

People Forum for Human Rights
(People Forum)
Progress Report 2021/22

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Background:

Migration all over the world have faced severe economic and social impacts as a result of the Covid-19 pandemic. Historically, both men and women have migrated within the country and abroad to find new and better job opportunities. In present days, economic contribution has not only been limited to households but has played a crucial role by contributing in the Gross Domestic Product (GDP) of the Country. The ratio of remittance inflows to GDP stood at 22.5% in 2020/21.¹ In the past two decades, Nepal has seen a dramatic increase in o migration.

The Preliminary Report of National Population Census 2021 published by Central Bureau of Statistics noted that 2,169,478 Nepalese population are staying outside of Nepal of which 17,63,315 (81.28) are male and 4,06,163 are female.² The number of out migrants as per the Department of Foreign Employment (DOFE, 2020) in Nepal was only 3,605 in 1993/94, which has now increased to over six million as of 2021/22 published in the Nepal Migration Report 2022 by the Ministry of Labour Employment and Social Security (MOLESS). Nepal has officially opened 111 countries for labour migration through recruitment agencies albeit with temporary restrictions applicable in the case of Afghanistan, Iraq and Libya³. Thirty diplomatic mission of Nepal, three permanent missions⁴, eight labour attache and four shelter homes are setup for migrant workers abroad.

Foreign Employment Act 2007 and Foreign Employment Policy 2012 govern foreign labour migration. Moreover, various institutional mechanisms have been established to regulate foreign labour migration in Nepal. Department of Foreign Employment (DoFE) is the key regulatory institution mandated with the oversight and monitoring of private sector actors involved in recruitment process, issuance of labour approvals, grievance handling and repatriation of migrant workers. Foreign Employment Tribunal (FET) is a special judicial body that provides justice to victims of fraudulent migration practices and Foreign Employment Board (FEB) has been formed to carry out welfare related activities for migrant workers and their families. Besides the above-mentioned mechanisms, the fifth amendment of the Foreign Employment Act, 2075 added the provision for complaints registration at District Administration Office (DAO). Following, the amendment, Chief District Officer (CDO) can mediate cases against individuals while complaints registered against recruitment agency have to be sent to DOFE within seven days of filing of the complaints. According to Foreign employment rules, 2008 migrant workers can file complaint sat the diplomatic missions in the countries of destination.⁵

The Foreign Employment Act, 2007 is the laws that create the liabilities of the state to provide access to justice of migrant workers abroad as well as in the country. The Department of Foreign Employment handles two types of complaints, one against individual and another against recruitment agency (RA) involved in foreign employment business. This consist of

¹ World Bank Nepal Development Update: Maximizing Finance for Development, World Bank, (2018)

² The Preliminary report of National Population Census 2021 published by National Statistics office

³ Nepal Migration Report 2022 published by MoLESS

⁴ Ministry of Foreign Affair (MOFA) Annual Report (2020-2021)

⁵ Rule 17(d), Foreign Employment Rule 2008

receiving the complaints and investigations and for prosecution. The grievance filed at the Complaints Registration and Investigation Section of the Department of Foreign Employment is then, investigated and prosecuted. The Department has jurisdiction to decide an offence and can impose penalties in minor compensation cases. Foreign Employment Tribunal (FET) handle complaints forward by DoFE. The cases filed in the Tribunal are tried and settled in accordance with the Summary Procedures Act, 1972. If the party is not satisfied with the verdict of the FET the party can appeal to Supreme Court within 35 days from the date of decision.

The below chart shows the number of cases registered in DOFE and FET

Cases registered in Department of Foreign Employment (DOFE)		Cases registered in Foreign Employment Tribunal (FET)	
Year	Total No. of Cases	Year	Total No. of Cases
2018/19	2118	2018/19	577
2020/21	780	2019/20	441
2021/22	1742	2020/21	458
Source: Report on the Human Rights Situation of Migrant Workers 2022		Source: Foreign employment Tribunal (FET)	

Article 20(10) of the Constitution of Nepal guarantees the right to legal aid in accordance with law. Furthermore, Integrated Legal Aid Policy was brought in 2076 BS with the objective to effectively implement the fundamental right ensured in the Constitution in Legal Aid Act. Despite all the above legal and judicial mechanisms to ensure the rights of indigent individuals to receive legal aid, legal aid has not been effectively implemented and institutionalized. The legal aid act does not cover the migrant worker's case. Everyday more than hundreds of migrant workers reach out for legal service according to DOFE data. Hence, legal aid service is necessary for migrant workers.

Introduction:

People Forum for Human Right (People Forum) is a lawyers organization established for the protection of human rights and promotion of rule of law in Nepal. Since its establishment in 2003⁶, it has been working to provide free legal aid service. Besides free legal aid, People Forum has been conducting advocacy workshops for policy reformation; generating awareness at the community level, conducting legal research; filing Public Interest Litigation (PIL),

⁶People Forum, established in 2003 A.D., has been specifically intervening in the sector of labour migration since 2005 A.D.

building network, coordinating with stakeholders and supporting in the capacity development of stakeholders through various trainings and orientation.

People Forum has provided free legal assistance to 28,304⁷ distress and destitute migrant workers and their families since September 2011 to till July 2022. ⁸During this period, People Forum has become able to provide compensation of NRs. 1,35,91,79,088/- to victims through free legal aid service.

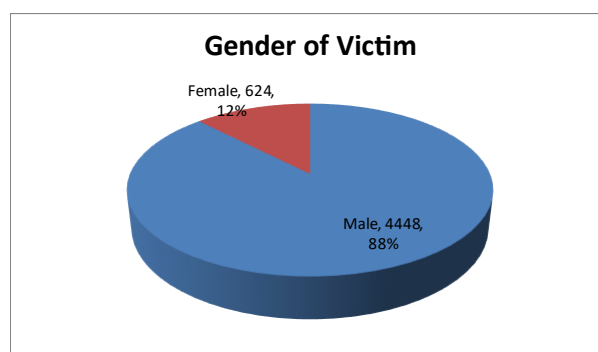
People Forum's Working Strategies



1. Free Legal Aid Service to Migrant Workers

People Forum has been providing free legal aid service to the migrant workers and their families since 2005. The total number of cases registered in two years 2021, 2022 from January to December, are 5072 to distress and aspirant migrant workers and their families have been provided free legal aid service.⁹

- a. **Gender of Victim:** Among the 5072 distress and destitute migrant workers, (4448) 88% service recipients were male and remaining (624) 12% were female. The two-year data shows that male ration is greater compared to female. As per DoFE data 6,30,090 labour permits were issued from 16th July 2021 to 16th July 2022 in which 5,80,962 were male and 49,128 were female.

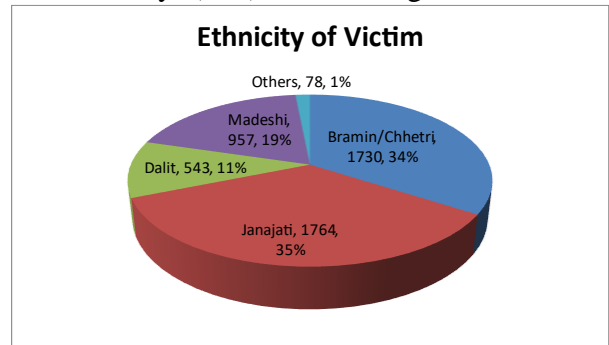


⁷ Besides free legal aid service to the victims of foreign employment, People Forum has intervened in the human trafficking sector as well. People Forum from Jan-Dec 2021 -22), 92 trafficking-in-person (TIP) survivors have been supported in legal counseling and 44 cases has been registered at Anti Human Trafficking Bureau.

⁸ During this period, People Forum has been able to provide compensation of NRs. 1,35,91,79,088/- to victims through free legal aid service support by Safer Migration (SAMi)

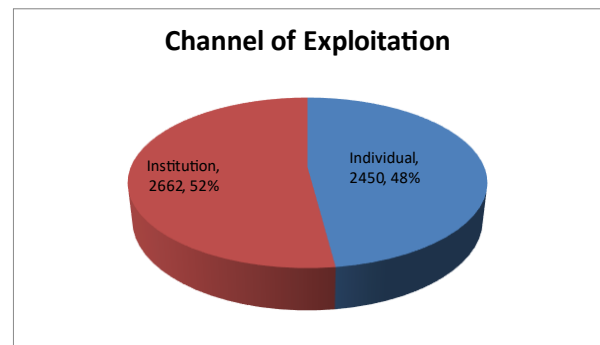
⁹ Additionally, the 162 TIP survivor supported, 44 cases have been filed in the Anti-Human Trafficking Bureau under the free legal aid service of People Forum

- b. **Ethnicity of the Victims:** Among the 5072 total service recipients, (1730) 34% belong to Brahmin/Chhetri community, (1764)34% were from Indigenous Peoples/Janajati community, (957) 19% were from Madhesi Community, (543) 10% belonged to Dalit community, and (78) 1% were from other communities. The highest number of victims belonged to Brahmin/Chhetri community followed by Indigenous, Madheshis, Dalits and others respectively.



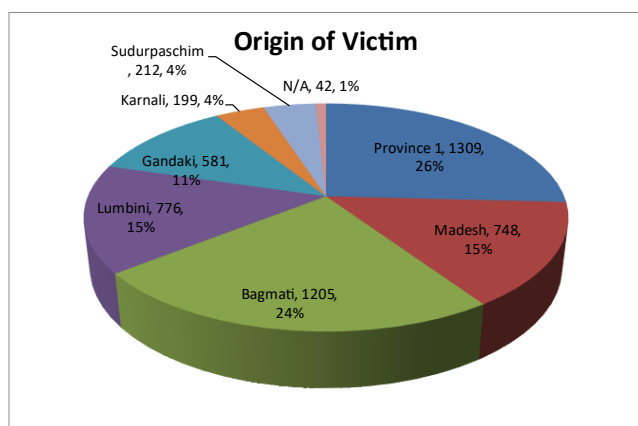
c. **Channel of Exploitation**

The Department of Foreign Employment registers cases in two categories; institutional cases and individual cases¹⁰. Out of the total cases registered at People Forum office, 2662 (52%) of the victims registered complaints against institutions (recruitment agencies) and remaining 2450(48%) of the victims registered complaints against individuals. From this data, we can easily understand that the migrant workers are exploited equally by the registered Recruitment Agencies (Manpower Companies) and individuals. Despite, the provision of agent being repeal, aspirant migrant workers still believed the role of agent and are being cheated by unauthorized agents.



d. **Origin of Victims**

People Forum has provided free legal aid service to the victims from all over the country. Most of the service recipients belonged to Province 1 i.e., (1309) 26%, 1205 (24%) belonged to Bagmati Province, 15% belonged to Madhesh Pradesh, (776) 15% were from Lumbini Province and (581) 11% belonged to Gandaki Province. Further, (212) 4% service recipients belonged to Sudharpachim and (194) 4% were from Karnali

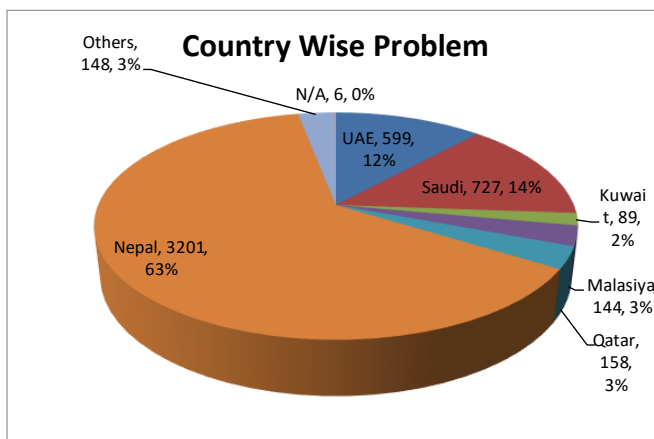


¹⁰ FEA Section 43 Punishment to be imposed in the event of carrying on foreign employment business without license.
Section 44 Punishment to be imposed in the event of sending workers by licensee without obtaining permission

Pradesh. (42) 1% Some migrant workers were not willing to disclosed their province as they were

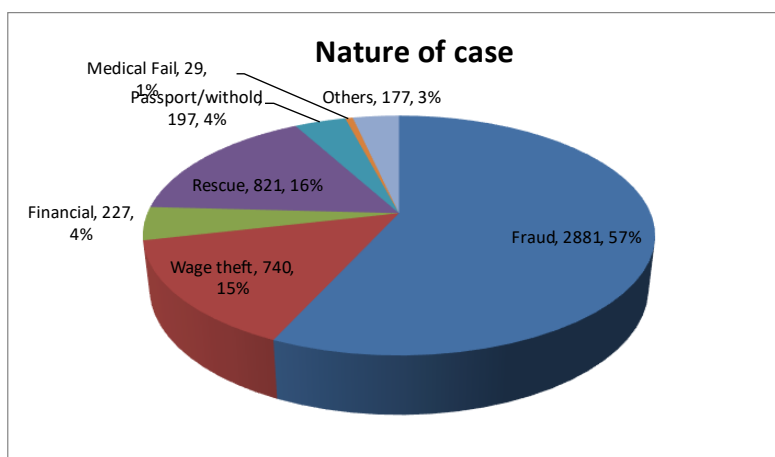
e. Country Wise Problem

Among the total service recipients, (3201) 63% have been cheated in Nepal. They were either cheated in the home country and in the destination country by the agents or the recruiting agencies. (599) 12% legal aid recipients complained in relation to the UAE, (727) 14% of victims complained in relation to Saudi Arabia, (144) 3% of victims have complained in relation to Malaysia, (158) 3% of victims complained in relation to Qatar, (89) 2% of victims complained in relation to Kuwait, and 148(3%) of victims complained in relation to other countries. There were some victims who did not disclosed their destination countries. The countries are kept as according to highest number of complaint receipt. This data is based on the complaint received at People Forum office.



f. Nature of Case

Migrant workers have been victimized in various ways. The maximum number of complaints that were registered in People Forum's legal aid clinic was cheating/fraud by private recruitment agencies and individuals who take money from the victims but do not send them abroad for foreign employment.



The number of fraud cases comprises of 2881(57%). Similarly, rescue 821 (16%), wage theft¹¹ 740 (15%), financial assistance support from Foreign Employment Board 227 (4%), passport withhold case 197 (4%), medical fail 29 (1%) were among such cases.

¹¹ Section 55 - Punishment to be imposed in the event of doing or causing to be done act contrary to contract : If any licensee, after making a contract with any worker for work in a company, engages the worker in work for remuneration or facilities lower that or in another company for a work of such nature as is different than that

g. **Case Referral:**

While analyzing the record maintained in the People Forum's Legal Aid Clinic, cases are being referred from following agencies i.e., Department of Foreign Employment, Police, Anti Human Trafficking Bureau (AHTB), Foreign Employment Tribunal (FET), SaMi Project's Migrant Resource Centres, Civil Society Organization, Trade Unions, Media, Public service announcement (PSA), relative, friends of victims and victim themselves.

2. **Advocacy for Law Reformation and Policy Implementation**

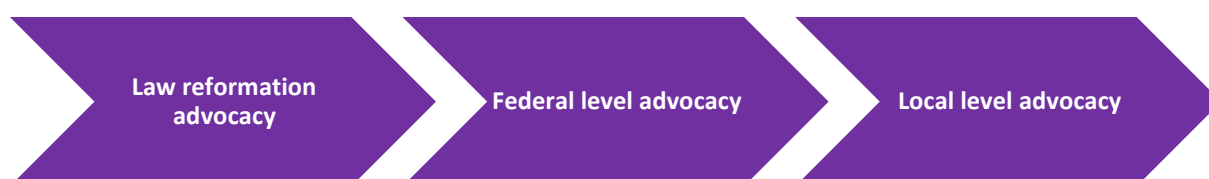


Fig: People Forum's Advocacy

Law reformation Advocacy: People Forum has been working for the rights-based reformation on Foreign Employment Act, 2007. The major objective of law reformation advocacy is to amend the Foreign Employment Act, 2064. To strengthened joint advocacy for amendment of FEA, 2064, **Civil Society Alliance for Foreign Employment Law Reformation (CSA)** has been reconstructed to identify agenda and strategies. Moreover, People Forum has been continuously advocating for the review of laws relating to human trafficking, forced labour and legal aid. As a result, the amendment proposal was prepared and handover to government. In 2075, few section of the foreign employment laws has been amended. The advocacy for law reformation has been continuous through consultation workshop, signature campaign etc.

Policy advocacy at Federal level:

The major objective of federal level policy advocacy is to initiate for better policy and program on migrant rights. The advocacy was continued even during and post COVID - 19. To meet the objective, various online and physical consultations with stakeholders were conducted. Consultations with stakeholders were conducted to initiate dialogue on rights of migrant workers in the context of COVID 19. The discussions and dialogue on the issues of migrant rights including compensation, wage theft cases, rescue, fair recruitment, reintegration of migrant workers, Bilateral



specified in the contract or does not engage the worker in the work for which the worker has been sent for foreign employment but engages the worker in another work or engages the worker in work for remuneration and facilities less than the remuneration and facilities offered previously, the Department shall punish such licensee with a fine of one hundred thousand rupees and require the licensee to pay the shortfall amount of such remuneration and facilities.

Agreement with destination country, women migrant workers, practical challenges of local Migration Resource Centre (MRCs) and returnee organizations in documenting, registering and referring wage theft, airfare reimbursement cases in COVID-19 context along with other various topics were conducted which involved policy makers, implementers, various CSOs, development partners and returnee migrant workers. These dialogues promoted information exchange, knowledge sharing and built common understanding of all the stakeholders on the issue. As a result, Government of Nepal formulated Re-integration program (operation and Management) Guidelines, 2079, for the sustainable reintegration of the returnee migrant workers.

Local level advocacy to introduce Labour Migration program in local government.

The major objective of this activity is to assist Municipalities/ rural municipalities in adopting program on safe migration in local government. In the year 2021 People Forum developed a sample program for local government titled "Sample Program for Municipalities/ Rural Municipalities on Foreign Employment." The booklet



includes various programs and methodologies that could be accomplished in 2078/79 fiscal year. Various advocacy programs and follow up meetings have been organized at municipalities/rural municipalities in different project districts advocating the local governments to introduce program related to safe migration.

Besides the follow-up, advocacy meetings, signature campaign were conducted to strengthen local level advocacy. The signatures collected during the campaign were submitted to the Municipalities along with the prepared Memorandum to keep the record of returnee migrants, enhancing awareness of aspirant migrant workers on foreign labour migration to conduct re-integration program for returnee migrant workers. As a result of advocacy programs, the municipalities/ rural municipalities set aside program on safe migration and allocated budget for program in the fiscal year.¹²

3. Public Interest Litigation (PIL) in Supreme Court

¹² Marchabari RM, Gaidahawa RM, Annapurna RM, Pokhara Metropolitan City, Rupa RM, Madi RM, Machhapuchhre RM, Malangawa RM, Basbariya RM, Kabilashi RM, Arjunthara Municipality, Kamal Municipality, Shivasatakshidham Municipality, Birtamod Municipality and Gauradaha Municipality have allocated budgets under foreign employment in their current fiscal year. The budgets can be found in respective municipalities' website available at: <https://www.marchawarimun.gov.np/>, <https://gaidahawamun.gov.np/>, <https://www.annapurnamunkaski.gov.np/>, <https://pokharamun.gov.np/>, <https://madimunkaskimun.gov.np/>, <https://machhapuchhremun.gov.np/>, <https://malangwamun.gov.np/en>, <https://basbariyamun.gov.np/>, <https://kawilasimun.gov.np/>, <https://arjundharamun.gov.np/en>, <https://kamalmun.gov.np/>, <https://shivasatakshimun.gov.np/en>, <https://www.birtamodmun.gov.np/en>, <https://www.gauradahamun.gov.np/en>.

Public Interest Litigation has been an important strategy and an effective tool to ensure access to justice of migrant workers by protecting their rights. Since its establishment, People Forum has filed twelve PIL cases – appointment of labour attaché, establishment of Safe House, Bilateral labour agreement, Decentralization of Department of Foreign Employment Service, Rescue and repatriation of stranded migrant workers amid COVID 19¹³, India going migrants¹⁴.PIL on Force labour in Nepal, Effective implementation of Right related to Legal Aid.

a). Rescue and Repatriation of Stranded Migrant Workers amid COVID-19

Supreme Court’s Interim Order of April 16th,2020: In this writ petition, the Supreme Court of Nepal has issued an interim order in April 2020, directing the government to rescue migrant workers stranded in vulnerable conditions and to ensure WHO standard health services based on the pandemic situations.

The writ sought to obligate the Government of Nepal to implement immediate and effective measures for repatriation of migrant workers, to provide medical services at par with the WHO standard and to prepare a status report on the health of Nepali workers stranded in various labour destination countries, in accordance with Section 75(2) and Section 33 of the Foreign Employment Act, (FEA)2007.

As response, The Supreme Court, in 15th June 2020 has ordered the government to mobilize the ‘Foreign Employment Welfare Fund’ to rescue Nepali migrant workers, who went to work abroad taking labour permit issued by Department of Foreign Employment, who have been stranded in various destination countries and are willing to return home amid the COVID-19 pandemic, highlighting section 75 of (FEA)

According to the Covid -19 Crisis Management Centre (CCMC), Owing to the pandemic, 470,978 migrant workers have returned from destination country till 2021/22.

b). India Going Migrants

People Forum filed a writ petition on 19th August 2021 on the subject - **India going Migrants** demanding Mandamus to address India going migrant workers' concerns in law and policies. The issues raised in the writ petition are: to appoint labor attaché in India, identity card for India going migrant workers, to register the migrant workers at local level government, to insure and to establish Welfare fund to provide compensation to India going migrant workers, to conduct re-integration program at local level.

¹³The writ petition filed in the Supreme Court created ripple effect in the protection of rights of migrant workers and as a result government implemented guideline to repatriate the stranded migrant workers in destination countries during COVID 19. The news was covered by various international media as well:*How Nepal's Supreme Court Upheld Dignity of Migrant Workers Without Diluting COVID Fight*; <https://thewire.in/law/nepal-supreme-court-migrant-workers/>; April 28, 2020; *Q&A with Advocate Shom Luitel about the Supreme Court of Nepal's Order to Repatriate Migrant Workers*, <https://globallaborjustice.org/qa-with-advocate-shom-luitel-about-the-supreme-court-of-nepals-order-to-repatriate-migrant-workers/>; Gopal Sharma, *Nepal's top court orders rescue of migrant workers stranded abroad*, April 17,2020, <https://www.reuters.com/article/us-health-coronavirus-nepal-migrants-trf-idUSKBN21Z2DO>.

¹⁴News article in National Daily has been published. Available at: <https://epaper.nagariknetwork.com/nagarik/src/epaper.php?id=4997#page/6>.

Supreme Court has issued show-cause order on the writ petition to the government. The show-cause order issued by the Supreme Court has drawn attention of the stakeholders through media coverage. People Forum has been continuously doing follow up of the case.

c). A writ petition was filed on 20th September 2022 on the subject **Forced Labour** at the Supreme Court of Nepal demanding the following issues namely: To enact a unified law on forced labour, to expand the definition of forced labour, to study the situation of forced labour in line with the Palermo Protocol 2001 and Nepal Human Trafficking and transportation Act 2074, to conduct investigation and prosecution of offences related to forced labour etc.

Supreme Court has issued show-cause order dated:25th September 2022 on the writ petition to the government. The show-cause order issued by the Supreme Court has drawn attention of the stakeholders through media coverage. People Forum has been continuously doing follow up of the case.

d). A writ for **the effective implementation of the right to legal aid** under Article 20 of the Constitution, issues appropriate orders including Mandamus has been filed in September 2022. The writ raised following questions – to amend the existing Legal Aid Act, 2054 or to issue a new law related to legal Aid in accordance with the provision of the constitution.

4. **Coordination and Networking**

With the objective to enhance better coordination among justice agencies related to foreign employment in local and federal governments, People Forum has been regularly organizing coordination meetings with government and non-governmental stakeholders. In 2021/22, People Forum organized twenty (20) coordination meetings. The meeting included representatives of Foreign Employment Tribunal, District Court and investigation officers, Office of Government Attorney, Nepal Police, Legal Aid officers, migrant workers and media personalities. The detail of the coordination and networking meeting is described below:

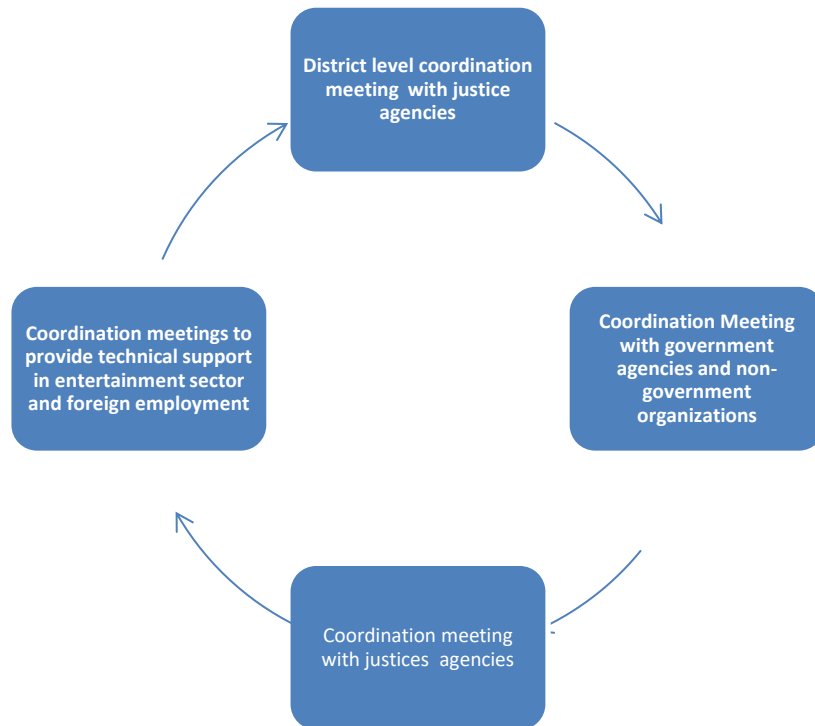


Fig: Coordination Meetings with Concerned Stakeholders

a) Victim Hearing program

In 2021 and 2022 Victim hearing program has been organized with the objective of consigning the live voices of the victims' problem to the high-level policy makers for better policy and program in future. People Forum has been regularly organizing this program in the occasion of International Migrant's Day. This platform creates victims to put their problems to the concerned judicial officials and policy maker directly. Commitment from government official to resolve victim's problem timely is taken as an achievement.



b) Project Advisory Board Meeting (PAB):

Project Advisory Board Meeting has been an effective coordination tool. The major objective of PAB meeting was to update the government agencies regarding ongoing activities and programs of People Forum and to strengthen People Forum's coordination with the government agencies. The representatives from Ministry of Labour, Employment and Social Security, Department of Foreign Employment, Foreign Employment Tribunal, District Coordination Committee, Anti Human Trafficking Bureau, National Human Rights Commission, Special Government Attorney Office, National Network for Safe Migration and a media person were present in the meeting. Hence, coordination and collaboration has been strengthened.



c). Coordination at National/Regional/International level

People Forum has been in constant coordination with National, Regional and International stakeholders. People Forum is the member secretary organization of National Network for Safe Migration (NNSM), Member of Legal Aid Working Group, Coordinator of National Pro bono lawyer Network, Member of Lawyer beyond Border (LBB), International Lawyers assisting workers (ILAW) and a partner organization of Migrant Forum in Asia (MFA). People Forum has been working in partnership with EU, SDC, DFID, IREX, KIOS Foundation, OSF and Winrock International /Hammro Samman through various programs and projects.¹⁵

In 2021, People Forum has been accredited UN ECOSOC Consultative Status Special.

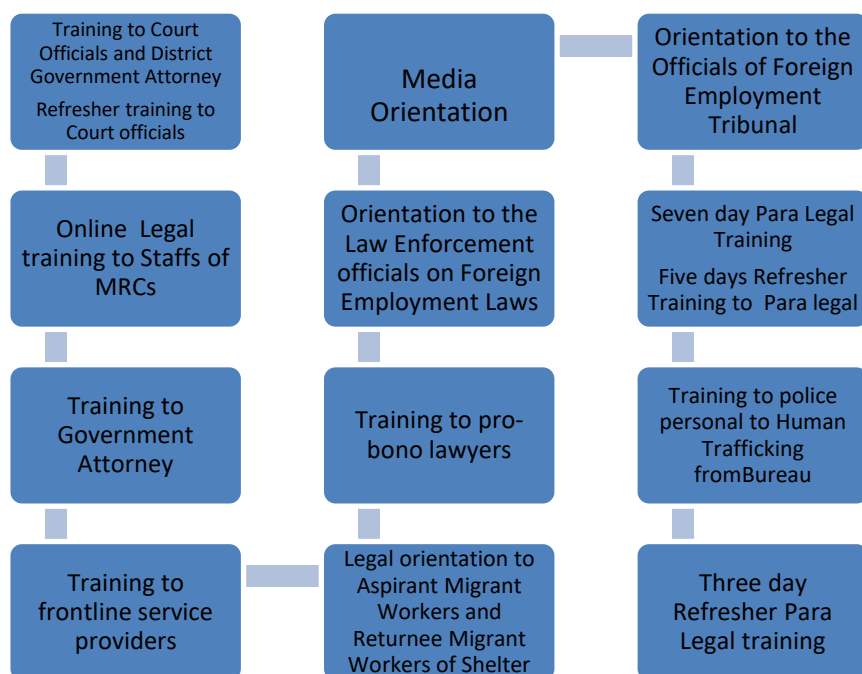
¹⁵ consultative status is granted to NGOs which have special competence in and are concerned specifically in the fields of activity covered by the ECOSOC. As. Consultative status provides NGOs with access to not only ECOSOC but also with human rights mechanisms of the United Nations, ad-hoc processes on small arms, as well as special events organized by the President of the General Assembly. NGO in consultative status with ECOSOC can designate representatives to obtain annual passes granting them access to UN premises, which are valid until 31 December of each year. NGOs that are accredited with ECOSOC can participate in a number of events, including, but not limited to, the sessions/meetings of ECOSOC, its functional commissions and its other subsidiary bodies.

These coordination meetings and networking have strengthened People Forum's coordination with the concerned stakeholders for the effective implementation of the programs and activities.

5. Capacity Development

With the objective to enhance the capacity of concerned stakeholders on legal aspect of foreign employment and trafficking, People Forum organized seventeen legal training with altogether 859 participants. The beneficiaries of the trainings include law enforcement officials, judicial authorities, government attorneys, lawyers, pro-bono lawyers, returnee migrant workers, counselor of migrant resource center, district focal persons, police officers and media personals. The legal trainings aimed to enhance knowledge and build capacity of stakeholders on laws related to Foreign Employment.

Training Districts
Kathmandu
Rupandehi
Biratnagar
Kavre
Nuwakot
Makwanpur
Chitwan
Kaski
Nawalpur
Bardiya
Jhapa
Sarlahi
Sindhupalchowk
Total Participants: 859



Training to the Police Personals working in Investigation Department:

"Training on Laws related to Human Trafficking to the Police Officials Working in Crime Investigation Units" was conducted on April 26-27, 2022 and May 26/27, 2022 at Kathmandu and Lalitpur districts respectively. The main objective of the training was to enhance knowledge of police personals working in investigation departments on Laws related to Foreign Employment and TIP. The training enhanced the participants' knowledge on the content, supporting them in their professional growth as well.



Seven days Paralegal Training to Library Staff & Youth Students

The Seven days Paralegal Training to Library Staff & Youth Students on Laws related to Foreign Employment was conducted from June 21- 27, 2022 in Dhulikhel. The main objective of the training was to develop paralegals in the labour migration sector to conduct legal awareness programs in the local levels and promote case referrals. The output of the training was that the participants are able to conduct awareness programs in their respective community and are able to support in cases for drafting the application in the Chief District Office and also follow case referral mechanism.



6. Research on Legal Aspect of Labour Migration (2021-22)

Research on legal aspect of labour migration plays a vital role in evidence-based policy advocacy. Research has been one of the working strategies of ¹⁶People forum since its

¹⁶ Study on the status of migrant workers access to justice in destination countries.

establishment and the organization has conducted research on various topic. During the reporting period, People Forum has conducted research on four important topics.

- a. **A Study on the Best Practices of Countries of Origin on re-integration Programs for Migrant Workers. "(2021).** The specific objectives of the research was to support the initiation of reintegration programs for migrant workers by the government of Nepal, to learn from the best practices of five Asian countries (Philippines, Indonesia, Pakistan, Bangladesh and Sri Lanka) of origin on reintegration programs for migrant workers. The research titled “A Study on the Best Practices of Countries of Origin on Re-integration Programs for Migrant Workers” broadly aimed to strengthen the knowledge of stakeholders on the reintegration of migrant workers by addressing their rights to reintegration. Following are the findings drawn from the research report: a. to recognize contribution of overseas migrant workers, urgency in the formulation of a comprehensive and sustainable re-integration policy. establishment of one stop re-integration Centre, definition of re-integration. This study may help the concern stakeholder to draft re-integration policy.
- b. **Study on Nepal’s Bilateral Labour Agreement (BLA) with the Destination Country. (2021)** The main objective of research “Nepal's Bilateral Labour Agreement with destination Country” is to study the existing bilateral labour agreements (inclusive of Memorandum of understandings) and the provisions contained therein, to understand whether the migrant workers have knowledge concerning the existence of Bilateral Labor Agreement, to analyze BLA from an international good practice and compare it with Nepal's bilateral labour agreements and to provide recommendations to the government. The research also aims to have information concerning the existence of the BLAs and whether they have had any impact on the cycle of migration. The research report contains studies of nine bilateral labour agreements with destination countries. The following are the recommendations derived from the study. The BLA and MOUs must be in line with international instruments like ICCPR, ICESCR and another normative framework. The MoLESS has to publish the BLAs on the websites and make them accessible to the general public by potentially translating it and disseminating it. The summary research report has been published in Nepali language which has enhanced knowledge of migrant workers and concerned stakeholders.
- c. **A Study on Rescue of Migrant Workers during COVID-19. (2022)** The main objective of the research is to study the best practices of countries of origin (specifically India, Pakistan, Bangladesh, Sri Lanka, Indonesia and the Philippines) on rescue of migrant workers during COVID 19. Besides this, the specific objective of this study was to study the rescue mechanisms of Nepal and best practices of countries of origin.

Conduct study on the judgement execution of foreign employment cases.
Localization of foreign employment mechanism and its international practice.
PIL decisions of Supreme Court on Labour Migration.

The major finding of the research was non implementation of the provisions stated in the Foreign Employment Act and the Supreme Court orders in Nepal. Among the studied nation, the Philippines has a proper manual and the institutional mechanism for the rescue of the migrant workers from the destination countries. This study has helped in rationalizing the prevalent Nepalese legal mechanisms and the need of specific rescue mechanisms and policies to address the challenges that can arise during any future crisis.

d. Study on Supreme Court Judgments related to Human Trafficking and Foreign Employment. (2022)

The main objectives of comparative study of Supreme Court Judgements of Human trafficking and Foreign Employment is to understand the judicial trends in the decisions given by the Supreme Court on offences related to Human Trafficking and Foreign Employment.

Result:

7. Media Mobilization

Media mobilization is another major strategy of People Forum to advocate on the issue of labour migration. The major objective of media mobilization is to build awareness among the people and to pressurize government to adopt program on safe migration. For effective advocacy, People Forum has been publishing evidence-based media articles with the objective to aware general people in labour migration issues for safe, orderly and managed foreign employment. In the two year more than eighty-four (84) articles have been published in the national daily in both Nepali and English newspaper. The newspaper articles highlighted the major challenges, impact, and possibilities in the foreign employment sector during and post COVID-19. Public Service Announcement was aired on National FM/radio to inform, update and create awareness to the general public on process of remedy. Media Interaction and training Program to share information about the Legal aid and Para legal service were conducted. Media articles have proved to be an effective tool to create awareness among the people, enhance stakeholder's knowledge on labour migration issues and pressure government to be accountable on making foreign employment safe, orderly and managed.



Fig: Newspaper Article published in National Daily

8. Intervention on Human Trafficking and Forced Labour

People Forum with the support of USAID, UK aid under the project supported by WINROCK International/Hamro Samman Project, provided service to TIP victims

and at-risk people. With the objective to enhance the capacity to deal with TIP cases from survivor-centric approach and roles and responsibilities in protection and promotion of rights of TIP survivors training has been provided to Government Attorney Offices, District Courts, Foreign Employment Tribunal and AHTB. A National Conference of Pro bono Lawyers in Kathmandu on March 26, 2022 was organized in coordination with Nepal Bar Association with more than 150 Lawyers. Coordination meetings with stakeholder have been organized to discuss on issues and challenges related to TIP in partnership with Anti human Trafficking Bureau. The main objective of the coordination meeting is to strengthen coordination and collaboration with the concern stakeholder. Capacity building training have been conducted to Police Personal of investigation department in partnership with Anti Human Trafficking Bureau (AHTB)s on the conceptual clarity and laws related to human trafficking, migration, foreign employment and smuggling. People Forum with the support from Winrock International/Hamro Samman Project, provided free legal service to Human Trafficking survivor in partnership with Anti Human Trafficking Bureau from November 2020. The Hamro Samman Project has been phased out in September 2022. The organization has continued to provide free legal aid service to the TIP survivor. Total 162 human trafficking survivor were provided with free Legal assistance till July 2023.

- **National Conference of Pro-bono Lawyers, Kathmandu.** People Forum and Nepal Bar Association jointly organized a National Conference of Pro bono Lawyers in Kathmandu on March 26, 2022. More than 150 Lawyers, Pro bono legal professionals, policymakers and civil society representatives took part in the event. The Conference had the objective to provide a platform to strengthen pro bono



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the

issued a nine-point Kathmandu declaration of pro bono lawyers committed to provide quality legal service to service seekers of human trafficking and labour migration.

initiatives and networking opportunity in Nepal and to facilitate institutional set up to promote Pro legal service, particularly to trafficking in person survivors. After conference, pro bono lawyers have

9. Publications by People Forum in 2021 and 22

- Handbook for 'Migrant Workers Rights related to COVID-19'
- Collection of Supreme Court Decisions related to Foreign Employment (Part V)
- Collection of Decisions by Foreign Employment Tribunal (Part I and Part II)
- Book on COVID-19 and Migrant Rights

- Training Curriculum for 7 Days Paralegal Training (Labour Migration Sector)
- Sample program on Foreign Employment for Municipality / Rural Municipality.
- Supreme Court Interim Order: Rescue and Repatriation of stranded Migrant Workers amid COVID-19 case no.076-FN-0558. Adv. Shom Pd Luitel et.al vs Council of Minister et.al.
- Book on Research Summary title "Study on Nepal's Bilateral Labour Agreement (BLA) with the Destination Country. (2021)"
- Policy Paper - on Destination Countries of Migrant Workers during COVID 19' (2021)
- Policy Paper - Compensation to Migrant Workers in the Context of COVID 19' (2021)
- Policy Paper - Wage Theft of Migrant Workers in the Context of COVID 19' (2021)
- Policy Paper - Women Migrant workers during COVID-19. (2022)
- Policy Paper - Repatriation and Re-integration of Migrant workers during COVID 19. (2022)
- Policy Paper - Access to Justices of Migrant Workers during COVID-19. (2022)