, GCC countries

Areas	Elements of exploitation, enslavement and trafficking
Contractual agreements	No contracts signed between the employers and workers If exists, the domestic workers not aware on the terms and conditions
Violation of rights	Work long hours, no leave, non-payment of wage Psychological, verbal, physical and sexual abuse Restriction of mobility and contact to the family
Sexual abuse	Sexual abuse - sexual advances, molestation, unwanted folding and rape 'Forced acceptance' of sex work – to the guest of the employer Rape cases not reported due to stigma, ignorance and lack of trust in law enforcement agencies Majority of cases of rape filed becomes redundant – male witness, strong medical report requires Child borne as a result of rape not recognized and challenge to bring back to Nepal
Breach of contract	Seen as serious offences – treated as criminals Workers if run away, more likely to trapped again Employers may claim the cost incurred to hire the maids (airfare, service charge to the employment agencies and other cost)
Lack of justice	Many abuses remain unreported Cases if filed become redundant because of lack of 'evidence' Language barrier, high cost of legal and administrative process More likely failure of cases filed by the workers (charges of theft, violence etc. by the employers) outweigh the victims case
Exploitation by the recruitment agencies	Exploitation begins from Nepal – multilayered of agents, deception and fraud Extracted nearly 80 per cent of the total cost of migration (Rs. 70,000) Charges airfare and recruitment agencies service charges to the workers which should have been paid by the sponsor 'Go now and pay back' – deduction from the monthly salary
Lack of information	Majority unaware of basic information about the destination countries Few take pre-departure orientation training – centralized service, high expenses and black marketing of orientation certificate

Source: developed based on Bairacharya and Sijapati, (2012).

Contractual Agreement- There is absence of contractual agreements. If it exists, the domestic worker is unaware of the terms and conditions laid down by the employer as the contract may be signed by intermediaries without the knowledge of the worker.

Violation of Basic Rights - Long working hours, no leave, no payment on time or no pay at all are the common destiny of the migrant domestic workers including the verbal, physical and sexual abuses. There is restriction of mobility and are not allowed to contact their family at home fearing that the workers may breach the agreement between and she may run away.

Sexual Abuse - Migrants domestic workers are prone to be sexually exploited involving sexual advances, molestation, unwanted folding, rape and offers to pay money in exchange for sex. In addition, employers often expect their maids perform sexual favors for the guest they bring home. Many of the cases of rape remain unreported because of the stigma attached on it, ignorance of complaint handling agencies, and lack of trust on such agencies. Even if a case is filed for sexual abuse or rape, it is almost redundant if there is no male witness or a strong medical test. In case a worker gives a birth of a baby due to rape, the baby is not recognized and it will be difficult to get the required legal clearance to bring the baby back to home. According to Amnesty International (2011), of 17 domestic workers interviewed 11 reported being physically or verbally abused or threatened with violence, and most were not allowed to leave the house they worked in or have a rest day.

Breach of Contract - Under the *kafala* system, breach of contract by the employee is seen as serious offences regardless of the types of abuses domestic worker face. If workers run away from the house because of the abuse or exploitation, they are more likely to be trapped again by the employers. Employers can file against the domestic workers and may claim for the expenses incurred to hire the maids. Further, there are rare cases that once the employers file the cases, workers will get the justice.

Lack of Justice – Although there are hotlines run by the Governments for the domestic workers in the CGC countries, many of the domestic workers do not know about it. While attempting to search for legal justice, domestic workers face several challenges. First, many of the cases of the abuses remain unreported due to the fear of deportation and further re-victimization. Second, even if the victims filed the complaints, the cases become redundant because of lack of 'evidence'. Slow justice procedure, language barriers, high cost of

legal and administrative process are other barriers for justice for migrant domestic workers. This results the failure of the cases.

Violation of ILO Convention No. 20 on Forced Labor

International Trade Union Confederation (ITUC) has written the Government of Nepal in August 31, 2011 that the Government has not fully complied with the ILO Convention No. 29 on Forced Labor while managing the recruitment of foreign employment. It argued that Nepalese migrant workers are in the forced labor situation due to the following reasons:

Deception and fraud— Deception and transfer of the migrant constitute the trafficking in persons under the Protocol of Trafficking in Persons. Among the 114 returned migrant workers interviewed by Amnesty International (2011), 93 per cent reported that they were deceived in relation to salary amount. Other elements of deception reported include the types of job offered, working hours, overtime pay and rest including a false contract with the name of the a fake company.

There are two types of contractual agreement: one which is legal one between the employer and employee – which is shown by the recruitment agency to the Department of Foreign Employment to take the labor permit and another which is given to the workers at the International Airport by the broker/recruiting agency. The first contract letter is not given to the migrant workers when they go but they are given the latter contract. This contract latter, which states much lower salary than said to be or even the different work than said to be. The workers when they arrived in the destination country are obliged to work under this agreement. As the contractual agreement is in Arabian language in case of Gulf countries, workers do not know in what type of paper they are signing on.

A worker in Saudi Arab from Dhanusa district says,

Before departure, I was told by the agency that I would be paid SAR 1,200 [US\$320]. In fact on my contract, it stated my name, the name of the company and a salary of SAR 1,200. But when I received my first months' salary, I was surprised to receive only SAR 500 [US\$130]. I called the recruitment agency repeatedly from Saudi Arabia to complain about the wage difference. I even used my friend's

phone, just in case the agent was avoiding my calls. But despite all my efforts, my agent didn't do anything about getting me the salary that I was due.

Source: cited in ituc_ilo_cearc_nepal_pdf (Accessed on November 2, 2011)

Indebtedness and Forced Labor – According to ILO convention 'induced indebtedness is a key instrument of coercion' and that the menace of penalties can be of a financial nature including economic penalties linked to debts. As there is limited access to financial institutions in Nepal, workers are forced to borrow from the money lenders at the very high interest rates ranging from 36 per cent to 60 per cent annually. Once workers approach to the destination country and they are forced to work even they find that the contractual agreement was a fake. In some of the cases, the workers have to wait weeks and months to go to abroad for work.

Another means from which the workers compel to work is the retention of identity documents by the recruiting agencies which makes the workers' compliance to work in the forced labor situation. Of the total 114 returned migrants interviewed by Amnesty International, 97 per cent reported that their identify cards were withheld by the recruiters.

Among the 114 returned migrant workers interviewed by the Amnesty International in 2011, three female migrants were trafficked into prostitution. For example, one female migrant worker was promised domestic work in Lebanon, but was sold to a brothel for Rs. 100,000 (US\$2,000):

At the brothel, I was forced to have sex with 35 customers per day and on Sundays, 45 customers. I worked all day and evening, and was only allowed to sleep from 11pm to 4am but if I had an overnight customer, then I had to continue working. I tried so many times to refuse, but the brothel owner would beat me with an iron pole until I changed my mind. I was not allowed to contact my family, go outside, meet anyone or even talk to people. My movements were constantly controlled by the brothel owner. She did not pay me so the only money I had was from tips that customers occasionally gave me.

Source: cited in ituc_ilo_cearc_nepal_pdf (Accessed on November 2, 2011)

1.3.3 Death of Foreign Labor Migrants

Table 1.5 shows the distribution of foreign labor migrants who died during May 2008 to September 30, 2012 in different destination countries and their families were provided financial support by the Foreign Employment Promotion Board (FEPB). During the four years, 1,884 persons were reported to die. Of them, male consisted of 97 per cent and rest females. Majority of deaths were reported due to cardiac arrest (21.5%), followed by natural death (21%), traffic accident (14%), suicide (9%), workplace accident (8%), heart attack (5%) and murder (2%). Nearly 18 per cent of the total deaths were reported to be 'others' – and the categories of others were not known.

Table 1.5 Distribution of deaths among foreign labor migrants by sex, according to causes of deaths, May 2008-September 30, 2012, Nepal

Causes	Male	Female	Total	% of total
Cardiac arrest	402	4	406	21.5
Heart attack	102	0	102	5.4
Murder	45	0	45	2.4
Natural death	375	13	388	20.6
Others	330	7	337	17.9
Suicide	166	12	178	9.4
Traffic accident	264	6	270	14.3
Workplace accident	151	7	158	8.4
Total	1835	49	1884	100.0
Row%	97.4	2.6	100.0	

Source: data file of Foreign Employment Promotion Board (accessed on October 4, 2012).

Table 1.6 shows the foreign labor migrants who died due to different causes by country of destination. Among the total deaths, more than one-third were reported to be in Malaysia. This is followed by Saudi Arab (27%), Qatar (23%) and UAE (9%). A considerable number of deaths were also reported from Kuwait, Bahrain, South Korea, Lebanon and Oman. There was four deaths in Israel, two in Afghanistan and Japan each and one death each in Libya and Sri Lanka. Among the total 637 deaths in Malaysia, causes of death of 235 persons were not reported i.e. 'others'. In Saudi Arab, majority of deaths were reported due to 'natural death' (n=220), traffic accident (n=167) and workplace accident (n=55). In Qatar, of the total 440 deaths, majority were reported due to cardiac arrest (n=255) and others (n=55). In UAE, of the total deaths of 165, majority were

reported to be due to cardiac arrest (n=49) and 'natural deaths' (n=35). Among the 30 deaths in Bahrain, majority was due to 'natural deaths' (n=18). For other remaining countries presented in the Table 1.6, main causes of deaths were reported to be 'others', suicide, and traffic accident and workplace deaths.

Table 1.6 Distribution of deaths among foreign labor migrants by causes of deaths, according to destination country, May 2008- September, 2012

Country	Cardiac arrest	Heart - attack	Murder	Natural	Others death	Suicide	Traffic accident	Workplace Accident	Total	% of total
Malaysia	77	57	19	74	235	79	36	60	637	33.8
Saudi Arab	21	6	1	220	15	27	167	55	512	27.2
Qatar	255	14	20	16	54	33	27	21	440	23.4
UAE	49	12	3	35	16	16	24	10	165	8.8
Kuwait	1	10	2	5	8	6	4	2	38	2.0
Bahrain	0	0	0	18	1	1	8	2	30	1.6
South Korea	2	2	0	3	5	7	1	0	20	1.1
Lebanona=	1	0	0	6	1	6	0	3	17	0.9
Oman	1	0	0	6		3	3	2	15	0.8
Israel	0	0	0	2	0	0	0	2	4	0.2
Afghanistan	0	0	0	0	2	0	0	0	2	0.1
Japan	0	0	0	1	0	0	0	1	2	0.1
Libya	0	0	0	1	0	0	0	0	1	0.1
Sri Lanka	0	0	0	1	0	0	0	0	1	0.1
Total	407	101	45	388	337	178	270	158	1884	100.0

Source: data file of Foreign Employment Promotion Board, (accessed on October 4, 2012).

1.3.4 Empirical Evidences of Woman Migrant Workers in Violence, Abuse and Torture

Table 1.7 summarizes the status of woman migrant workers (WMW) who face violence, abuse and torture in different destination countries during 2009-2011 drawing upon data from UN Women Study (2011). The study shows that 3,576 WMW faced some types of problem. Among them, nearly 80 per cent were rescued while 111 were in jail in the destination countries, 86 returned with pregnancy and 31 with babies. There were 80 suicide cases and 30 cases were missing.

Table 1.7 Distribution of WMWs who faced different problems in foreign employment, 2009-2011, Nepal

	Number	Percent
In custody	111	3.1
Mental health problem	415	11.6
Rescued cases	2,820	78.9
Pregnancy cases	86	2.4
Returned with babies	31	0.9
Suicide cases	80	2.2
Status not known	30	0.8
Total	3,573	100.0

Source: UN Women Research Study (2011).

Of the total who committed suicide, 45 were from Saudi Arab, 21 were from Lebanon, 6 each in Kuwait and UAE. Of those who returned with pregnancy, 43 were from Saudi Arab, 15 from Lebanon, 15 from Oman, 7 from Kuwait and another 6 from UAE. Similarly, 415 WMWs returned with mental stress – a large majority being from Saudi Arab (Table 1.8).

Table 1.8 Number of WMWs who committed suicide, returned with pregnancy and mental stress, 2009-2011, Nepal

Country	Committed suicide	Returned with pregnancy	Returned with mental stress
Saudi Arab	45	43	400
Lebanon	21	15	12
Kuwait	6	7	3
U.A.E.	6	6	-
Oman	2	15	-
Total	80	86	415

Source: UN Women Research Study (2011).

3.3.5 Impact of Foreign Labor Migration on the Family

A number of impacts of the foreign labor migration have been reported due to foreign labor migration in Nepal, especially in the families and communities. Positive impact is obvious in the sense that many families with no income sources at home received a substantial

amount of remittances, thereby contributing to schooling of children, health treatment and escaping out of poverty. In central and eastern Terai, many Haruwa-Charuwa families also escaped from the aged old system of bondage.

On the other hand, foreign labor migration has a social cost – being breakdown of the family, increase in divorced cases, abortion and unwanted pregnancy, incest, violence against women and even murder. Media reports that the number of divorced cases in Nepal has increased mainly because of the foreign labor migration. For example, in Palpa district, of the 35 cases filed in the court, 33 cases were of those whose husbands were at abroad for work.

There are few studies in Nepal reflecting the consequences of foreign labor migration on those who been have left in Nepal, especially on women and children. Yet Terai Human Rights Defender's Alliance (2012) study is one of the pioneering ones that revealed the impact of foreign labor migration in central Terai of Nepal. The study was conducted in 476 households of five VDCs of Mahottari district in which at least one family member was in foreign employment at the time of survey. The study obtained the views and experiences of both head of the households and young women (daughter-in-laws) whose husbands were in foreign employment at the time of survey.

As presented in Table 1.9, the study findings indicate that one of the key changes brought by the foreign labor migration in Terai Nepal is the increasing use of means of communication and electronic goods such as TV sets, mobile phone. When asked about what the households received at first from their family members working at abroad, 54 per cent households reported that they received TV set, followed by other electronic items (24%) and mobile (15%). Almost 96 per cent of the households surveyed contact their family members though mobile set, 2 per cent through Internet and another 2 per cent through Webcam.

On the other hand, it was found that majority of households spent their remittance amount when they received first for settling loans; 5 per cent used for household purchase, 2 per cent for buying house, 2 per cent for buying gadgets like TV, mobile sets and another 2 per cent for buying vehicles. The survey also revealed that 45 per cent of households received up to Rs. 100,000 annually as remittance from their family members and remaining 55 per cent in the range of

Rs. 200,000 and Rs. 500,000 annually. When asked about in what they spent the remittance amount at first, it was known that nearly one-third of the households spent on food and clothing, 30 per cent in education and 13 per cent in health.

Table 1.9 Percentage distribution of head of the households by their opinion on foreign employment of their family members, Terai Nepal (N=476 households)

Categories	Percent
First sent item by the foreign employee	
Mobile set	15.1
TV set	53.8
Others	23.7
Means of communication to family member at abroad	
Mobile set	95.8
Internet set	2.1
Webcam	2.1
Utilization of money received first time	
To settle loan	86.1
To purchase	4.8
To build house	2.3
To buy gadgets like TV, mobile sets	2.1
To buy vehicles	2.3
Others	2.3
Amount of remittance received annually	
Up to Rs. 100,000	45.0
Rs. 200,000	30.0
Rs. 300,000	18.1
Rs. 400,000	5.0
Rs. 500,000	1.9
Money spent at first remittance received	
Food and clothing	32.5
Education	30.0
Health	13.2
Others	21.3
Perceived major change brought by the family member left for foreign employment	
Increase in social status	25.2
Changes in food habit and clothing	35.3
Changes in educational status	4.6
Increase in self-confidence	23.5
All	12.0

Perception on family member's decision to leave for foreign employment	
It was a correct move	87.4
It was not a correct move	6.7
Should have done something in the country	3.2
He save himself for being spoilt	2.4
Reasons for leaving for foreign employment	
Was in need of money	87.0
He was going to be spoiled here	6.1
Followed his friends or peers	3.8
Could not study further	3.1

Source: Terai Human Rights Defender's Alliance, 2012.

The head of the household perceived that major changes brought in the family due to the family members in the foreign employment include 'changes in food habit and clothing' (35%), 'increase in social status' (25%), 'increase in self-confidence' (23.5%) and 'increase in educational status' (nearly 5%). An overwhelmingly majority of the head of the households perceived that migration of their family members to abroad for work was as correct move and majority of them view that it was due to need of money.

Table 1.10 shows the perception and feeling of the young women whose husbands are at abroad for work. An overwhelming majority of these young women felt lonely (85%) due to absence of their husbands. It is also reported that many young women face domestic violence such as beating, not providing adequate food, scolding and abandonment. The main perpetrators of such violence are reported to be father-in-law, mother-in-law and other family members. In the sample, nearly 3 in 10 women experienced such violence regularly and another 32 reported so sometimes. These young women reported that they are forced to work long hours in the family firms and domestic chores (62%), not allowing them to use money sent by their husbands for personal needs such as shopping, buying of cosmetic goods (24%) and not allowing them to participate in social activities (14%). Further, majority of young women did not collect the money sent by their husbands from abroad. In the sample, only one-thirds did so while 54 per cent reported that it is their father-in-law or mother-in-law who collected the money sent by husbands.

Table 1.10 Perception of young women whose husbands are in foreign employment (N=477 women)

Indicators	
% felt lonely during the absence of your husband overseas	84.9
% faced violence in the family always due to your husband staying overseas	29.2
% faced violence in the family sometimes due to your husband staying overseas	32.4
% reporting the main reason for violence due to forced to do heavy workload	62.2
% collects the money sent by husbands themselves	33.2
% allowed to spend the money sent by your husband as you work	57.6
% reporting dominated those in your neighborhood whose husbands are in foreign employment	35.8
% reporting dominated those in your neighborhood whose husbands are in foreign employment	45.8

Source: Terai Human Rights Defender's Alliance, 2012.

1.4 Policy and Legal Framework

1.4.1 Policy

The GoN has given priority in foreign employment in its development plan since its Eighth Development Plan (1992-97) and the subsequent plans have provided emphasis in management of foreign employment for the reduction of poverty and creation of employment of young people. The Three Year Plan Approach Paper (2010/11-2012/13) aimed at promotion of foreign employment for the i) reduction of unemployment by developing competent and skilled human resources capable of competing in domestic and international labor markets and ii) increasing the contribution of foreign employment to poverty reduction by maximizing the benefits and minimizing the risks. The strategy is to make foreign employment safe, decent, dependable and more rewarding while initiating qualitative reforms in the entire migration cycle. Its working policy includes i) establishing high level coordination structure; ii) appointment of professional labor attaché; iii) mobilization and expansion of Non-Residence Nepali (NRN) at abroad; iv) establishing a special channel at airport; v) exploring the collaboration with the South Asian Association for Regional

Cooperation (SAARC) countries; vi) negotiation of labor agreement; vii) expansion of awareness programs widely; viii) providing quality foreign employment training; ix) seeking collaboration with the financial institutions; x) encouraging outbound of migrants via International airport and xi) establishing updated data base system (Box 1.3).

Box 1.3 Foreign Employment Policy in Development Plan, Nepal

Key areas	Description
Establish high level coordination structure	Coordinate all related affairs and institutional structure dealing with foreign employment will be expanded down to the local level
Appointment of labor attaché	Prioritize labor diplomacy within economic diplomacy
Mobilize and expand NRN at abroad	Expand and promote Nepali labor market and protect and support migrant workers through NRN
Establish a special channel at International Airport	Facilitate outbound and incoming Nepali migrant workers
Explore collaboration with the countries of the SAARC region	Develop security and support systems for female workers in destination countries
Negotiation of labor agreement	Protect the rights of migrant workers
Expand awareness programs	Provide safe migration information widely
Mobilize Foreign Employment Welfare Fund	Ensure security, protection, economic relief and reintegration of migrant workers for education and health of their family members
Provide Foreign employment oriented quality training	Focus on women, Dalit, poor, marginalized communities and people from remote areas
Seek collaboration with financial institutions	Facilitate loans for foreign employment especially for the poor, disadvantaged communities and women
Encourage outbound migration from Nepal	To promote and protect the rights of migrant workers
Improve and systematize record keeping system	Establish updated and disaggregated data system of foreign employment

Source: based on NPC (2011).

In line with Development Plan, the Government of Nepal adopted Foreign Employment Policy 2068 in 2012 to increase access to Nepali workers in global labor market by increasing skills, knowledge, capacity and competitiveness and arranging appropriate management of it. Major working policies are the following:

- Identify opportunity of international labor market and promotion of it;
- Utilize maximum benefits of the foreign employment by increasing competitive and skilled human resources;
- Make easy, transparent, trustworthy and safe foreign employment processes in all life-cycle of migration (preparation, pre-departure, departure, working at destination country, return and use of the remittances);
- Ensure rights of the WMWs by addressing the issues of women rights violation in all migration cycles;
- Ensure good governance in foreign employment management;
- Mobilize local, national and international resources for the management of foreign employment and develop the regional coordination and
- Mobilize remittances for human development and productive sector.

In 2012, the GoN has formed a Task Force to provide suggestion for the well management of foreign employment. The Report of the Task Force dealt with the problems and challenges of foreign employment management and juxtaposed action plan in matrix form (areas for problem, ways to address the problem, indicators for monitoring, leading responsible organization for addressing the problem, facilitating organization and timeframe). The Report provided immediate actions to be taken by the Government of Nepal in the following areas:

- Control of fraud and deception through reform and improvement in service delivery of the DOFE, Foreign employment Tribunal, Immigration Office and strengthening the Embassy to deal with the cases of fraud related to foreign employment
- Control of corruption by establishing CC TV in the Branches of DOFE and arranging banking system for daily transition
- Management of agents in foreign employment by posting of the name of registered agents in the website of the DOFE, providing information about the agents to the concerned district administration offices and punishing the agents illegally operating in the country

- Facilitation of the labor permit for individual basis by establishing counters in appropriate places for registration and by mobilization of the volunteers from NGOs for registration of migrant workers on free basis
- Verification of employment agreement of caregivers and domestic workers in Gulf countries, Israel and Malaysia by the concerned Embassies
- Design separate stickers with different colors of those who go through institutional basis, individual basis and as domestic workers
- Establishment and operation of online system in the Ministry, Embassies
- Make labor renewal easy if the following documents are submitted: passport, evidence of labor approval, departure and arrival sticker in the passport, and receipts of Welfare Fund and Insurance
- Make adequate infrastructure in the DOFE and employ trained human resources in the DOFE with knowledge and skills in handling computers and do not transform the staff frequently
- Appoint immediately labor attaché in countries with 5,000 or more workers
- Develop software to verify the salary, work, name of company, security, duration of work, airfare and ticket for ensuring security in contract agreement
- Establish on line information of recruiting agencies, medical centers, orientation institutions
- Establish separate labor desk in the Tribhuvan International Airport and provide adequate information about foreign labor migration
- Ensure that the domestic workers and caregivers are provided adequate skill training by monitoring of training institutions
- Fix the minimum remuneration in countries where it has not been done and conduct MOU
- Control of fraud in advertisement
- Ensure that the workers are not sent in visit visas in Gulf countries, Israel and Malaysia
- Request Government of India through diplomatic channels that regulate the Nepali labor migrants who go through Indian airport without labor permit

- Provide adequate skill and language training to workers
- Arrange loans for foreign employment for females in collaboration with Nepal Rastra Bank
- Establish records of returnees in the airport
- Make provision of issuing passports from all districts in the country
- Manage the branch offices of recruiting agencies outside the valley
- Monitoring of service delivery institutions – Insurance company, orientation institutions and Recruiting agencies

1.4.2 Legal Framework

The following are the legal measures to regulate foreign employment adopted by the Government of Nepal:

- Foreign Employment Act 2064 (2007) and Foreign Employment Regulations 2064 (2007) (First Amendment);
- Guideline for Operation of the Department of Foreign Employment 2066 (2009);
- Guideline for the Operation of Foreign Employment Promotion Board 2068 (2010);
- Regulation of Foreign Employment Tribunal 2068 (2012);
- Operational Guideline for the Management of Domestic Workers 2067 (2011);
- Instruction Manual for Technical Workers to Send to Japan 2066 (2010) and
- Operational Guideline for Nepali Caregiver 2068 (2012).

Key provisions included in these legal instruments include enhancing protection mechanism, obligation of recruiting agencies to provide comprehensive employment contracts to the workers and provision of penalties. Protection mechanisms are enhanced by making mandatory skill and orientation training; establishment of a Welfare Fund; provision of health check-ups, shelters and legal assistance; appointment of labor attachés; creation of a Labor Desk in international departure point in Tribhuvan International Airport, Kathmandu. The penalties are provisioned as fines and imprisonment from 3 to 7 years for offenses such as sending of minors abroad,

operating recruiting agencies without a license and sending workers to countries not approved by the government. Further, the Foreign Employment Act and Rules reserve the right of the GoN to enter into bilateral labor agreements with foreign countries; prohibits gender discrimination and creates the legal basis for the appointment of Labor Attachés and the establishment of Foreign Employment Welfare Fund, the Foreign Employment Promotion Board, and the Foreign Employment Tribunal.

Several scholars as well as organizations such as American Bar Association (2011) pointed the loopholes in the Foreign Employment Act that it does not differentiate between the formal and informal sectors, such as domestic work. Domestic work is also not governed by the labor laws of many major destination countries of Nepali migrant workers. Therefore, the MoLTM has recently issued a directive recognizing domestic work as a legitimate form of employment. The directive requests employers in Kuwait, the UAE, Saudi Arabia, and Qatar to follow special procedures prior to hiring a Nepali domestic worker. These include submitting documentation about their economic status to the Embassy of Nepal and obtaining the Embassy's approval to hire a Nepali citizen. In addition, the directive prescribes the conditions of work, namely, minimum wage, safety assurance, accommodation standards, and insurance. The directive, however, has no legal status in the destination countries.

It is also argued that both Human Trafficking and Transportation (Control) Act 2007 and Foreign Employment Act 2007 do not sufficiently define trafficking in persons in relation to foreign employment migration. This has led to a critical lack of conceptual clarity among key justice system stakeholders in Nepal about the legal classification of cases involving exploitation of Nepali migrant workers (American Bar Association, 2011).

1.4.3 Institutionalization of Migration Process

Ministry of Labor and Transport Management (MoLTM) is the key line agency for the regulation of foreign employment. It can also play a significant role in combating trafficking in persons for the purpose of labor exploitation. The MoLTM's foreign employment-related functions are handled by the Department of Foreign Employment (DOFE) while the promotional and welfare functions are handled by the Foreign Employment Promotion Board (FEPB).

The DOFE is the central body which prime function is to exercise regulatory function: i) provide licenses of recruiting agencies and renewing, cancellation and monitoring of the recruiting agencies; ii) provide labor permit to those who go for work at abroad; iii) handle complaints related to foreign employment and investigate and prosecute; iv) control the fraud in foreign employment; v) provide permission to the pre-departure orientation training institutes and monitoring and vi) work for the protection of the rights of the migrant workers.

The FEPB deals with the welfare of migrants, promotion of overseas employment, monitoring of pre-departure orientation and conducts research. It provides the rescue services, economic support, support to strengthen the diplomatic missions, repatriation of corps to home country, rehabilitation and reintegration programs, information about safe migration through its website of fepb.gov.np and other means, establishment and operation of safe houses, promotion of foreign employment, study and research. Under the information on safe migration, the FEPB in the FY 2010/11 updated its website of fepb.gov.np which includes: things to be remembered by the workers; Nepalese Embassies/Consulate and Labor Attaché; Helping institutions/agencies; Economic support provided through the Board; Work and services of Migrant Resource Center; Countries opened up for foreign labor employment; Institutions permitted to provide the orientation training (50 institutions with information on Permit number, name of the institution, address and phone number); Recruiting agencies permitted dealing of foreign employment recruitment; Expenditure required for foreign employment and Jingle (12 jingles – songs, information, etc.) and TV Spot.

Another structure for the regulation of foreign employment is the Foreign Employment Tribunal. It is an autonomous authority that deals with cases related to foreign employment in a speedy manner.

Pursuant to Foreign Employment Act 2007, the GoN is obliged to appoint Labor Attachés in countries which receive 5,000 or more Nepali migrant workers or 1,000 woman migrant workers. The Labor Attachés have the responsibility of ensuring the rights and interests of workers, providing the GoN with information on the conditions of labor and employment, assisting in the resolution of disputes between workers, employers, and recruiting agencies, managing the rescue

and repatriation of Nepali workers, undertaking steps to conclude bilateral labor agreements. The Government of Nepal has already appointed six Labor Attaches (in Malaysia, Qatar, South Korea, Saudi Arabia, UEA and Kuwait). It is reported that GoN is planning to appoint four Labor Attachés in Hong Kong, Israel, Japan and Oman.

The GoN has established a Labor Desk at the international airport to examine whether workers proceeding for foreign employment in accordance with the Foreign Employment Act 2007 or not. The workers are expected to show the labor permit, labor agreement, health insurance certificate, orientation certificate, receipt or voucher of payment of money as well as necessary documents at the desk. While this provision has helped regulate the illegal outflow of workers, it has also added to the bureaucracy and a place for corruption.

The MoLTM with International Organization for Migration (IOM) established a migration resource center to provide information and counselling to potential migrant workers in February 2010. In addition, a number of I/NGOs including the Ministry of Information and Communication conducted awareness program on safe migration through Radio, and TV and distributed Information, Education and Communication (IEC) materials about the specific countries. Major media houses have also been publishing news and views about safe migration and foreign employment.

Foreign Employment Recruiting and Service Agencies

Nepal has developed a large foreign employment infrastructure, namely, recruiting agencies and service agencies such as medical check-up, pre-departure orientation training centers and insurance companies. However, majority of them are located in Kathmandu valley and there is also lack of strong monitoring of these foreign employment infrastructures.

In the FY 2011/12, the records of the Department of Foreign Employment show that there are 765 recruiting agencies in operation in Nepal (Table 1.11). Among them, 45 recruiting agencies were permitted to operate outside the Kathmandu valley³. A total of 49 medical centers have been authorized to conduct medical tests and there are nine Insurance companies permitted for insurance for the

³ They were located in Sunsari (14), Jhapa (12), Kaski (9), Rupendehi (4) and one in Chitawan, Tanahun, Illam, Dang, Siraha and Taplejung each.

workers. Data also reveal that there were 116 license holder agents in 80 recruiting agencies (ranging from one agent to four in a recruiting agency). The process of issuing license for agents initiated since the FY 2007/08 but record indicates that the majority of agents, namely, 107 out of 116, took license in the FY 2011/12. Among the 116 agents, 7 agents' working areas have not been fixed while for the rest, the working districts were defined. Accordingly, there were 15 working districts of the agents– being highest number of agents in Jhapa district (48). This is followed by Sunsari (25), Kaski (9), Dang (4), Udayapur and Taplejung (3 each), Illam, Chitawan, Dhankuta, Dhanusa, Panchthar, Banke, Morang, Rupendehi (2 each) and one in Sarlahi.

Table 1.11 Number of agencies providing foreign employment services, Nepal

Agencies/Agents	Number
License holder agencies currently in operation	765
License holder agencies permitted for operation of Branch Offices	45
Medical check-up services	205
Orientation institutions approved and currently running	49
Orientation institutions cancelled	9
Insurance companies	9
Agents	116
Recruiting agencies providing licenses for agents	80
Agents registered year	
2007/08	3
2008/09	0
2009/10	3
2010/11	3
2011/12	107

Source: <http://www.dofe.gov.np/en/#> (Accessed on November 2, 2012).

1.4.4 Responses of Government and Constitutional Bodies

Activities carried out by the Ministry of Labor and Transport Management

The MoLTM and its subordinate offices have carried out the following activities to regulate foreign employment in the FY 2010/11 and FY 2011/12.

Pre-departure orientation training and caregiver training – The MoLTM has prepared curriculum for caregiver training in the FY 2011/12.

Relief Package – As the relief package, the GoN provides economic support to the families of the deceased and persons who were injured/disabled at abroad.

Coordination and Networks – As per the coordination and networking, the Government has initiated Inter-ministerial Coordination Committee.

Welfare Activities – In the FY 2010/11 and 2011/11, the Government established Safe House in UAE, Qatar, Saudi Arabia and Kuwait. It also established Fund for Blood Money for those in stringent crime cases in the foreign country and Seed Money Fund for the legal advocacy.

Protection of Measures for Women Workers –According to the Director General of DOFE (based on paper presented in NHRC, 2012 workshop), diplomatic missions at abroad have been facing challenges to protect the rights of Nepali migrants workers especially of women. This is because the demand for labor in the main preferred destination countries such as Hong Kong and Israel for women has declined. Majority of WMWs are undocumented in Gulf countries where Operational Guideline of Domestic workers could not be effectively implemented. The Guideline covers Saudi Arabia, Qatar, Kuwait and UAE. The Guideline has following nine sectors: determination of minimum wages, requirement of insurance, economic status of the employer of the domestic workers, safe shelter for the workers, social status of the employers, permission letter from the concerned authorities to keep the domestic workers, guaranteeing the security of the workers, regular communication including other required information as needed by the Embassy. Further, there is lack of legal treatment to the victims of domestic workers and no proper management of Safe Houses.

For further protection of WMWs, the GoN on August 2012 decided 30 years as minimum age to those women who go for foreign employment for domestic work. The decision was made on the ground that domestic workers have to work long (18-19 hours/day) and face several violence and abuses. It is also reported that minor women are sent to as domestic workers by increasing their age in their

citizenship certificate and passports. Although the restriction aimed to protect minors from exploitation and violence, it also restrains the rights to mobility and employment of adult women (those who already attained 18 years and above) as equivalent to men.

Concerns of the Prime Minister Office and Constitutional Bodies

On time to time, the Office of the Prime Minister and Council of Minister, Commission for the Investigation of Abuse and Authority and National Vigilance Centres have instructed the MOLTM for the regulation of foreign employment. The key instructions, decisions and suggestions provided by these organizations mainly relate in the following issues (see also Annex ...):

- Verification of the employment agreement by the concerned Embassies of the those who go on the individual basis;
- Updating of data in the DOFE and maintain records of emigrants and immigrants every day in the Tribuvan International Airport;
- Establishment of First Track complaint handling system in DOFE, and deputation of experienced and skilled human resources in the Investigation and Complaint Handling Section.
- Reduction of corruption and irregularities in DOFE and FEPB and managing CC TV in major places of labor permit in DOFE ;
- Reduction of fake dealing in foreign employment by the recruiting agencies and agents and stringent punishment who are found guilty;
- Strong monitoring of recruiting agencies and agents from the central level to the district level by devolution of monitoring authority to the District Administration Offices;
- Well regulation of Tribhuvan International Airport to discourage corruption and fraud (Labor Desk, Immigration Desk, Aircraft Counter and Security personnel);
- Discouraging the sending of persons on the individual basis rather than institutional basis so that the agencies to be made responsible for foreign employment dealing and processes;
- Making sticker distinct for those who go on the individual basis and institutional basis;
- Revision of amount of deposit required to offer licence of recruiting agencies;

- Fast service delivery from the DOFE and FEPB and decentralization of authorities of these organizations to the district level;
- Appropriate use of the Welfare Fund established under FEPB and reduction of misuse of the Fund by the Ministers and Government authorities from the Fund;
- Timely compensation to the victims; and
- Strengthening Nepalese Missions at abroad for dealing with labor issues in coordination with Ministry of Foreign Affairs.

1.4.5 Responses of National Human Rights Commission Nepal

The Interim Constitution of Nepal, 2063 (2007) has envisioned National Human Rights Commission (NHRC) as a constitutional body for the protection, promotion and effective implementation of human rights (Article 32). Since its establishment in 2000, the NHRC has expressed concern on the complaints, information received by the victims of foreign employment and taking actions on the complaints. NHRC has been dealing with the problems of migrant workers by coordinating its activities with the human rights organizations, national human rights institutions, Governmental organizations and non-governmental organizations in the country and in the major destination countries of Nepali migrant workers. NHRC receives complaints and investigates it and makes recommendations based on the investigation on the complaints. In addition, it carries out the following activities: promotional and awareness activities; coordinating and collaborating with concerned agencies; publishing and disseminating materials on monitoring, study, research and promotional activities; organization of trainings, interactions, seminars and talk programs regarding safe migration issues and international treaties and national laws regarding the rights of migrant workers.

The following are some of the key initiatives and activities carried out by NHRC since its establishment in relation to the protection and promotion of rights of Nepali migrant workers (see NHRC, 2012: Rights of Migrant Workers: Thematic Booklet for detailed):

1. Signed a Memorandum of Understanding (MOU) with national human rights institution of South Korea. The MOU allows Nepali workers to file a complaint in Nepali language in the National Human Rights Commission of Korea and it also allows Korean

- citizens to file complaint in the Human Rights Commission of Nepal and work for the protection of their rights.
2. Drew attention to the human rights institutions at abroad to give support to the Nepali migrant workers who have received death sentence such as Japan, Qatar, Indonesia and Yemen.
 3. Took various measures to protect the rights of migrant workers by requesting to the Human Rights Commissions of Afghanistan, Malaysia and India. It appealed to the Human Rights Commission in Meghalaya of India on the matter of the violation of human rights of the Nepalese speaking migrant workers.
 4. Conducted a residential national workshop in April 2012 on the subject of current situations, challenges and different measures to be taken up in future for the welfare of the migrant workers. In that program, a 34-point conclusion as Way Forward was conceived on the matter of the protection of rights of the migrant workers.
 5. Received 103 complaints related to fraud, deception on foreign employment in its central office and its regional and sub-regional office since its establishment to June 2012.
 6. Undertaking coordination and collaboration with MOLTM, DOFE, FEPR and Ministry of Foreign Affairs for the implementation of policy recommendations.
 7. Undertaking collaboration with the civil society through its regional and sub-regional offices in all five Development Regions in Nepal. It has been maintaining its collaboration with the NGOs including Paurakhi, People's forum, and National Network for Safe Migration, Prabasi Nepali Coordination Committee (PNCC). NHRC involved in the Human Rights National Magna Meet - 2009, 2010 and 2011 where more than 150 organizations involved.
 8. Undertaking collaboration with the media and NHRC has been broadcasting messages on the rights of the migrant workers through media such as radio and television.
 9. Developed cordial relationship and collaboration with the Office of the United Nations High Commissioner for Human Rights in Nepal (OHCHR-Nepal), European Union and UN Women for the protection of rights of migrant workers and enhancing the capacity of the staff of NHRC.

3.5 Law Enforcement Status and Judicial Responses

The mechanism for law enforcement is as follow: migrant workers register a complaint with the Department of Foreign Employment. Once a complaint is registered, an investigation is carried out. If there is enough evidence against the accused, then the case is tried at the Foreign Employment Tribunal. Table 1.12 shows the number of complaints registered in the DOFE since FY 2008/09 to FY 2011/12. Data reveal that there are two types of complaints registered in the DOFE: individual basis and institutional basis. An individual complaint means that a person is cheated by an agent or sub-agent at his/her individual capacity in the process of sending the person to foreign employment. An institutional complaint means that a recruiting agency is accused of cheating a person in the process of sending the person to foreign employment. The following may be inferred from the data. First, the number of complaints registered in the DOFE in relation to fraud in foreign employment has been increasing. Second, the complaints are directed for both individual basis and institutional basis – but the number of complaints against individuals is almost twice than that of the institutional basis in each of the fiscal year – indicating that large majority of complaints constitute against individuals – the agents or sub-agents. Although large majority of agents and sub-agents work under recruiting agencies in Nepal, when it comes to complaints it is not the recruiting agencies but it is the individuals. This reflects the fact that many recruiting agencies deal with migrant workers through agents or sub-agents in order to avoid the legal compliance of the recruiting agencies.

Table 1.12 Number of complaints registered in the Department of Foreign Employment, Nepal

Fiscal Year	Individual basis	Institutional basis	Total
2008/09	506	359	865
2009/10	323	332	655
2010/11	721	483	1,204
2011/12	1,370	802	2,172
4-yearly average annual number	730	494	1,224

Source: Bhattra, 2012 (paper presented in NHRC, November 5, 2012).

In addition to complaints related to individual and agents, the Department of Foreign Employment also has the authority to renew the recruiting agencies or cancellation of the registration. A total of

265 recruiting agencies licenses have been cancelled by the Department of Foreign Employment up to August 2012 due to not violation of measures and provisions set forth in the Foreign Employment Act 2007 such as deception of migrant workers, providing the false contracts, collection of higher fees than the Government stipulated fees, no renewal of the agencies.

Responses to Foreign Employment Tribunal on Cases Related to Foreign Employment

Examining the records of the Foreign Employment Tribunal, there are generally two types of cases registered in the Tribunal. One related to individual and another related to institutional (against recruiting agency). Yet more than 90 per cent of the cases registered are against the individuals (agents).

As summarized in Table 1.13, a total of 276 cases were registered in the Foreign Employment Tribunal from January 2011 to September 2012. Among them, 252 cases are pending: 160 cases within one year, 42 cases 1-2 years and 50 cases 2 years and more. When enquired about the long pending of the cases to the Tribunal authorities, it was found that it was difficult to call on the complainants in the Tribunal as in some of the cases there are more than 35 defenders. The defenders come from different parts of the country and it was difficult to locate them due to the wrong address and name provided in the cases.

Among the 24 cases decided in 2011, 7 cases were accused, 16 cases were convicted and one case was in *Multabi* (pending due to various reasons). The record of the conviction reveals that both imprisonment and fine are imposed by the Tribunal. The imprisonment ranges from one year to three years and fine ranges from as minimum as Rs. 150,000 to Rs. 300,000 excluding the amount of compensation claimed by the complainants. Multabi case was related that the offender registered the case in the district court claiming that the case was not related to foreign employment, but rather related to household affairs.

Table 1.13 Number of cases related to offences of foreign employment registered in the Foreign Employment Tribunal (from January 1, 2011-September 30, 2012)

Categories	Number
Number of cases	
Cases from the past year	246
Cases of this fiscal year	30
Total cases	276
Pending cases	
Within one year	160
1-2 years	42
2 years and more	50
Total pending cases	252
Number of cases decided in 2011	24
Accused	7
Convicted	16
Pending (<i>Multabi</i>)	1

Source: Office Record of Foreign Employment Tribunal, data access on October 10, 2012.

With the discussion of the Chairperson of the Tribunal, it was found that all the cases registered in the Tribunal may not be related to the real offences of foreign employment. There has been increasing trend to register the cases even related to *Dhukuti* (a type of group in which money is deposited and invested among the group members), exchange of household affairs, buying and selling of land. This happens mainly with the female complainants. It is reported that the false foreign employment cases may come to the Tribunal in order to avoid the Court Fee and once the case is registered in the Tribunal, the case becomes the Government case.

The Chairperson of the Tribunal reported that there are no cases registered till now in the Tribunal related to sexual exploitation and children.

According to the Chairperson of the Tribunal, there are three reasons for low conviction rates in the foreign employment related cases. First, it is mainly due to low competency of the investigation authorities and negligence in registration of the case in the Tribunal. In the case of foreign employment, the investigation authority is the Department of Foreign Employment. But, its investigation capacity

in terms of trained human resources, equipment and commitment is questioned. The statement of the Investigation is reported not often in *Kanuni dhacha* (legal design). Driver and non-graduates staff are often sent to register the cases from the Department of Foreign Employment to the Tribunal. They may not properly understand the instruction from the Tribunal about the cases. Second, there is lack of awareness of the applicants that they should present *Baka patra* (statements) in the Department of Foreign Employment. Finally, there is lack of evidence as the Tribunal verdict is mainly based on the evidence and Foreign Employment Act 2007. The Chairperson of the Tribunal confessed that the Tribunal has not yet studied the similar cases from other countries.

The Chairperson of the Tribunal reported that the Government has not provided adequate staff to the Tribunal. Currently, there is 16 sanctioned staff but not all are posted in the Tribunal. The Supreme Court has not heard about the Tribunal as the Tribunal was established by the Government. So, the management of the Tribunal lies on the Government. It was complained that there is no computer operators, officer helpers and security (Police). Security of the Judges and staff is very vital.

Responses to Courts on Cases Related to Foreign Employment

Drawing on the information provided by the Annual Report of Office of the Attorney General, the caseload and decision status of the cases on foreign labor migration in the Supreme Court, appellate court in the FY 2010/11 were the following:

- In the Supreme Court, nine cases were registered. Of which 3 cases were decided – 1 case convicted and 2 cases acquitted.
- There were 30 foreign employment cases registered in appellate court in the FY 2010/11. Of them, 28 were in Patan and 2 in Biratanagar appellate courts. It appears that the number of cases registered in the appellate courts started declining since FY 2008/09. For example, in FY 2009/10, a total of 155 cases were in appellate courts in the country and the figure was 126 in the FY 2008/09.
- A total of 317 cases were registered in Kathmandu and Lalitapur district courts. Note there was only one case in Lalitapur and there were no cases registered in other remaining districts in the

country. Of the total cases registered in all district courts, 118 were decided by the courts and the overall conviction rate was 67 per cent (Table 1.14).

Table 1.14 Overview of foreign labor employment cases in the District Courts, 2010/11, Nepal

Categories	Number
Total cases registered	317 (763)
Number of cases convicted	79 (242)
Number of cases acquitted	39 (117)
Number of cases pending	199 (404)
Total cases decided	118 (359)
Conviction rate (% of the decided cases)	66.7

Note: Figures in parentheses refer to the number of defenders.

Source: Annual Report of OAG, Nepal, 2010 and 2011.

3.6 Responses of NGOs and Civil Society

There are number of NGOs/Civil societies that are working for the protection/promotion of rights of migrants and their families. Some NGOs entirely focus on safe migration while other organizations such as Maiti Nepal, ABC Nepal and WOREC have shifted their focus from entirely anti-trafficking issues to the safe migration issues. Some of the leading NGOs/civil societies mainly focusing on safe migration issues include the following: National Institute of Development Studies (NIDS), Sancharika Samuha, Pourakhi, People's Forum, Prabashi Nepali Coordination Committee (PNCC), Migrants Center, Non-Residence Nepalese (NRN), Nepal Health Professional Association including trade unions such as GEFONT and Nepal Association of Foreign Employment Agencies (NAFEA).

National Network for Safe Migration – It was established in 2003 to respond to the modern phenomenon of foreign labor migration and to protect the rights and interests of Nepali migrant workers. The Network currently encompasses 12 organizations, including NDIS, PPR Nepal, Pourakhi, Civic Concern Nepal, FWLD, WOREC, NAFEA, Sancharika Samuha, and Youth Action Nepal (YOAC).

NIDS – It is a non-governmental research organization established in 1998. It carried out studies on migration patterns and linkages

between remittances and gender, livelihood, and development. It also pursued safe migration lobbying and policy advocacy.

Sancharika Samuha – It was established in 1996 as a forum of women communicators. It aims to promote gender-sensitive media, to enhance the capacity of various media outlets to advance gender equality and to encourage journalists to write in-depth articles covering such subjects as gender-based violence and human trafficking.

Paurakhi – It was established in 2003 by the returnee women migrant workers. It aims to ensure safe migration and the rights of WMWs in the entire process of foreign employment by providing pre-departure sensitizing training on safe migration and raising public awareness through the National Radio program. It also provides post-return counselling and legal services to victims of exploitation. In the FY 2010/11, Paurakhi provided shelter to 222 distressed WMWs and paralegal services to more than 500 WMWs. Majority of them were rescued from different destination countries.

*People's Forum*⁴ - It has been working in safe-migration issues since FY 2009/10 in partnership with ILO, Foreign Employment Promotion Board, Safe Immigration Plan, Helvetas, Swiss Interoperation Nepal, UN Women and European Union.

Its main activities since its establishment are the following:

- Conducted research study on the implementation status of Foreign Employment Act;
- Created lobby in the Constituent Assembly to include the rights of the migrant workers in the Constitution;
- Provided training to the VDC Secretaries about the legal provision of foreign employment and migration;
- Registered writ petition in the Supreme Court for the establishment the Department of Foreign Employment, Foreign Employment Tribunal and Labor Attaché and the Supreme Court gave verdict on this issue;
- Conducted legal literacy program about the law of foreign employment at the village level and schools; publication of books

⁴ The activities are based on the paper presented by Mr. Som Luitel, President, People's Forum about the Foreign Employment Act 2007 and Challenges of Implementation of it. The Paper was presented in 2068/12/6 in a workshop organized by NHRC in Kathmandu.

regarding the labor laws of the destination countries and other IEC materials;

- Provided para-legal training to the migrant workers and providing the advice to the Government about the legal and policy aspects of foreign employment.

In the FY 2010/11, it program activities were in some VDCs of Kathmandu, Jhapa, Dolakha, Kanchanpur, Gulmi, Kaski, Rupandehi, Chitawan , Nawalparasi, Dhading, Kathmandu, Makwanpur, Sindhupalchok, Sarlahi, Sunsari and Morang. In these districts, it provided legal aid, training for the social teachers, orientation program for government and NGOs service providers and media advocacy on safe migration. It has been conducting a Baseline Survey in 15 districts about migrant workers, policy makers and service providers (Final Report has yet to come up). From January 2011 to December 2011, it handled 61 cases related to foreign labor migration. Of them 27 were assisted to file in the Police and 18 cases were assisted to police investigation/prosecution (Table 1.15).

Table 1.15 Legal Aid Support provided by People’s Forum, January 2011-December 2011

	Number of cases	Number of accused persons	
		Male	Female
Total cases handled on foreign labor migration	61	45	16
No. of cases assisted to file in the Police or Dept. of Foreign Labor (FIR)	27	16	11
No of cases assisted to Police/Investigation officer(Foreign Employment Tribunal)	18	14	4

Pravasi Nepali Coordination Committee (PNCC) – It was established in 2009 as a non-profit and membership-based organization formed by migrant workers, especially from the Gulf countries. The organization works to ensure the rights of migrant and domestic workers through counselling, advocacy, lobbying, and empowerment initiatives. It works in municipalities of Chitawan, Jhapa, Palpa, Bara and Kailali districts. It carried out the following prevention, protection and legal aid related activities during January 2011-December 2011:

- Conducted awareness program on safe migration process which benefited more than 10,000 potential migrants for foreign employment.
- Conducted more than 50 lobbying and advocacy activities in Kathmandu, Khotang, Chitawan, Kaski and Palpa districts for safe migration and protection and promotion of rights of migrant workers and their families.
- Rescued 1,092 persons from labor exploitation in Gulf and Malaysia. Of them, 37 were women.
- Reintegrated 20 returnee migrants from Gulf countries and provided self-employment training and support.
- Received 93 applications for missing persons. Of the total applications, 7 were of women.
- Provided referral services to other organizations for legal counselling, compensation from the Foreign Employment Promotion Board, Department of Foreign Employment and Embassies (no figure provided).
- Received victims of foreign employment through referral services from other organizations to facilitate victim or their family members in filing cases and getting compensation from UN Women, WOREC, Jana Sewa Samaj, Youth Action (figure not provided)
- Carried out *Surakchhit Baideshik Rojgar Prasnuuttar* (Safe Foreign Employment Question-Answer).

Nepal Association of Foreign Employment Agencies (NAFEA) - It is an umbrella organization of 750 recruiting agencies of Nepal. Its main focus areas include: building the capacity of the members for making the foreign employment dignified and professional, implement the Code of Conduct, facilitate Government for signing the MOU and bilateral agreement with destination countries to protect the rights of migrant workers; organize national and international job fair to promote the safe labor migration, sensitize the issues of WMWs, contribute to formulate and reform the foreign employment laws and regulations and policies, publish IEC material for safe migration, help establish the investigation and sensitization program with media.

It has opened its own website: <http://www.nafea.org.np/index.php>. It provides information about foreign employment act and regulation,

number of member list of the NEFA, number of license cancelled, name list of branches of recruiting agencies. NAFEA Code of Conduct outlines 37 points which should be strictly followed by the Foreign Employment Recruiting Agencies. Some of the key points relevant to combat for trafficking in persons included in the Code of Conduct have been extracted in Box 3.4. Although the Code of Conduct states that the recruiting agencies should not involve in fraud, deception and exploitation, but there has been wide criticism that many of the recruiting agencies do not comply with the Code of Conduct.

Box 1.4 NAFEA Code of Conduct

- Workers should not be sent to any foreign countries without making foreign employment agreement.
- Recruiting Agencies should encourage towards transparency of their enterprises. They should maintain transparency the service charge and promotion expenditure and keep a record of each transaction.
- The workers going on foreign employment should be made clear about the expenses like service charge, air charge, promotional expenditure and other expenses.
- Workers should not be sent for doing odd jobs, work that have adverse affect on to the health of the workers or works in which the worker is discriminated, suppressed or humiliated.
- Worker should be given required training before being sent on foreign employment, on demand, trained workers should be chosen for foreign employment.
- The worker going on foreign employment should be made well aware about the country's politics, geography, labor law, weather condition, service conditions and facilities that include salary, work hour, over time payment etc.
- Should be aware of national and international labor standards and follow them accordingly.
- Register and record of the details of the workers should be maintained. In case of accident, death or in cases where worker is sent back without any genuine cause, their family should be provided with possible support through NAFEA or any social organizations.
- It is the prime duty of the Recruiting Agency to collect information whether the worker sent for foreign employment has got the assigned job in the company or not.

- It should be immediately notified to the concerned association if any female worker or children have been used or trafficked or are bonded labor.
- Appoint Representative according to the need of the company and monitor his/her work according to the rules of the Recruiting Agency. If the Representative involves in any illegal work or works against the rules of the Recruiting Agency, it should be notified to all other Recruiting Agencies.
- Should maintain record of Staff, their qualification, appointment, terms and conditions of service and office management.

Source: <http://www.nafea.org.np/index.php?linkId=35> (Accessed on October 23, 2012).

Non-Resident Nepali Association (NRNA) – It was established in 2003 as an association of Non-Resident Nepali (NRN) residing in various countries. The NRN is defined as a Nepali citizen or a person of Nepali origin who has been staying outside Nepal for at least 183 days for employment, business or self employed excluding those residing in SAARC countries. NRNA members are reported to be spread over 56 countries. Although the strengths of the NRNA has not been known, the members of the NRNA also spread across the major foreign employment destination countries of Nepal such as Bahrain, Israel, Kuwait, Lebanon, Malaysia, Qatar, Saudi Arabia and UAE (see Annex). One of the key aim of the NRNA is to create a global network of Nepali and streamline their energy and resources to contribute to economic and social transformation of Nepal; protect the interest of NRNs in foreign countries; establish global networking and coordinate among NRNs worldwide; develop partnership with home government, business community and civil society for investing human and capital resources for overall development of Nepal; promote Nepali tourism, language, culture and literature in foreign countries; and be catalyst for attracting NRN and foreign investment in Nepal.

World Education – One of the key intervention areas of World Education is safe migration/anti-trafficking activity. Currently, it has C-TIP Project (August 2010- September 2015) funded by US Department of Labor. The project focuses on three areas: prevention, protection and prosecution and the World Education implements prevention component. The program covers Kanchanpur, Banke,

Makwanpur, Kathmandu, Kavre and Sindhupalchok districts and the program has been implementing with local partner organizations.

World Education has been implementing its prevention component of C-TIP project at three layers. At the grass-route level, safe migration networks have been formed in all Village Development Committees (VDCs) of the project districts. The male, female and children are organized in the safe migration networks. The safe migration networks are expected to increase awareness on foreign labor migration and trafficking in the community and mobilize the local resources for safe migration and anti-trafficking activities. At the district level, the project works with the District Coordination Committee against Trafficking and District Development Office. At the central level, the project has partnership with NIDS and National Network for Safe Migration. The main aim is to increase awareness about pre-departure, and increase advocacy for the safe-migration. The project plans to link the National Network for Safe Migration to the district and community level in order to increase the effectiveness of the safe migration campaign.

The key intervention areas include: capacity building training to the safe migration networks, District Coordination Committee against Trafficking and VDC secretaries; sensitization of the journalists about the victims friendly news; vocational training, entrepreneurial skills to the trafficking victims and vulnerable girls and women; financial package program to the vulnerable groups (distribution of the educational materials for the proper management of the loans for foreign employment, remittance and school program) and carrier counselling training provided to the school children of grades 8,9 and 10 grades.

International Organization for Migration (IOM) – It works on economic empowerment of the victims/potentially victims of trafficking through awareness raising, capacity development and economic support, and arranging rescue and repatriation. IOM in collaboration with GoN and with NGOs like ABC Nepal, Shakti Samuha, Bishowasha Nepal, Maiti Nepal, Sancharika Samuha, Mahila Ko Lagi Mahila Manch and private sector implemented Trafficking Risk Reduction Project (March 2010-July 2012). The main of the project was to contribute to economic empower of trafficking victims and vulnerable groups of trafficking through multi-stakeholder approach i.e. by mobilization of

Government, NGOs and Corporate Houses. Government facilitated overall implementation of the program. NGOs identified the victims/potentially victims, provided psychosocial counselling to the victims/potentially victims, carried out need assessment of the victims/potentially victims and day to day program. Corporate Houses provided technical skill development training to the victims and vulnerable girls and women for trafficking.

There were 11 Corporate Houses involved in the project. A total of 30 entrepreneurial training was provided to the victims/potentially victims related to manufacturing, operation of Canteen, beauty parlors, tailoring, handicraft, beautician, security, selling of dairy products, painting, peak farming. A total of 210 trafficking victims/potentially victims benefited from the project. The victims comprised of those working in the dance restaurants, cabin restaurants and those who were rescued from sexual exploitation in the country and outside of the country.

According to the IOM program officer, the project was successful in its objectives but it was also learnt that it was difficult to provide psychosocial counselling as the victims/potentially victims were mobile population and it was also difficult to provide the advanced skill training to them because of their low education.

In addition, IOM assisted the Government of Nepal to enhance positive impact of labor migration (2009-2011). Under this project following activities were carried out:

- Establishment of migrant resource center in FEPB and its website is: mrcnepal.gov.np; The Migration Resource Centers were also established in Chitawan and Jhapa districts.
- Recording of the clients who contacted in the Migrant Resource Center by district, sex and purpose of the called.
- Support to FEPB to prepare Five-Year Strategic Plan of Foreign Employment.
- Establishment of Labor Migration Information System.
- Training to the Government authorities on Bilateral Labor Agreement.
- Facilitate Colombo Process.

- Financial Support to the high level visit (NPC, Ministry) to the Philippines to learn about the management of foreign labor migration.
- Study about – Remittance and Its impact on Economy in Nepal (soft copy available in IOM)
- Foreign Employment Policy Review.
- IEC materials on foreign employment – Five country specific information with basic knowledge on money, name of city, language, religion (Qatar, UAE, Malaysia, Kuwait).
- Support to the Labor Desk in Tribhuvan International Airport.
- Distribution of IEC materials in the premises of the Ministry of Foreign Affairs for those who were issuing the passports.
- Operation of two Television programs with safe migration message (Muglanko dayari) in Tribhuvan International Airport.

These NGOs/Civil societies perform a number of programs. However, it is reported that these programs are mainly concentrated in urban areas and relatively accessible areas – and thereby not reaching to the remote and most vulnerable places of trafficking in Nepal. Further, the sustainability of the NGOs activities was also questionable as NGOs are largely dependent on donors.

3.7 Nepal's in International Cooperation and Migration Forums

The Government of Nepal has initiated undertaking bilateral agreement and Memorandum of Understanding (MOU) with some of the key destination countries. Nepal has signed MOU with South Korea, UAE, Qatar and Bahrain in 2007. It also has bilateral labor agreement with Japan (JITCO - 2003), Qatar Lebanon and Malaysia (2005), UAE (2007), South Korea (2007) and Bahrain (2008). It is reported that Government of Nepal has been attempting to make labor agreement with Israel, Malaysia and Jordan. This shows increased cooperation among destination countries. The shift indicates that countries are beginning to recognize that effective migration management cooperation. This process has been facilitated by various international and regional level migration dialogues such as Global Forum on Migration and Development (GFMD); ii) the Colombo Process; iii) the 'Abu Dhabi Dialogue'.

Global Forum on Migration and Development (GFMD) – It is a non-binding initiative of the United Nations Member States to address issues of migration and development interconnections in practical ways. Its key objectives are to i) provide a venue for policy-makers to discuss about challenges and opportunities of the migration-development nexus; ii) exchange good practices and experiences to maximize the development benefits of migration; iii) identify information, policy and institutional gaps to foster synergies in migration and development policy area at national, regional and international; iv) establish partnerships and cooperation between countries including relevant international organizations v) place the international priorities and agenda on migration and development.

Since 2007 to 2011, five meetings have already been held and discussed in different thematic areas (Box 1.5).

Box 1.5 Annual GFMD Meeting's Themes

GFMD	Where and when?	Key themes
1 st	Held in Brussels from 7-9 July 2007	Impact of migration on social and economic development (human capital development and labor mobility) Contribution of migrant resources (financial as well as skills) Policy coherence between migration and development Issues such as human rights, gender and root causes of migration
2 nd	Held in Manila, Philippine, from 27-30 October 2008	'Protecting and Empowering Migrants for Development' Introduction of shared responsibility of governments and other concerned actors in protecting and empowering the migrants and their families
3 rd	Held in Athens, Greek from 2-5 November, 2009	'Integrating Migration Policies into Development Strategies for the Benefit of All' – achieving MDGs Impact of economic crisis for the migration and development nexus
4 th	Held in Puerto Vallarta, Mexico from 8-11 November 2010	'Partnerships for Migration and Human Development -- shared prosperity, shared responsibility'
5 th	Held in Geneva, Switzerland from 1-2 December 2011	' <i>Taking Action on Migration and Development-Coherence Capacity and Cooperation</i> ' Labor mobility and development (cluster I) Addressing irregular migration through coherent migration and development strategies (cluster II) Tools for evidence-based migration and development policies (cluster III)

Source: <http://www.gfmd.org/en/process/annual-themes> (Global Forum for Migration and Development).

The Colombo Process – It is a Regional Consultative Process on the management of overseas employment and contractual labor for countries of origin in Asia. From 2003 to April 2011, four Ministerial Consultations have already been held in different Asian countries. To date the consultations have evolved around three thematic issues of protection of and provision of services to migrant workers; optimizing benefits of organized labor migration and capacity building, data collection and interstate cooperation.

The 'Abu Dhabi Dialogue' – It is the Ministerial Consultation held between Asian destination countries and Colombo Process countries in Abu Dhabi on 21 and 22 January 2008. It brought together for the first time the Colombo Process countries with the Gulf Cooperation Council (GCC) states, Yemen, Malaysia and Singapore. Its main purpose was to provide a forum for the discussion of new ideas and concrete activities towards the development of a comprehensive framework for the management of temporary contractual labor mobility in Asia. It focused on promoting the welfare and well-being of workers in both origin and destination countries through labor mobility, inter-governmental cooperation and collaboration with the active support of international and regional partners (<http://www.colomboprocess.org/images/stories/abu%20dhabi%20dialogue%20-%20report.pdf>).

A number of countries took part in the dialogue as participants and observers⁵. Nepal participated in the Abu Dhabi Dialogue as the country of origin of labor.

3.8 Conclusions and Recommendations

In Nepal, foreign labor migrants comprise of a substantial share of the Nepalese population and the share has been increasing over the years. Foreign labor migration has been taken place across the country despite some central Terai districts and west hills have large proportion of foreign labor migrants. Nepal has been increasingly experiencing not only the male migration – a traditional form of migration – but also female migration. However, Nepalese labor

⁵ Other participants' countries of origin were Afghanistan, Bangladesh, China, India, Indonesia, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. Participants of countries of destination were Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, Singapore, United Arab Emirates and Yemen. Observer countries were France, Germany, Japan, Korea (Republic of), Mauritius, Poland and the United States of America and observers organizations were Arab Labor Organization, European Commission, Gulf Cooperation Council, International Labor Organization, UN Development Fund for Women; and the UNDP.

migrants largely constitute an unskilled labor and more than 80 per cent of WMWs are in informal, unorganized sector working as domestic workers and caregivers. This means workers to end up in more laborious, time consuming, low paid and more exploitative nature of work. Widespread fraud, deception is involved in foreign employment by the recruiting agencies, agents and sub-agents. The deception and fraud also involve in the service providing agencies such as Pre-Departure Orientation institutions, medical centers and insurance companies. Corruption and irregularities are also frequently reported in the DOFE, FEPB, service providing agencies including in the Tribhuvan International Airport. Ensuring that all migrant workers have access to an effective complaints mechanism is crucially important to protect migrant workers from deception and fraud. These mechanisms should be decentralized, transparent and have adequate resources.

All the Government's service providing agencies are located in the Kathmandu valley while the foreign labor migration has widespread across the country. This demands decentralization of Government services at least to the district level.

One of the key challenges is to protect the rights of WMWs while ensuring the rights to mobility as par with the men. Protection of women from violence, abuse and exploitation in the destination countries especially in CGS countries requires intervention program within the country and in the destination countries. Within the country, there is need of effective implementation of Foreign Employment Act 2007 and Regulation 2008 and ending discriminatory practices against women migrants, such as introducing absolute bans based on gender alone, and requiring women to get written permission from family members before receiving government permission to migrate.

There is also need of expansion of awareness programs reaching to the most unreached population. There should be mandatory provision for skill training and pre-departure training for women domestic workers and caregivers.

In the destination countries especially in Gulf countries, there is difficulty in filing and fighting cases for migrant workers and lack of long term Safe Houses for victims. The GoN has appointed Labor Attaché only in six countries and has yet to appoint in other major

destination countries of Nepali labor migrants. While the GoN has opened up 108 countries for foreign labor migration for Nepali people but there are only 27 Nepali Embassies at abroad.

Bilateral agreements should be promoted between Nepal and country of destination with adequate provisions to ensure security and mechanisms to deal with violence against women during employment. There should be special MOU and/or contracts to ensure protection and security of WMWs working in informal sectors. There is need to ratify and implement ILO Convention 189 on Domestic Work; the 1990 UN Convention on the Protection on the Rights of all Migrant Workers and Members of their Families; UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, including incorporating into national legislation a definition of trafficking which includes trafficking for labor exploitation.

Finally, reintegration programs have to be introduced by Government for returnee WMWs to minimize force migration and as alternatives.

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Appendix

Maximum investment and minimum salary fixed by the Department of Foreign Employment

Country	Maximum investment	Minimum remuneration
Malaysia	Rs. 80,000	US \$ 125
Gulf countries	Rs. 70,000	US \$ 125
Israel, South Korea, USA, UK, Hong Kong, Afghanistan etc	Maximum equal to 6 months salary	
Libya	Rs. 90,000	US \$ 175 with food and accommodation facilities US \$ 250 without food and accommodation facilities
Marissa	Rs. 19,900	
Algeria	Rs. 118000 (skilled worker) Rs. 123,000 (Staff and indirect)	US \$ 300-400 (Skilled worker) US \$ 700 (Staff and indirect)
Israel	Agriculture sector: US \$ 915 and air ticket Rs. 60,000 Caregiver: Rs. 75,000 (excluding air ticket) (Training Rs. 15,000; Health check-up Rs. 3,500; Orientation Rs. 700; Insurance Rs. 4800; Welfare Fund Rs. 1000; Service Charge Rs. 50,000)	
JITCO-Japan	Rs. 50,000	
EPS-South Korea	US \$ 970.20	
Russia	Rs. 80,000	
Poland	Rs. 80,400	US \$ 400
Uganda	Free	
Canada	Rs. 136,000	US \$ 2720
Turkey	Rs. 86232 (for three year contract period) Rs. 90,552 (for more than three year contract period)	Euro 320
Romania	Rs. 65,700 (Visa fee Rs. 15000; Air ticket Rs. 40,000; Service charge Rs. 5000; Insurance Rs. 3,000; Medical expenditure Rs. 2,000 and Other Rs. 700)	US \$ 300 (Textile workers)

Note: Department of foreign employment published notice that no recruiting agencies should charge more than that of the stated amount and one must get the minimum salary in the corresponding countries.

Minimum remuneration for workers in Qatar fixed by the Government of Nepal (in Qatar currency)

Labor	Including accommodation, transport and medical facilities or	All (including food allowance)	Total
Unskilled workers			
Labor	600	200	800
Cleaner	600	200	800
Helper	600	200	800
Sweeper	600	200	800
Watch Man	600	200	800
Office Boy	600	200	800
Semi-skilled workers			
Mason	800	200	1000
Block Makers	800	200	1000
Carpenters	800	200	1000
Mechanical Helper	800	200	1000
Electrical Helper	800	200	1000
Steel Fixer	800	200	1000
Skilled workers			
Waiters	1100	200	1300
Cook	1200	200	1400
Assistant Cook	1000	200	1200
Bakers, Assistant Bakers	1000	200	1200
Front Office Personnel	1700	200	1900
Medical Assistant	1600	200	1800
High skilled professionals**			
Civil Engineer	3500	200	3700
Electrical Engineer	3500	200	3700
Mechanical Engineer	3500	200	3700
Telecom Engineer	3500	200	3700
Safety Engineer	3500	200	3700
Computer Engineer	3000	200	3200
Doctor (General Physician)	8000	200	8200
Surgeon	10000	200	10200
Chartered Accountant	10000	200	10200
Accountant	3000	200	3200
Manager	5000	200	5200
Other workers			
Pipe Fitter	800	200	1000
Welder	800	200	1000
Scaffolder	800	200	1000
A/C Mechanic	800	200	1000
Electricians	800	200	1000
Tailors	800	200	1000

Labor	Including accommodation, transport and medical facilities or	All (including food allowance)	Total
Assistant Tailors	800	200	1000
Laundry Man	800	200	1000
Washer Man	800	200	1000
Barbers	800	200	1000
Gardeners	800	200	1000
Shop Assistant	800	200	1000
Construction Supervisor	2000	200	2200
Foreman	2000	200	2200
Plant Operator	2000	200	2200
Overseer	2500	200	2700
Construction Equipment Operators	2500	200	2700
Driver Heavy (GCC)	1800	200	2000
Driver Light (GCC)	1000	200	1300
Driver Heavy	1600	200	1800
Driver Light	1100	200	1300
Scaffolding Supervisor	2500	200	2700
Draughtsman	2500	200	2700
HR Executive	4000	200	4200
General manager	5500	200	5700

Note: ** for high skilled professionals, transport expenses should be provided by the employers.

Nepali Diaspora by Country

SN	Countries	SN	Countries	SN	Countries		
1	Australia	15	Hong Kong	30	Mozambique	43	Saudi Arabia
2	Austria	16	Hungary	31	Myanmar	44	Singapore
3	Bahrain	17	Indonesia	32	Netherlands	45	Slovenia
4	Belarus	18	Ireland	33	New Zealand	46	South Africa
5	Belgium	19	Israel	34	Nigeria	47	Spain
6	Cambodia	20	Italy	35	Norway	48	Sweden
7	Canada	21	Japan	36	Oman	49	Switzerland
8	China	22	Korea	37	Philippines	50	Taiwan
9	Cyprus	23	Kuwait	38	Poland	51	Thailand
10	Denmark	24	Lebanon	39	Portugal	52	UK
11	France	25	Lesotho	40	Qatar	53	USA
12	Finland	26	Libya	41	Romania	54	Ukraine
13	Germany	27	Luxembourg	42	Russia	55	UAE
14	Greece	28	Macau			56	Yemen
		29	Malaysia				

Source: NRNA. www.nrn.org.np/index.php.2009 (Accessed on 24 October 2011) Sharma. 2009. Non-Resident Nepali Movement: Past, Present and Future. Non-Resident Nepali Association (NRNA).

AnnexConcerns of the Prime Minister Office and Constitutional Bodies

Priminister Office and Minister of Council

- Verify the employment agreement of those who go through individual basis in countries of Qatar, Malaysia, Saudi Arab, UAE, Bahrain and Israel to the concerned agencies by the Nepali Embassies and provide the access code and post it on the web page and send to the DOFE
- Upgrade database system in the DOFE by *Kartik 1, 2068*
- DOFE should make arrangement for filing the cases of fraud pursuant to Foreign Employment Act 2007 sec 81 in the district office as fraud cases within 15 days
- Given that it was difficult to effectively monitor the recruiting agencies and their branch offices, MOLTM is instructed not to offer new licence for the recruiting agencies
- To provide immediate justice to the victims of foreign employment and bring the culprit into justice, MOLTM is instructed to request the Office of Attorney General to depute First Class and Second Class Staff to the MOLTM
- Provide the authority to the District Administration Office to monitor the branch offices of recruiting agencies registered
- Maintain records of emigrants and immigrants every day in the Tribhuvan International Airport and monitor whether or not it is done. The records should be verified every day by the duty officer
- The Counter office of the Airlines should be closed before 30 minutes of the departure of the Aircraft and Immigration Desk should also make clearance before 30 minutes of the Aircraft departure

Instructions of National Vigilance Center (Rastriya Satarkata Kendra)

- Make arrangement of own building in the long-run and make well security in the office of DOFE
- Provide the same type of receipts for the licence holding recruiting agencies and maintain records of it and monitor whether or not recruiting agencies are paying the tax
- Discourage the tendency of registering the cases of individual thagi as claiming cases related to employment

- Manage CC TV camera in places from where individual approval and final approval of labor permit is provided
- Establish help desk in the DOFE office
- Make sticker color different to institutional and individual basis
- Devolution of authority of the DOFE to the subordinate offices given the heavy workload and people flow in the DOFE
- Improve and revise Nagarik Bada Patra (Citizen Declaration) time to time
- Revise the amount of deposit for providing the license of the recruiting agencies
- Make arrangement for no entrance of the agents in the DOFE while providing the labor permit for those who go through individual basis and make arrangement that the concerned person must be present while taking the labor permit
- Establish the required standards to be followed by the branch offices of the recruiting agencies
- Ensure that the documents submitted by the individuals, agencies are not fake
- Make necessary revision for the amount of insurance and amount of compensation in the changing context of the economy
- Arrange additional skilled and experienced human resources in the Complaint Handling and Investigation Section of the DOFE
- Update the database for foreign labor migrants and returnees
- Make standard provision and guideline to spend Government budget on awareness programs
- Make necessary provisions to control illegal dealing in foreign employment
- Ensure that that complaints to be disposed on time by the DOFE
- Ensure that the DOFE provide adequate services on time to the concerned persons
- Provide service to the individuals/agencies on the basis of first come first service by making arrangement of token system
- Establish detailed file of the foreign labor migrants so that they and their families can be sought on time if required

- It is known that fake demand of labor is submitted to the DOFE and approval is taken, such practice should be eliminated and punish those who are involved in such activities

Suggestions provided by the Commission for the Investigation of Abuse and Authority

- Timely compensation for those who died in foreign employment
- Control fraud and fake visa
- Receipt of money for sending to abroad for employment but not sent
- It is seen that there is increasing trend of taking labor permission for individual basis rather than institutional basis, it shows that the agencies are escaping from the responsibility
- The stickers of the labor permit is reported to be provided to the agencies illegally
- Embassies of the Gulf countries misused the amount allocated for rescue and repatriation
- Orientation training is given as only informal basis, it is ineffective and it is also reported that the staff who go for monitoring receive money from the orientation institutions
- There is irregularities in the FEPB, Minister is spending money of the FEPB and the Welfare Fund has been misused
- Make provision evaluation of the Embassies on the basis of labor related activities
- Appoint the Labor attaché in coordination with the Ministry of Foreign Affairs and Labor Attaché to be appointed on the basis of experience, skill and competitive basis. They should also be familiar of the language of the concerned country.