

Annual Progress Report

2023



People Forum for Human Right

(People Forum)

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BACKGROUND

National Census 2021 shows a total of 2,190,592 Nepalese living abroad, of which 1,799,675 are men and 390,917 are women.¹ Similarly, in FY 2022/23, the Department of Foreign Employment issued labor approval for a total of 771,347 individuals.² This data does not include migration to India, which is the most popular and easily accessible destination for Nepalese workers.

To regulate foreign labor migration, various institutional mechanisms like the Department of Foreign Employment (DoFE), Foreign Employment Tribunal (FET), and Foreign Employment Board (FEB) have been established. DoFE oversees and monitors the recruitment agencies, issuance of labor approvals, grievance handling, and rescue of migrant workers. FET is a separate judicial mechanism that provides justice to victims of fraudulent migration practices, and FEB conducts welfare-related activities for migrant workers and their families. DoFE investigates and prosecutes complaints against individuals or recruitment agencies related to foreign employment. The serious cases are registered at FET, which is decided as per the Summary Procedure Act 1972. Moreover, the Chief District Officer (CDO) also has been mandated to receive complaints in cases related to foreign employment. With the growing trend of migration, despite the legal and institutional mechanisms, migrant workers face various issues including fraud, cheating as well as exploitation.

| Cases registered in the Department of Foreign Employment (DOFE) in 4 fiscal years | | Cases registered in the Foreign Employment Tribunal (FET) in 4 fiscal years | |
|---|--------------------|---|--------------------|
| 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 |
| 2022/23 | 4464 | 2022/23 | 432 |

Source: Department of Foreign Employment and Foreign Employment Tribunal

PEOPLE FORUM FOR HUMAN RIGHTS: INTRODUCTION

Established in 2003, People Forum for Human Rights (People Forum) is a lawyers' organization committed to safeguarding human rights and advancing the rule of law in Nepal. Since its inception, People Forum has been providing free legal assistance to the victims of foreign employment and has extended its legal aid service to the survivors of human trafficking as well, in support of Safer Migration Program (SaMi), Helvetas/SDC, From September 2011 to December 2023, the organization provided free legal assistance to 34,250 distressed and destitute migrant workers and their families. During this period, the organization has successfully secured compensation amounting to NRs. 1,51,89,71,565/- for victims through its free legal aid services. Through its multifaceted approach³, People Forum remains steadfast in its commitment to advocating for justice, protecting the rights of marginalized individuals, and promoting a fair and equitable legal system in Nepal. Additionally, People Forum has been accredited with UN ECOSOC Consultative Status (Special) in 2021, and the organization is also a member of workstream of UN Network on Migration. The organization has concluded a Memorandum of Understanding with the Anti-Human Trafficking Bureau of Nepal Police and Free the Slaves for increased collaboration to fight against fraud and trafficking.



1 National Statistics Office. (2023, May). National Population and Housing Census 2021 (National Report). https://censusnepal.cbs.gov.np/results/files/result-folder/National%20Report_English.pdf

2 Department of Foreign Employment. (2023). *Details of the Final Approved List*. https://dofe.gov.np/uploads/document/Document_2023082806150.pdf

3 In support of IREX, ISSARA, OSF, KIOS Foundation, Winrock

A. Free Legal Aid Service to Migrant Workers

People Forum's free legal aid service includes drafting the First Information Report (FIR)/application, pleading on behalf of the victim, and case follow-up in FET, the Supreme Court, and DoFE. Additionally, People Forum supports/facilitates victims in collecting evidence as well as rescuing victims from the destination countries. Mostly, the victims reach out to People Forum through People Forum's legal aid clinic based in DoFE, FET, a web-based legal service and Public Service Announcement (PSA). In the year 2023 (January to December 2023), People Forum's legal aid service was extended to 2875 migrant workers. The details of the victims are provided below:

i. Gender of Victim

Among the 2875 victims, 87% (2506) were male, and 13% (369) were female. According to the Department of Foreign Employment (DoFE) data, out of the 4,03,641 labor permits issued from July 17, 2022, to July 16, 2023, 3,66,939 were male, and 36,702 were female.

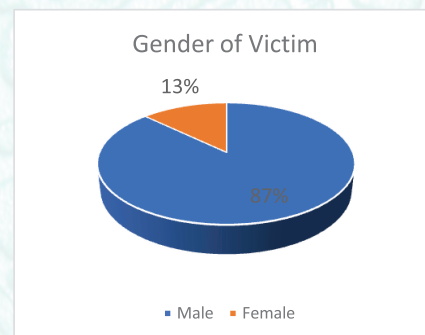


Figure 1: Gender of Victim

ii. Ethnicity of Victim

Of the total 2875 victims, 37% (1076) were from the Indigenous/Janajati community, 32% (921) belonged to the Brahmin/Chhetri community, 16% (446) were from the Madhesi Community, 10% (280) belonged to the Dalit community, and 5% (152) were from other communities. The highest number of victims belonged to the Indigenous/Janajati community, followed by Brahmin/Chhetri, Madhesi, Dalit, and others.

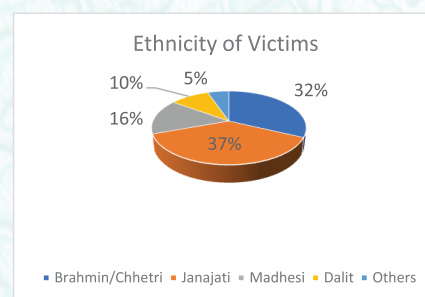


Figure 2: Ethnicity of Victim

iii. Channel of Exploitation

Among the total victims, 40% (1129) of victims registered complaints against institutions (recruitment agencies), while the remaining 60% (1682) registered complaints against individuals.⁴

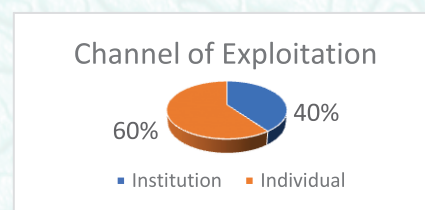


Figure 3: Channel of Exploitation

vi. Origin of Victims

People Forum provided free legal aid services to victims from all over the country. The majority of service recipients belonged to Bagmati Province (25%), followed by Koshi Province (22%), Madhesh Province (19%), Gandaki Province (15%), Lumbini Province (11%), Sudurpachim (4%), and Karnali Pradesh (4%).

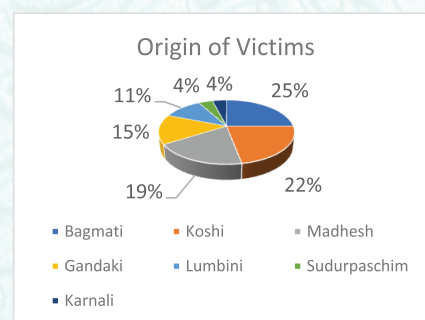


Figure 4: Origin of Victims

v. Country-wise Problem

Among the total service recipients, 58% (1659) were cheated in Nepal, either by agents or recruiting agencies. Complaints related to the UAE were 10% (302), Malaysia 10% (278), Saudi Arabia 8% (231), Kuwait 4% (105), Qatar 3% (87), and 7% (213) complained about other countries. Some victims did not disclose their destination countries.

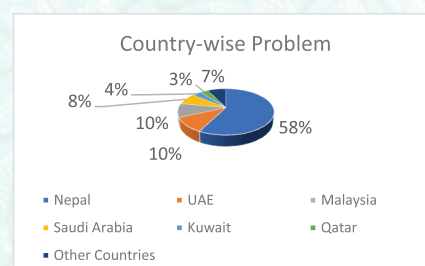


Figure 5: Country-wise Problem

⁴ IN 2015, the provision regarding agents has been removed from the Foreign Employment Act 2007.

vi. Nature of Case

The majority of complaints registered at People Forum's legal aid clinic were related to cheating/fraud by private recruitment agencies and individuals (61%). Other cases included wage theft (15%), rescue (14%), passport withhold (2%), medical unfit (2%), financial assistance (1%), trafficking (1%), and others (4%).

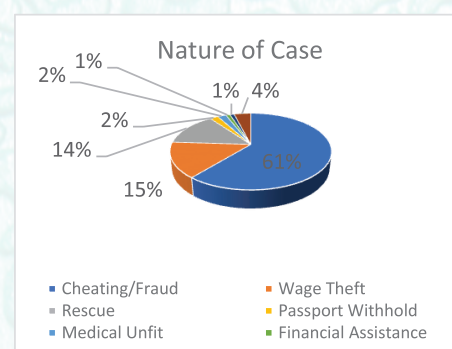


Figure 6: Nature of Case

vii. Case Referral

Cases are referred to People Forum's Legal Aid Clinic through various agencies, including the Department of Foreign Employment, Police, Anti Human Trafficking Bureau (AHTB), Foreign Employment Tribunal (FET), SaMi Project's Migrant Resource Centers (MRCs), Civil Society Organizations, Trade Unions, Media, relatives, and friends of victims.

viii. Legal Aid to TIP Survivors

Many aspirant migrant workers have fallen victim to human trafficking. People Forum has provided free legal services to Human Trafficking survivors in collaboration with the Anti-Human Trafficking Bureau of Nepal Police. A total of 167 human trafficking survivors have been provided free legal assistance.

B. Advocacy for Law Reformation and Policy Advocacy

People Forum has contributed to local, national, and international level policy advocacy. Through local-level advocacy, the local governments have included issues related to foreign employment in their yearly plans and policies. The national-level advocacy has supported the reformation of the Foreign Employment Act 2007, and in the international level, People Forum has contributed through its participation in various forums of the Global Compact on Safe, Orderly, and Regular Migration. Moreover, the organization is contributing as a member of the workstream of the UN Network on Migration. In 2023, the organization has conducted the following national-level advocacies:

Civil Society Alliance Meeting

Advocacy and Consultation with Concerned Stakeholders

i. Civil Society Alliance Meeting

The major objective of conducting the Civil Society Alliance for Foreign Employment Law Reformation (CSA)⁵ meeting is to determine the agenda and discuss strategies to advocate for the amendment of the Foreign Employment Act 2007. To strengthen joint advocacy for amendment of FEA 2007, CSA members conducted a signature campaign. A total of 6,159⁶ signatures and a memorandum urging the government to reform the FEA, 2007 to ensure safe labor migration was submitted to Hon'ble Minister Mr. Sarat Singh Bhandari, Ministry of Labour, Employment and Social Security.



Figure 7: Handover of Signatures to Hon'ble Minister Mr. Sarat Singh Bhandari at Ministry of Labor, Employment and Social Security

ii. Advocacy workshops and consultation with concerned stakeholders

The main objective of the advocacy workshop is to initiate programs for better laws for the protection and promotion of migrants' rights. This year seven consultations and advocacy workshops were concluded with government and

5 Civil Society Alliance was created by People Forum in 2016 to initiate a joint Civil Society Advocacy campaign for FEA reformation in line with the Palermo Protocol and other international standards. Alliance importantly sets agendas and strategies for joint advocacy. It includes networks, trade unions, CSOs, journalists, Bar units, research organizations, and professional federations working in labor migration sector. NHRC, ILO, IOM, SAMI, and HS/WI are the observer organizations for the CSA.

6 The news was covered by various daily and online newspapers: <https://www.ratopati.com/story/379935/baideshik-rojgar-...>, <https://ekantipur.com/.../2023/08/18/169235287895652208.html>

non-government stakeholders engaging 220 participants focusing on Contemporary issues such as the reintegration of migrant workers, Human Smuggling, and reformation of the Foreign Employment Act 2007.

C. Public Interest Litigation

Since its establishment, People Forum has filed twelve PIL cases including the appointment of labour attaché, the establishment of Safe House, the strengthening of bilateral labour agreements with destination countries, the decentralization of the services of the Department of Foreign Employment, rescue and repatriation of stranded migrant workers amid COVID 19⁷, India going migrants⁸, PIL on the abolishment of forced labour in Nepal, and effective implementation of right related to Legal Aid. In the recent PIL on rescue and repatriation of stranded migrant workers amidst COVID-19, the Supreme Court of Nepal issued an interim order in April 2020 to obligate the Government of Nepal to implement immediate and effective measures for the repatriation of migrant workers and to utilize Foreign Employment Welfare Fund. After the order issued by the Supreme Court, a total of 572,571 migrant workers had returned during and post-COVID period.⁹ Besides these, the Supreme Court has issued show-cause orders in the writ petitions related to the concerns of rights of India-going migrants and related to the ending of forced labor in Nepal.

D. Capacity Development

In 2023, People Forum provided capacity-building training to more than 1000 government and non-government stakeholders.

i. Legal Training to the local government representatives

The main objectives of the legal training in Kathmandu, Chitwan, and Nawalpur districts are to equip the local government representatives with knowledge to understand their legal mandate with regards to foreign employment and to promote their understanding of the ethical recruitment of migrant workers. The trainings have marked a significant stride in addressing the complexities associated with foreign employment and migration at the local level. The training catered participation from 187 local government representatives from 10 municipalities of Kathmandu, 7 municipalities of Chitwan and 8 municipalities of Nawalpur. These training programs have collectively represented a commendable step forward in empowering local stakeholders to overcome the hurdles associated with migration issues. The major achievement of the legal training is that the local governments have allocated budgets and programs related to foreign employment.

ii. Training to the Police Personals Working in the Crime Investigation Department

People Forum, in collaboration with Anti Human Trafficking Bureau of Nepal Police, conducted training

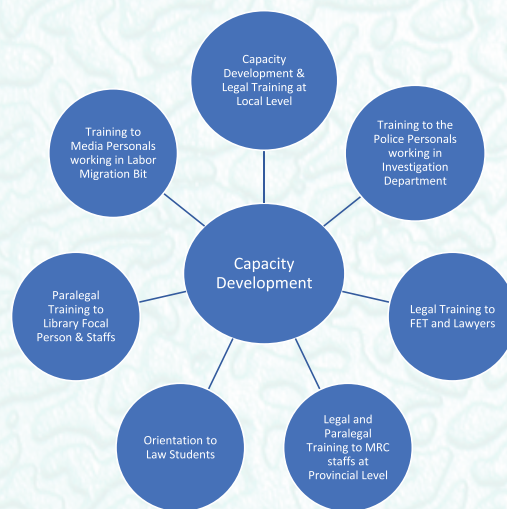


Figure 8: Group Work During the Training Program



Figure 9: Group Photo after the Refresher Training

7 *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-idUSKBN21Z2D0>

8 News article in National Daily has been published. <https://epaper.nagariknetwork.com/nagarik/src/epaper.php?id=4997#>, Page 6.

9 CCMC Report, https://ccmc.gov.np/ccmc2/ccmc_update/Details%20of%20Returnees%20202078.05.31.pdf

programs aimed at enhancing the knowledge and skills of police personnel in addressing issues related to human trafficking, foreign employment, human smuggling and forced labor for police personnel. The training was provided to a total of 40 (Male 29 and Female 11) police personnel, 20 from Koshi Province and other 20 from Lumbini Province.

These initiatives aimed to equip the participants, comprising police officials, with the necessary legal understanding to handle cases effectively. Additionally, a refresher training was organized for 20 investigating officers of the Kathmandu Valley.

iii. Legal Training for Judicial Officials

People Forum has been organizing legal training for judicial officials regularly. The main objectives of the training are to enhance and update the knowledge of the judicial officials regarding Foreign Employment Laws and how the victim of foreign employment can be speedily provided justice. Resource Personnel for the training were Policy-level officials from different agencies directly related to the Foreign Employment Tribunal, Special Government Attorney Office, Department of Foreign Employment, Nepal Police (CIB), and experts in Foreign Employment.

iv. Legal Training to MRC Staff at Provincial Level



Figure 10: Group Photo of the MRC Staff at Provincial Level

The province-wise two-days Legal training sessions for Migrant Resource Centers (MRCs) were organized to comprehensively enhance staff capacity on legal issues related to foreign employment. The sessions boasted a participation of 65 individuals from two provinces. Through interactive discussions and sharing of experiences, staff gained practical insights into handling cases, addressing challenges, and implementing best practices.

v. Legal Orientation to Victims in Shelter

One-day legal orientation at shelter homes was conducted in six different organizations to a total of 115 individuals (113 female, 2 male) to deliver information about foreign employment, human trafficking, and gender-based violence. The main objectives of the orientations are: to aware the victims of rights, remedies and legal procedures on foreign employment, trafficking, and gender-based violence, to enhance the knowledge of the victims, and facilitate them to file cases. The participants were also open to the discussions about their personal issues and cases.

vi. Training to Returnee Network and CSO Network

A three-day training was conducted for the returnees and CSO networks working on the safe migration issues for a total of 20 participants (12 Male, 8 Female). The main objectives of the training were to enhance the knowledge of the officers of the returnee and CSO network on the legal aspects of foreign employment and to build good coordination among the networks for case referral. The major achievement of the training was the knowledge enhancement of the participants on the national and international laws related to foreign labor migration and the case referral to the concerned agencies.

vii. Para Legal Training to library Focal Person and Staff

A seven-day paralegal training was conducted to a total of 20 (Male-3 Female-17) library focal persons and staff to empower them with legal knowledge, enabling them to conduct awareness programs at the local level and facilitate case referrals. The successful outcomes of these training



Figure 11: Group Work during Paralegal Training

programs are: trained paralegals have initiated legal awareness programs in the community, case referral was strengthened and some of the migrant workers received compensation.

viii. Awareness Program by Paralegals



Figure 12: Participants of one of the awareness programs organized by the paralegals

The trained paralegals conducted a total of 50 legal awareness programs in 10 districts. The programs were led and organized by the paralegals. The main objective of the legal awareness programs is to aware and enhance the knowledge of the community members about the laws related to foreign employment. The program was conducted in marginalized and indigenous communities including Musahar and Tharu communities, school and college students, aspirants, returnees, and family members of the migrant workers. A total of 1338 individuals (Male – 614, Female – 724) were provided legal awareness. After receiving the awareness, the paralegals received cases related to foreign employment which they have referred to People Forum and the individuals have also received compensation.

ix. Orientation to Law Students

Two separate orientation sessions for law students, one focusing on ethical recruitment and foreign employment laws and another on promoting pro bono legal service to vulnerable groups were provided to 21 law students. These orientations aimed to enhance the knowledge and capabilities of law students, fostering a comprehensive understanding of ethical recruitment and legal practices in the context of foreign employment and pro bono legal services. By involving law students, the initiative not only enriched their understanding but also contributed to a more holistic strategy for responsible governance and legal compliance in the realm of foreign employment.



Figure 13: Group Photo after the completion of the orientation

x. Orientation Program by Law Students



Figure 14: Law Students participating in the orientation program

After receiving orientations on ethical recruitment and the pro bono training, the law students conducted orientations in their respective colleges and in the municipalities in Kathmandu as well. The batch of students receiving orientation on ethical recruitment orientation conducted orientation in their respective colleges to 728 law students and another batch receiving pro bono training, conducted orientation to a total of 1133 law students (M - 392, F - 741) in 44 events, and to a total of 108 local government representatives and staff members (M – 59, F – 49). The orientation program by law students on ethical recruitment and pro bono legal service to vulnerable groups enhanced knowledge of the local government officials and the law students respectively on the issues of foreign employment, ethical recruitment, and also on the prospects and challenges of pro bono legal services.

xi. Training to Media Personals working in Labor Migration Bit

People Forum organized a two-day training for 20 media personnel on labor migration, human trafficking, and the role of journalists in ensuring the rights of migrant workers. The program's success was evident through two news coverage done by the trained journalists. The training not only provided valuable insights into legal frameworks but also contributed to improved media coverage of labor migration and human trafficking issues.

E. Coordination and Networking

The coordination meetings have provided a common platform for central and district-level stakeholders to discuss challenges on safe migration and human trafficking issues. Eight coordination meetings were organized and more than 300 governments and non-government stakeholders participated and contributed. The bi-monthly coordination with AHTB has helped both institutions to come together to mitigate challenges effectively.

The district-level coordination meetings organized by People Forum in collaboration with READ Nepal in Chitwan and Nawalparasi were crucial gatherings that aimed to enhance collaboration among justice administration officers and stakeholders on issues related to foreign employment, human trafficking, and the need for coordinated efforts to ensure safe migration in the districts. The meetings concluded with a commitment to a coordinated approach in addressing foreign employment and human trafficking cases.

The District Project Advisory Committee conducted on May 2023 in Biratnagar, emphasized the crucial role of local government in addressing issues related to foreign employment. Participants voiced the necessity of conducting local-level awareness programs to enhance understanding and mitigate challenges associated with foreign employment.



F. Research and Technical Assistance to Government

Various research namely: Study of Foreign Employment Cases related to Ethical Recruitment, Wage Theft of migrant workers during COVID-19, Study on Nepal's Bilateral Labour Agreement (BLA) with the Destination Country and Public Interest Litigation Cases on Labor Migration, were conducted in 2023 focusing on the rights of migrant workers. These researches have been beneficial for the law makers, the implementers as well as the judicial officials in formulation, reformation and implementation of laws related to foreign employment and human trafficking. Moreover, the CSOs have used these as an important tool for advocacy. Additionally, the organization's qualified team has been providing technical assistance to the government. Till date, the organization has assisted as:

- Member of the Foreign Employment Improvement Suggestion Taskforce
- Technical assistance to government in formulating Foreign Employment Act 2007
- Assistance in drafting Foreign Employment Tribunal Rules
- Assistance in drafting smuggling law
- Technical assistance in drafting integrated forced labour law
- Member of taskforce to draft "Guidelines for Repatriation of Stranded Nepali Workers in the Course of Foreign Employment due to COVID 19"
- Member of taskforce to develop demand attestation guideline and scholarship guideline
- Assist in drafting the Memorandum of Association of Malaysia, UAE and Oman
- Technical assistance in drafting Code of Conduct of Nepal Association of Foreign Employment Agencies
- Technical input in the Business and Human Right's National Action Plan

Publications by People Forum in 2023

