



Public Statement

27 November, 2012

Nepal: Recruitment agencies must prioritize the protection of migrant workers

Amnesty International is concerned over recent remarks made by the Nepal Association of Foreign Employment Agencies (NAFEA) against the implementation of existing rules related to labour migration by the Department of Foreign Employment (DoFE).

In a media comment a NAFEA official stated how “stricter rules” in securing job permits by the DoFE had discouraged recruitment agencies from sending workers abroad. They claimed the drop in migration figures showed that many were now going abroad through informal channels via India, contravening Nepalese law.

“NAFEA’s remarks are not helpful to the ongoing efforts by civil society, governmental and inter-governmental agencies to promote safe migration in Nepal. The priority for the Nepalese government should be the protection of migrant workers, not ensuring high profits for recruitment agencies by processing migration applications as fast as possible,” said Rameshwar Nepal, Director of Amnesty International Nepal.

“Procedures put in place by the Government aimed at reducing contractual deception, including translation of contracts into Nepali, should, if implemented properly, contribute towards reducing the widespread practice of recruiters trafficking migrants for forced labour,” said Nepal.

Amnesty International’s research clearly shows that using informal migration routes puts migrant workers at greater risk of exploitation.

“If the drop in migration correlates with an increase in migrants travelling via India to circumvent the formal system, then this is indeed cause for concern. We urge better cooperation between agencies and the governments of Nepal and India to protect migrant workers, including penalties for rogue recruiters who violate the law,” added Rameshwar Nepal.

Amnesty International is calling on all political parties in Nepal to sign up to key safe migration policies that will help protect the millions of Nepalese who go abroad for work. This is an issue that impacts the whole nation and needs a response that crosses party political lines. It is no longer acceptable for politicians to ignore this issue or for recruitment agencies to circumvent or flout existing laws.

Key policies for safe migration;

1. Ensure that laws banning excessive interest rates are enforced.

2. Ensure the Foreign Employment Act is an effective tool against trafficking for exploitation and forced labour by punishing recruitment agents violating the Act and ensuring that the complaint and compensation mechanisms are accessible to migrants and their families.
3. Ensure women who wish to migrate do not face discriminatory restrictions in the migration process.
4. Release reserves in the Welfare Fund to finance low interest loans for migrants and enterprise assistance for returnees.
5. Ratify the UN Trafficking Protocol and ensure Nepal's domestic law on trafficking covers labour exploitation.

Links to Amnesty International's documents on Nepalese migrant workers' rights:

Full report, *False Promises: Exploitation and forced labour of Nepalese migrant workers*:
<http://www.amnesty.org/en/library/info/ASA31/007/2011/en>

Campaign digest, *Out on a Limb*:
<http://www.amnesty.org/en/library/info/ASA31/008/2011/en>

Accompanying video clip on youtube:
<http://www.youtube.com/watch?v=O-EnlaEYJ6A>