**Actions taken to advance the protection of migrants in vulnerable situations.**

1. Nepal has strongly prioritized bilateral labour agreements with destination countries to advance safer migration. In contrast, 2017 to 2019 saw remarkable progress in the number of agreements signed or renewed including with Japan, Korea, Malaysia, Mauritius and the UAE. Overall, the major features of this agreement include the following:

* **Employer Pays Principle:** The Government has strongly prioritized the employer pays principle to ensure that workers do not have to bear any cost and fees associated with their recruitment process. This includes the agency fees that is paid by the employer to the recruitment agency facilitating the recruitment.
* **Standard Employment Contract:** The MOU includes a Standard Employment Contract that includes details on the terms and conditions of the work. Nepal’s experience shows that standard contracts are already developed unilaterally by the destination countries as per their labour law. In such cases, the focus is on ensuring that these contracts meet the minimum standards set by the Nepali side.
* **Roles and Responsibilities of the Contractual Parties:** Attempts have been made to delineate the individual and joint responsibilities of the Governments of both countries as well as that of the recruitment agencies. In a few cases such as Malaysia and Mauritius, responsibilities of the Employer and the Worker are also elaborated.
* **Access to Justice:** The provisions on dispute settlement using amicable means in the first two weeks followed by formal arbitration by the concerned judicial authorities is common in all MOUs. However, the more recent MOUs have emphasized on allowing workers with a pending court case to legally reside and work in the country of destination. In addition, the MOUs also include provisions on free legal services including representation and translation services.
* **Skills and orientation:** To ensure that the skills and orientation training provided in Nepal are relevant to the destination country, the MOUs prioritize cooperation on joint skills and orientation program.
* **Health Examination:** The MOUs prioritize cooperation in setting the medical examination standards and procedures that meet the criteria of both the Governments of Nepal and the destination country. Emphasis is also given on ensuring that health examinations be allowed at all eligible medical institutions approved by the Government of Nepal including the government hospitals.
* **Equality of Treatment:** This provision relates to the fair treatment of the Worker on par with the locals and other nationals in the country of destination in their terms of employment including wage and non-wage benefits, access to justice and freedom of movement.
* **Change of Employer:** Workers should also be allowed to change employers in certain cases such as the winding up of businesses or mis-treatment of the worker by the Employer. In other cases, such as Korea, workers are able to change employers up to 3 times within the same sector.
* **Special Leaves:** In case of personal emergencies including death of close family members, Workers are allowed special leaves to visit Nepal.
* **Insurance:** The Employer is required to bear the costs of health and accidental insurance and medical fees of the worker.
* **Possession of Personal Documentation:** The MOUs require that personal identification documents of the workers are to be kept by the worker at all times.
* **End of Service Benefits:** Workers are entitled to end of service benefits as per the local laws of the country.
* **Occupational Health and Safety:** Given the nature of the work that majority of the Nepali workers are engaged in, such as construction and manufacturing, occupational health and safety measures are emphasized.
* **Special Provisions for Female Workers:** The MOUs emphasize on safety, security and welfare of the female workers, with due regard to their special needs.
* **Return:** Upon the completion of the contract period, Workers have the option to return at the cost of the Employer. In case of death of worker, the Employer is responsible for the expeditious repatriation of the remains of workers along with timely settlement of salary, allowances, overtime and other belongings.
* **Joint Working Group:** The MOUs have a provision of establishing a Joint Working Group (or Joint Committee) to ensure the proper implementation and monitoring of the Agreement and to recommend amendments as needed.
* **Nepal has strongly prioritized recordkeeping of migrant workers.** The Foreign Employment Information Management System (FEIMS) has been established which is an integrated information management system of legal migrant workers that has brought together all migration related authorities and agencies to the same platform. This one-stop portal helps address some key issues in the recruitment, employment and repatriation of workers including comprehensive data management of all legal migrants as well as all private sector players in one platform.
* **Demand Attestation :** Verification of job demand letters by the Diplomatic Mission has been made mandatory. This ensures that fraudulent demands and contract substitution is reduced and transparency is increased. It also facilitates increased communication between the Nepali diplomatic missions and employers while allowing them to play a more active role in the recordkeeping, screening and monitoring of employers and workers.
* **International Frameworks:** Nepal is Chair of Colombo Process and an active member of the Abu Dhabi Dialogue. In addition, Nepal adopted the Global Compact for Safe, Orderly and Regular Migration. All these platforms are being used extensively by the Nepal Government to bring out the issues of migrant workers in coordination with other destination and sending countries.
* **Decentralization of Migration Governance-related Services:** In the context of federalization, the Local Governance Operation Act 2017 envisions multiple roles and responsibilities of the local governments in relation to foreign employment. These responsibilities can be broadly categorized into three groups including data collection, information and training, and integration of returnee migrants. This has allowed migrant workers and their families to easily access relevant services in their proximity. For example, migrant workers have access to pre-decision counseling sessions in their proximity through Migrant Resource Centers that enables them to make informed choices on migration.

**Challenges and best practices in identifying missing migrants and ensuring access to information and justice to their families.**

* The Foreign Employment Information Management System (FEIMS) has helped to improve recordkeeping of all migrants in an easily and accessible way.
* Nepal has a specialized Foreign Employment Tribunal (FET), a semi-judicial body that provides justice to the victims of fraudulent migration practices in an easy and fast track manner.
* A Call Center has been established at the premises of the Ministry of Labour, Employment and Social Security (MOLESS) to receive grievance/complaints from migrant workers and their families so that it can act swiftly act on it and forward relevant issues to the related migration stakeholders including Employment Management Division of MOLESS, DOFE and FEB. In addition, MOLESS also receives a number of queries and complaints from migrant workers through social media.
* The recently amended Foreign Employment Rules has also allowed registration of grievances at the Diplomatic Missions. Similarly, registration of complaints related to foreign employment through district level administrative units has also been allowed, with authority to the related Chief District Officer to conduct primary investigation. This increases access to justice to migrants and their families.
* Recruitment agencies have joint liability with their employers so that in case there is malpractice in the destination country, recruitment agencies are held responsible. This allows migrants to lodge complaints for malpractices in their recruitment or employment in Nepal and get duly compensated in Nepal.
* For migrants who lose their lives abroad, the Government provides repatriation support of the dead. The families of migrant workers who lose their lives abroad receive financial assistance of upto 6259 USD, while migrants who are injured also receive assistance upto 6259 USD depending on the intensity of their injury.
* Many diplomatic missions in the destination countries provide food, shelter, legal assistance to stranded migrants abroad.

**Advances in the protection of the human rights of migrants through the implementation of the GCM.**

* As Chair of the Colombo Process, Nepal has been part of the GCM since its very inception with the declaration in 2016. It has been holding country level and regional consultations, and has provided inputs to various drafts of the GCM. The CP’s joint recommendations were reflected in the final GCM draft.
* Prior to COVID-19, the Government had initiated the task of preparing a national action plan for the implementation of the GCM, based on priorities of Nepal.
* With the adoption of the GCM, Nepal has access to a global platform and a common language to elevate the discussion around worker protection issues as a labour sending country. Many of the provisions of the bilateral labour agreements that Nepal has signed recently are based on principles endorsed by the GCM.