

THE FIVE CORRIDORS PROJECT - CORRIDORS 2 AND 3

Nepal to Kuwait and Qatar: Fair recruitment in review

JULY 2021



ABOUT THIS DOCUMENT

The Five Corridors Project is an initiative led by FairSquare Projects, which aims to identify key measures that governments can take to ensure that migrant workers can migrate safely and with dignity. FairSquare Projects is a non-profit human rights organisation that tailors rigorous research with communication and advocacy work to promote systemic change. The Five Corridors Project is supported by Open Society Foundations, Humanity United and Porticus. The organisations that funded this project played no role in the design or execution of the research, and our conclusions and recommendations may not necessarily reflect the viewpoints of Humanity United, OSF or Porticus.

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Cover photograph: Visa applicants at a Migration Resource Center in Kathmandu, Nepal, 2015. © ILO

Assessment against the Five Corridors indicators:

7. Access to grievance mechanisms, provision of remedy and accountability

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Migrant workers from Nepal in their accommodation, Qatar, 2015. ©Marwan Naamani / Staff / Getty Images

7. Access to grievance mechanisms, provision of remedy and accountability

“The embassy is useless, they don’t receive our calls. Even if they do, they just ask us about our complaints and mention that it has been documented in their record and repeat the same every other day.” NEPALI MIGRANT WORKER.

Summary

Nepal’s Foreign Employment Act (FEA) provides a framework for migrant workers seeking redress for recruitment-related abuses both at home and abroad. Practically, however, a nexus of obstacles – financial, legal, bureaucratic, geographical, and personal – lead most victims either to abandon complaints against recruiters, or to accept mediation processes resulting in lower compensation, and which fail to achieve accountability. This is even truer for undocumented workers, many of whom are women, than for those who migrate through official channels. Within Nepal, the FEA mandates a range of government bodies to investigate complaints against recruiters, affording them powers to oversee mediations, require payment of compensation, issue fines, withdraw licences, and even sentence perpetrators

to prison terms. Even assuming the victim is aware of the existence of these rights (which most are not), the reality of pursuing a claim is that it is so lengthy, complicated and expensive a process – often involving travel to Kathmandu despite measures to enable the filing of complaints by post or through an online system – as to be beyond the means of all but a few. Authorities have little capacity to conduct investigations, and even if victims win compensation at the Foreign Employment Tribunal (FET) level, they must spend more time and money obtaining an enforcement decision from district courts. All the while, claimants have little to no protection against threats or intimidation from recruitment agencies pressuring them to drop cases, and no access to state-funded legal aid, forcing them to rely on help from civil society organisations, which are often dependent on donor funding. As a result, most accept low settlements

through mediation. Abroad, the FEA mandates the Nepali diplomatic missions to assist citizens in whatever way required, often in coordination with migrant resource centres established in Nepal under the Swiss-Nepali Safer Migration initiative. However, Nepali migrant workers in Qatar and Kuwait consistently told us that their embassies are inefficient and do not provide sufficient assistance with navigating the complex grievance mechanisms in these countries. This appears to be due to such severe restraints on resources that they can only take on the most serious cases and a lack of case management or referral systems.

Kuwait's domestic workers and private sector laws provide for free access to a grievance mechanism, which envisages that most labour disputes will be settled within one month through a process of mediation, with any unsettled disputes being then referred to the courts. In reality however, the resolution of disputes is far from being swift and costless, and the whole system is actually weighted firmly against complainants. Key factors include: language barriers, since all documents need to be submitted in Arabic, and very few pro bono interpreters are available in the Public Authority of Manpower's labour relations or domestic work departments and in the courts; costs, since there is limited access to free legal aid, and little knowledge among workers of the basic free assistance provided by the Kuwait Bar Association; and time, since grievances that are not resolved at the mediation stage can take one to three years to be addressed by the courts. In addition, inadequate legal safeguards mean that migrants may place themselves at actual risk by commencing a grievance process, which involves submitting a complaint to PAM's offices either in person, online or through a mobile phone application as a first step before a mediation process with employers can begin. However, even this first stage may be impossible for the most vulnerable migrants, including domestic workers in abusive situations, who may fear that leaving work will result in a charge of "absconding", resulting in possible arrest and deportation. Furthermore, the Domestic Workers Law fails to address the issue of retaliation, which has created a culture of impunity regarding reprisals – including refusal to pay wages, verbal and physical abuse, and threats

of deportation or legal action – against workers who submit grievances.

The Qatari Labour Dispute Resolution Committees, which began operating in 2018, were set up to address the failings of the previous labour complaints system, where extensive delays to rulings, court fees for expert reports, and the need to obtain separate enforcement decisions, all colluded to prevent migrant workers' access to redress. The new Committees hear cases from all categories of migrant workers, regardless of nationality, job or immigration status. Claims can be submitted via a mobile application or hotline established by the labour ministry. The Committees do not levy court fees, provide free translation during hearings, hold some sessions outside of most migrants' working hours, and were designed to issue decisions that have executory force within a period of six weeks. In 2021, ADLSA launched an online platform to enable workers to submit complaints against employers, including as "whistle-blowers", meaning their employers would not be notified. Complaints can only be made in Arabic and English, though there are user guides in ten other languages. A government fund set up to pay migrant workers the sums awarded by the court, when their employers are unwilling or unable to do so, became operational in August 2020. These undoubtedly represent improvements on the previous system. Nevertheless, migrants continue to face obstacles that can in some cases be too difficult to surmount. Large cases cannot be heard collectively by the court, meaning that cases involving large numbers of workers almost identically subjected to wage theft by the same employers are split up, forcing migrant workers to each individually win their case and slowing down processes. Many employers simply fail to participate and despite efforts by the authorities to expedite the process, it can still in some cases take up to eight months to get a court decision issued. Enforcement of judgements can then be as time consuming as the court process itself. The absence of widely accessible state-funded legal aid means that claimants who seek legal advice can end up paying the equivalent of two months' wages for this, and then more for translation of documents.

Recommendations to the Government of Nepal:

- Provide legal aid programmes in locations where migrant workers live, to help victims reach out to appropriate agencies (DAO, local police) without having to travel to Kathmandu.
- Conduct an independent policy review to assess the effectiveness of current mediation processes. This review should specifically address the question of whether mediation by DOFE, as it functions presently, supports or prevents migrant workers from receiving an effective remedy.
- Significantly strengthen the capacity of diplomatic missions in Qatar and Kuwait to support migrant workers facing exploitation and other abuses in seeking redress including by providing legal advice and representation.
- Ensure that missions are adequately resourced to carry out thorough checks on prospective employers as part of the “demand letter” attestation process.
- Effectively implement the 2018 guideline on legal assistance abroad.
- Explore with groups such as the ILO the feasibility of video-technology in allowing returnee workers to access judicial and non-judicial grievance mechanisms in destination states.

Recommendations to the Government of Kuwait:

- Amend the Domestic Workers Law to expand the grounds for seeking compensation beyond refusal to pay for overtime work, to include access to compensation for passport confiscation, contract substitution, and any failure to provide adequate housing, food and medical expenses or labour exploitation.
- Significantly reduce the time period migrant workers have to wait for court processes to

proceed and ease the process of sponsorship transfer during this period.

- Increase availability of interpretation at all stage of grievance mechanism processes; provide easily accessible state-funded legal aid for migrant workers throughout grievance mechanism processes, and free services for translation of documents and complaint forms for submission.
- Amend the Private Sector Labour Law, Domestic Workers Law and Anti-Trafficking Law to criminalise retaliation against workers making complaints and protect victims from prosecution on fleeing abusive employers, and explicitly prohibiting dismissal from employment for any worker involved in lodging an official complaint against their employer.

Recommendations to the Government of Qatar:

- Significantly reduce the average time taken to issue rulings at Labour Dispute Resolution Committees. Consider legislative changes to allow for collective complaints, when large number of workers make complaints. Where employers cannot or will not comply with court judgements, ensure that the Workers’ Support and Insurance Fund (WSIF) disburses money owed to workers in a timely manner.
- Expand the scope of damages which can be recovered at Labour Dispute Resolution Committees, beyond loss of wages and end of service benefits, to include access to compensation for passport confiscation, contract substitution, recruitment fees, and any failure to provide adequate housing, food and medical expenses or labour exploitation.
- Provide state-funded legal aid for migrant workers throughout grievance mechanism processes, and free services for translation of documents and complaint forms for submission.
- Amend the 2004 Labour Law, Domestic Workers Law and 2011 Anti-Trafficking Law to explicitly

protect workers against dismissal for filing an official complaint by criminalising retaliation against workers making complaints and fleeing abusive employers. Prohibit dismissal from employment for any worker involved in lodging an official complaint against their employer.

- Significantly increase government provision of shelters for domestic workers and allow walk-in access.

7.1 Do workers, irrespective of their presence in the country, have access to free or affordable grievance / dispute resolution mechanisms in cases of alleged abuse of their rights in the recruitment process?

Nepal

By law, Nepali migrant workers who have travelled abroad through regular channels have access to free grievance mechanisms both in the destination country and upon return to Nepal. Whilst not explicitly excluded from such mechanisms under relevant legislation, irregular and undocumented migrants, many of whom are women, experience the most significant obstacles when seeking justice.

Under the 2008 FEA, migrant workers seeking redress in Nepal can file claims for recruitment-related abuses with the following institutions: the DOFE, which handles complaints against individual agents and recruitment agencies and dispute resolutions; the Foreign Employment Tribunal (FET), which investigates and prosecutes more serious criminal cases against individuals, which carry a prison term; and, following a 2019 amendment to the FEA, the District Administration

Office (DAO) which receives complaints against institutions at a district level, with a requirement to refer them to DOFE within seven days.⁷⁷⁹ Chief district officers at district administration offices have the power to mediate in grievance cases against individual agents,⁷⁸⁰ while district courts are responsible for enforcing decisions issued by the FET.⁷⁸¹ There are no charges for filing complaints with DOFE or DAOs but workers choose to seek professional help from free legal aid workers working for NGOs.⁷⁸²

The Complaints Registration and Investigation Section at DOFE has the mandate to carry out investigations into complaints relating to the non-fulfilment of contractual liabilities by the employer in the destination country or recruitment agencies in Nepal as well as violations of license and labour approval requirements under the FEA.⁷⁸³ This includes, amongst others, the following offences, which are not subject to a statute of limitations, and which may be referred to the FET for prosecution:⁷⁸⁴ operating a foreign employment business without a proper license; sending a person for foreign employment without DOFE's permission or to an unauthorized country; sending a minor for foreign employment; and concealing or tampering with relevant documents.⁷⁸⁵ Complaints for other widespread offences such as the charging of illegal recruitment fees, contract substitution, non-payment of compensation or violations related to the recruitment and selection process must be filed within a year of their commission, or, within a year of a worker's return to Nepal, for those working abroad. They are usually handled through mediation at DOFE.⁷⁸⁶

If the investigation proves the claim, DOFE can order the recruiting agency to compensate the worker for all expenses they have incurred in the foreign employment process.⁷⁸⁷ DOFE may also impose fines and withdraw the license of recruitment agencies found to have been involved in fraudulent recruitment activities.⁷⁸⁸ In the

779. Following an amendment to the FEA adopted in the context of federalization reforms to enable workers' access to justice without having to make the costly travel to Kathmandu, as of 2019, workers or their family members can also seek compensation and register complaints and supporting evidence of fraudulent recruitment at District Administration offices, which forward them to DOFE within seven days. See MOLESS, *Nepal Labour Migration report 2020*, (March 2020): 57.

780. Added by a new amendment to the FEA, Section 21 A (4). See MOLESS, *Nepal Labour Migration report 2020*, (March 2020): 53.

781. MOLESS, *Nepal Labour Migration report 2020*, (March 2020): XVIII.

782. Former Investigation Officer, Department of Foreign Employment, interview, 29 December 2019.

783. *Foreign Employment Act, 2007*, Section 35(1).

784. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, "Migrant Workers' access to justice at home: Nepal", Open Society Foundations, (2014): 111.

785. *Foreign Employment Act, 2007*, Sections 43-47.

786. *Foreign Employment Act, 2007*, Section 60.

787. *Foreign Employment Act, 2007*, Section 36 (2).

788. *Foreign Employment Act, 2007*, Section 40. In 2019, for example, DOFE cancelled the license of 80 recruitment agencies "due to the increasing number of complaints related to fraudulent activities". The Himalayan Times, "DOFE has cancelled the licenses of 80 manpower agencies this fiscal year", (6 March 2019).

more serious criminal cases mentioned above, DOFE investigation officers must file a complaint (under their own names) at the FET, once they have completed their investigation.⁷⁸⁹ Such cases then go through a prosecutorial review to assess the evidence, and if deemed sufficient for prosecution, DOFE investigators are required to submit a charge sheet, and a hearing date is set.⁷⁹⁰ Migrant workers, who filed the original complaint are not party to these cases (which are prosecuted on behalf of the state) but may be asked to attend the FET hearing in Kathmandu at their own cost, as witnesses, placing an additional financial burden on them when they are already in a precarious situation. Verdicts are usually issued on the day of the hearings, which are brief, and may be appealed within 35 days.⁷⁹¹

Although the FEA does not exclude irregular or undocumented migrants from filing complaints with DOFE, and in fact, stipulates that an investigation into alleged violations must be launched based on information from any source, or a complaint by “any person”, in practice, the lack of material evidence such as receipts for recruitment fees or copies of contracts in cases involving irregular migration means that claims by those who have migrated outside of official channels are extremely rare.⁷⁹² A senior official at DOFE told us, “we cannot file cases where migrants have gone through irregular routes and are undocumented. We cannot file cases without evidence, which is why complaints are filed for regular cases only. The cases of undocumented migrants need to be registered with the police.”⁷⁹³ Such a position is not only inconsistent with international labour standards, which cover all workers irrespective of their nationality or immigration status, it also creates a division within the justice system between different categories of migrant workers without acknowledging the specific circumstances that may lead some to migrate irregularly or become undocumented.

In what could be a positive development for irregular migrants, in January 2020, DOFE and the Nepal Police

signed an MOU, which allows individuals to submit complaints relating to fraudulent recruitment practices directly to the police for preliminary investigation, following years of resistance by both DOFE and the recruitment industry.⁷⁹⁴ In cases involving unregistered agents, the police is now able to conduct its own investigation but is required to refer all cases filed against registered recruitment agencies to DOFE. Although DOFE may still be able to exercise discretion, enabling police authority is likely to have positive outcomes for migrants. DOFE has also requested assistance from the Nepal Police in the monitoring and investigating of human trafficking cases occurring in the context of foreign employment. The cooperation may have an effect on DOFE’s capacity to identify human trafficking cases in the future, though as noted in 5.3 the police’s efforts in that respect have been traditionally limited to trafficking for sexual exploitation.

As for Nepali migrant workers in destination countries, they can access grievance mechanisms in Nepal through Nepali diplomatic missions, which have a mandate, under the FEA, to assist their nationals “in resolving problems arising [from] disputes between workers and the employing enterprises or license holders”, and to provide the “necessary counseling to workers and discourage [them] from getting engaged in work other than that specified in [their] contract”.⁷⁹⁵ However, while Labour Attachés are now legally required to carry out checks on employers during the demand attestation process, they are not mandated under the FEA to verify that the job description included in the contract matches the one issued in the visa.

Under the newly amended FER, migrant workers can file grievances directly with diplomatic missions. The Department of Consular Services under the Ministry of Foreign Affairs is responsible for handling complaints related to the rescue and repatriation of migrant workers abroad.⁷⁹⁶ Distressed migrants in destination countries, or their families, can also contact one of the

789. *Foreign Employment Act, 2007*, Section 64 (1).

790. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, “*Migrant Workers’ access to justice at home: Nepal*”, Open Society Foundations, (2014): 112.

791. *Foreign Employment Act, 2007*, Section 66.

792. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, “*Migrant Workers’ access to justice at home: Nepal*”, Open Society Foundations, (2014): 107.

793. Senior official, DOFE, interview, 15 January 2020.

794. The Kathmandu Post, “*Department of Foreign Employment seeks support of other government agencies for overseas job frauds*”, (9 December 2019).

795. *Foreign Employment Act, 2007*, Section 68(2). As specified by FEA and FER, the government can appoint a “gazetted officer” as the Labour Attaché in a country where 5000 or more Nepali workers are working. The duties of the attaché are to provide the necessary information to the Government of Nepal, resolve disputes, enter into bilateral agreements, consult with Nepali workers in destination countries, and supervise any activities that may adversely affect migrant workers.

796. MOLESS, *Nepal Labour Migration report 2020*, (March 2020): 59.

39 migrant resource centres, established under the Safer Migration project (SaMi), a joint initiative of the Swiss and Nepali governments which seeks to strengthen migrants' protection and improve their access to justice, information, financial literacy and skills (see also Section 7.2 and Section 8).⁷⁹⁷ These centres provide free services, and coordinate on their behalf with Nepali diplomatic missions and civil society abroad to organise support for migrant workers in destination countries.⁷⁹⁸ In reality however, assistance is very limited, and complaints reported by migrants are treated as humanitarian cases rather than labour abuses requiring accountability.

Kuwait

Under Kuwait's 2010 Labour Law and 2015 Domestic Workers Law migrant workers have free access to a complaint mechanism, which in theory should settle labour disputes within a month. While the system favours mediation, unsettled disputes involving a financial claim are referred to the judiciary, which can take years to be resolved.

All workers, including undocumented and irregular migrants, have the right to submit a grievance to PAM's Labor Relations Department as long as they have a civil ID number which migrants who were recruited through regular channels usually receive once their residence permit is issued and a copy of their passports.⁷⁹⁹ Both migrants working in the private (non-domestic) sector and domestic workers can file lawsuits against their employers free of charge, although under the Private Sector Labour Law, they may be ordered to cover "all or part of the court fees" if the case is dismissed by the court.⁸⁰⁰ The 2015 Domestic Workers Law however, clearly stipulates that claims by domestic workers must be "free of judicial charges at all levels of the judicial proceedings."⁸⁰¹ Lawyers can pursue claims on behalf of workers who have left the country as long as they

left a power of attorney. Although this happens very rarely, it is usually the only way for accessing grievance mechanisms for migrant workers who are slated for deportation as a result of an absconding case filed against them.⁸⁰²

PAM is responsible for examining and mediating all individual labour disputes between workers and employers in the private sector related to financial entitlements (such as non-payment or underpayment of wages and contractually mandated financial benefits such as end-of-service lump sums), sponsorship transfer, absconding notifications, travel bans, and work-related injuries.⁸⁰³ According to the 2020 Trafficking in Persons report for Kuwait, cases of illegal visa trading, "withholding of salaries and passports in excess of three months, or forcing individuals into jobs different from those contractually agreed upon" are prosecuted under the 2013 anti-trafficking law rather than the 2010 Private Sector Labour Law.

Workers covered by the private sector labour law must lodge a dispute at the Labour Relations Department in one of PAM's six offices across the country. Once workers file complaints, their employers are summoned for questioning and an investigation is usually opened. A PAM investigator then tries to mediate an outcome between the employer and worker. If no settlement is reached within a month, the PAM investigator refers the case to the Court of First Instance,⁸⁰⁴ which must set a hearing within three days of receipt of the referral.⁸⁰⁵

Domestic workers are required to bring claims against their employers to PAM's Domestic Workers Department for an initial mediation.⁸⁰⁶ If a settlement is not reached, disputes are referred to the competent court.⁸⁰⁷ In such cases, domestic workers can also bring cases against their employers before the Labour Court with a request to "expeditiously consider the case before the Labour Circuit".⁸⁰⁸ Complaints involving more serious abuses

797. The SaMi project is implemented jointly by MOLESS and HELVETAS, a Swiss development organisation, with an aim to support the Nepali authorities to fully manage the services offered by the migrant resource centres by 2022.

798. SaMi project website

799. According to Solidarity Center, which supports migrant workers in filing complaints to PAM, a worker's immigration status does not affect their ability to file a complaint as long as they have their civil ID number. Migrants do not lose their civil ID number as a result of becoming irregular.

800. [Law No. 6/2010 concerning Labour in the Private Sector](#), Article 144.

801. [Law No. 68 of 2015 on the Employment of Domestic Workers](#), Article 36.

802. Representative, Social Work Society, remote interview, 27 October 2020.

803. Kuwait Trade Union Federation, "[Your Rights at Work: A Guide for Migrant Workers in Kuwait](#)", (July 2017).

804. [Law No. 6/2010 concerning Labour in the Private Sector](#), Article 146.

805. [Law No. 6/2010 concerning Labour in the Private Sector](#), Article 147.

806. [Law No. 6/2010 concerning Labour in the Private Sector](#), Article 31.

807. [Ministerial Order No. 2302 OF 2016 On the Rules and Procedures of enforcement of the Provisions of Kuwait Law No 68/2015 Concerning Domestic Workers](#)

808. [Law No. 68 of 2015 on the Employment of Domestic Workers](#), Article 35.

such as physical or sexual abuse against domestic workers are referred to the public prosecutor's office.⁸⁰⁹

Qatar

Responding to a longstanding criticism of its labour court system, the Qatari authorities in 2017 established three new Labour Dispute Resolution Committees (Committees) with the purpose of resolving labour disputes between workers and employers within a matter of weeks, at no costs to claimants.⁸¹⁰ The technical cooperation programme signed between Qatar and the ILO in October 2017 further committed to strengthen the newly established national complaint mechanisms and to support workers in submitting complaints to ensure a “fair and speedy process without any retaliation.”⁸¹¹

The committees, established under Law No. 13 of 2017 at ADLSA, began receiving and processing labour dispute cases on 18 March 2018.⁸¹² Composed of at least one ADLSA employee and chaired by a first instance court judge appointed by the Supreme Judicial Council,⁸¹³ they can hear cases from any worker, including all categories of migrant workers, regardless of their nationality, job or immigration status. Domestic workers, who until the adoption of the 2017 Domestic Workers Law, did not have any legal protections against labour abuses, were unable to file complaints before labour courts and had no access to any other grievance mechanisms. They are now able to file claims with the Committees.⁸¹⁴ When lodging complaints before the Committees, workers and employers first have to refer disputes relating to breaches of the 2004 Labour Law or terms of the employment contract to the Labour Relations Department or the Human Resources Department at ADLSA for mediation. If the ministry is unable to settle the dispute amicably within seven days, the case must be referred to one of the Committees

within three working days.⁸¹⁵ In cases of dismissal, employees are allowed to directly file complaints before the Committees. All disputes must be resolved within three weeks of the Committees' first session,⁸¹⁶ and both parties have the right to appeal the decision before the Court of Appeal within 15 days of its issuance. Decisions issued by the Committees are treated as court judgments and “have executory force.”⁸¹⁷

Amnesty International has noted that cases examined by the Committees are generally limited to financial claims such as unpaid wages and end of service benefits:

“Complaints related to harsh working conditions, working hours, overtime and passport confiscation are not examined. Cases of physical and sexual abuse are dealt with by the criminal courts, although the abuses need to be extremely serious for charges to be pressed against employers.”⁸¹⁸

Wages and benefits may be the most urgent priorities for most migrant workers affected by wage theft, but the sole focus of the Committees on these issues (and the extreme difficulty for migrants in pressing criminal charges against employers) means that there are limited grievance mechanisms offered by the state for workers to bring forward complaints on a range of other common and serious issues which are indicators of forced labour, including abuse in the recruitment process.

7.2 Are grievance mechanism processes accessible in practice, rapid and free of complex administrative procedures?

Nepal

While the FEA provides for free access to grievance mechanisms both in Nepal and abroad, the complex and

809. US Department of State, [2020 Trafficking in Persons Report: Kuwait](#), (2020).

810. In August 2017, the Emir and his Council of Ministers passed Law No. 13 of 2017 amending provisions of the Labour Law (No. 14 of 2004) and the Civil and Commercial Procedures Code (Law No. 13 of 1990), abolishing old labour courts and establishing new Labour Dispute Resolution Committees.

811. ILO Governing Body, [“Follow-up to the decision adopted by the Governing Body at its 331st Session to support the technical cooperation programme agreed between the Government of Qatar and the ILO and its implementation modalities”](#), (October 2018): Appendix: 7.

812. [Cabinet Decision No. 6 of 2018](#) on “The formation of Committees for the Settlement of Labour Disputes and the rules and procedures to be followed before them and the mechanism for implementing their decisions and determining remuneration”

813. [Law No. 13 of 2017 which amends several provisions of the Labour Law promulgated by Law No. 14 of 2004 and Law No. 13 of 1990 which promulgates the Civil and Commercial Proceedings Law](#)

814. Amnesty International, [“Why do you want to rest? Ongoing abuse for domestic workers in Qatar”](#), (October 2020): 25.

815. [Law No. 13 of 2017](#), Article 115bis.

816. [Law No. 13 of 2017](#), Article 115bis/2.

817. [Law No. 13 of 2017](#), Article 115bis/5.

818. Amnesty International, [“Why do you want to rest? Ongoing abuse for domestic workers in Qatar”](#), (October 2020): 25.

lengthy procedures for filing complaints, combined with significant budgetary and human resources constraints, and migrants' low understanding of their rights and enforcement processes, mean that they are effectively inaccessible to many low-wage migrant workers. Women migrant workers often face additional social, legal and evidentiary obstacles to justice.

DOFE data suggests that the number of complaints made by migrant workers is very low compared to the scale of abuse. For example, in the fiscal year 2018/2019, there were 855 complaints submitted against individuals and 1263 against recruitment agencies. Of these, 209 and 1,072 respectively were settled. The number of cases prosecuted at the Foreign Employment Tribunal remains alarmingly low despite a rise in the past four years.⁸¹⁹ Between 2009 and 2019, only 2,086 cases (about 200 per year) were referred to the FET, of which 1,778 were resolved.⁸²⁰

A 2014 OSF study noted that the location of the FET in Kathmandu as well as the complicated two-tiered process of DOFE investigations followed by referrals to the FET act as a major deterrent for many migrants, who lack the necessary resources to pursue their cases to the end of the proceedings which are very slow, and prefer to settle for some sort of compensation.⁸²¹ MOLESS stated in its 2020 report that "sufficient human and financial resources" need to be invested in all institutions handling grievances to ensure a timely response and follow-up.⁸²² According to the South Asia Director of Equidem Research & Consulting, there are only four case hearing officers at DOFE, who do not have the capacity to "investigate the multifaceted illegal activities of recruitment agencies".⁸²³

With the transition to a federal structure, and the devolution of power from Kathmandu to local bodies, the Nepali authorities have since 2017 adopted a set of policy and legislative measures to improve access to justice at a local level, including to address fraud-related

cases against recruitment agencies and individual agents facilitating foreign employment.⁸²⁴ These reforms are introduced on top of already existing governmental and civil society initiatives at the district level.

Until recently, migrant workers or their representatives (family members or lawyers) had to travel to Kathmandu if they wished to file a complaint, leading many to drop their cases to avoid travel and accommodation costs associated with the lengthy journey. However, following a 2019 amendment to the FEA, they can now file complaints against recruitment agencies by post or online through the FEIMS system⁸²⁵ and at the District Administration Office (DAO), which is required to forward them to DOFE within seven days. In cases of complaints against an individual, migrant workers must first seek the mediation of the Chief District Officer (CDO).⁸²⁶ Where mediation is not successful or if the case is of a seriousness that it cannot be solved through mediation, CDOs must send the original complaint for DOFE's investigation and potential referral to the FET.

Given that the Nepali justice system is in general overloaded, in 2011, MOLESS partnered with the Swiss Development Agency to improve access to legal services and grievance mechanisms at a district level. Migrant workers can register complaints in one of the 39 migrant resource centres run by the SaMi Project, located in passport application offices of DAOs,⁸²⁷ where they also have access to legal aid provided by People Forum for Human Rights, a respected NGO.⁸²⁸ In less serious cases, where the victim and alleged perpetrator (agent or recruitment agency representative) reside in the same area, counsellors at migrant resource centres can advise mediation by civil society or other representatives as "a cheaper and faster" alternative to the justice system.⁸²⁹ Despite these efforts, support is not yet proportionate to the scale of abuse: between July 2013 and July 2018, only some 13,500 migrant workers received legal services through these centres, resulting in merely 6,000 complaints (just over 20 a week) filed with DOFE during that same period.⁸³⁰

819. MOLESS, "Nepal Labour Migration Report 2020", (2020): 57.

820. MOLESS, "Nepal Labour Migration Report 2020", (2020): 59.

821. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, "Migrant Workers' access to justice at home: Nepal", Open Society Foundations, (2014): 114.

822. MOLESS, "Nepal Labour Migration Report 2020", (2020): XVIII.

823. Rameshwar Nepal, South Asia Director, Equidem Research & Consulting, 3 January 2020, interview

824. Gopal Sangrola, journalist covering migration issues, interview, 14 January 2020.

825. MOLESS, *Nepal Labour Migration report 2020*, (March 2020): XVIII.

826. *Foreign Employment Act, 2007*, Section 21.1(b)

827. SaMi Project [website](#)

828. Safer Migration Project and Helvetas, "Lessons learned from the Safe Migration Project, Phase II (2013-2018)", (2019).

829. Safer Migration Project and Helvetas, "Lessons learned from the Safe Migration Project, Phase II (2013-2018)", (2019): 23.

830. Safer Migration Project and Helvetas, "Lessons learned from the Safe Migration Project, Phase II (2013-2018)", (2019): 13 and 25.

It is too early to assess the full impact of these reforms and whether they will lead to an increase in the number of cases being registered with DOFE, although some civil society representatives told us that if implemented effectively, elements of the decentralization and online system could improve access to justice for migrant workers, including from destination countries.⁸³¹ However, according to a former DOFE investigating officer, the chances of receiving a response to a complaint submitted online are very low, especially in cases involving compensation. For this reason, DOFE continues to encourage victims or their representatives (close relatives or lawyers), to be physically present in Nepal when filing complaints and to be available for in-person follow-up meetings at DOFE's offices.⁸³²

OSF's 2014 report identified specific challenges faced by women, which often prevent them from reporting abuses and filing complaints. These include social stigma associated with female migration, difficulties navigating a male-dominated justice system, which is heavily weighted against them, and a lack of sufficient evidence to support their claims due to the fact that many are compelled to migrate through irregular channels to circumvent the government ban.⁸³³ According to the NGO AMKAS, victims of human trafficking and sexual abuse face the greatest difficulties, sometimes being blamed for the abuse they have been subjected to or being rejected by their families. As a result, many do not come forward out of fear of being shamed.⁸³⁴

Kuwait

The grievance mechanism available to migrant workers is slow, complex and in practice, accessible to only a small minority. For these reasons, most workers do not pursue their claims through courts and settle for a small sum of money or drop the case altogether.

To start a grievance process, migrant workers must submit a complaint to PAM's Labor Relations

Department (for those whose work is regulated by the private labour law) or the Domestic Workers' Department.⁸³⁵ Once a complaint is registered, PAM determines a competent legal investigator and the date of an initial hearing to consider the complaint. The attendance of both the worker and employer is required at that initial hearing, held in one of PAM's six offices, which aims to mediate a settlement to the dispute.⁸³⁶ At this point, the worker may be accompanied by a legal representative or a social worker from a registered organisation. If the employer fails to appear, the investigator must issue a second notification, before proceeding with examining the complaint. In such cases, the investigator submits a formal legal opinion to the Labor Relations Department, which issues the final decision to either accept or reject the worker's complaint. Under the labour law, the decision may be appealed by either the worker or the employer within 15 days.⁸³⁷ The 2015 Domestic Workers Law does not have similar provisions on time restrictions, but their cases are usually given the same treatment.

Lawyers told us that once in court, cases usually take anywhere between one to three years to reach a conclusion, although legal proceedings may now become even longer as a result of delays created by the Covid-19 pandemic. During this time, workers can only work if they managed to transfer the sponsorship to a different employer before filing the case, although that is subject to the permission of the former employer - with whom they are engaged in a court proceeding.⁸³⁸

All evidence and complaint forms must be submitted in Arabic, and as a result, migrant workers are often forced to pay translation fees, in addition to bearing the costs for print outs and stamps of official documents.⁸³⁹ In general, communication in PAM's labour relations and domestic workers' departments is difficult for migrant workers - the majority of whom do not speak Arabic. NGO workers and a former ILO representative told us that, although there are pro bono translators at PAM and in courts, the languages they speak are limited, their

831. Gopal Sangrola, journalist covering migration issues, interview, 14 January 2020; Krishna Neupane, Secretary General, People Forum for Human Rights, Remote interview, 5 June 2020.

832. Former Investigation Officer, DOFE, interview, 29 December 2019.

833. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, "[Migrant Workers' access to justice at home: Nepal](#)", Open Society Foundations, (2014): 150.

834. Bijaya Gurung, Executive Chair, AMKAS, remote interview, 25 November 2020.

835. One Roof Campaign, "[Domestic Workers' Legal Guide](#)"; Kuwait Trade Union Federation, "[Your Rights at Work: A guide for migrant workers in Kuwait](#)", (2017): 12.

836. [Law No. 6/2010 concerning Labour in the Private Sector](#), Article 124.

837. Kuwait Trade Union Federation, "[Your Rights at Work: A guide for migrant workers in Kuwait](#)", (2017): 12.

838. Representative of Social Work Society, remote interview, 27 October 2020

839. Remote interview with representative of Migrant-Rights.Org, 13 October 2020.

number is very small, and they are rarely available.⁸⁴⁰ Many workers rely on NGOs to support them: “to file a complaint in person is a struggle...that’s why many workers come to us, and we file complaints on their behalf.”⁸⁴¹

The Kuwaiti authorities have in recent years taken a number of steps to improve accessibility to the grievance mechanism. In 2014, they established a shelter for women domestic workers who are at risk and wish to be either repatriated to their countries of origin or change employers,⁸⁴² and with the support of civil society, set up legal services there to assist them in filing complaints against their employers. In January 2018, they launched the Mobile Labor Disputes Office to enable workers in remote areas to file complaints against employers without having to take time off work to visit PAM’s offices or cover transportation costs. The mobile unit includes a team of investigators, inspectors, translators, lawyers, and volunteers. PAM also set up a hotline for women migrants and launched online services that allow workers and employers to submit complaints and track them electronically. The system is supposed to automatically alert workers if an employer files an absconding charge against them, notify the relevant embassy, and ensure that users are able to challenge any settlement incurred.⁸⁴³ Migrant workers can also submit complaints, and follow their progress, via PAM’s mobile phone application provided that they have a civil ID number. With the sharp rise of employment-related complaints concerning mainly the non-payment of wages following the outbreak of Covid-19 in March 2020, PAM also set up a WhatsApp number to enable its emergency team to receive both complaints and inspection requests.⁸⁴⁴ An NGO told us that the mobile phone application was unable to cope with the large number of complaints during Covid-19.⁸⁴⁵

A 2019 report by Migrant-Rights.org found that women domestic workers only attempted to file

official complaints if they received support from their embassies, recruitment agencies or community groups. They may be unaware of grievance processes or lack trust in the Kuwaiti justice system, and additionally they have restricted mobility and often can only leave their employers’ homes once a week, and may not have private access to a phone.⁸⁴⁶ While the number of complaints filed to the Domestic Workers Department appears to have increased since the 2017 Domestic Workers Law was adopted, the majority of cases are settled through mediation. According to PAM’s data, between April and November 2019, the Domestic Workers Department received 2,087 complaints, of which only 256 were referred to courts, and “1,232 were settled amicably.”⁸⁴⁷ Such amicable settlements usually involve a form of financial compensation paid to the worker.

Qatar

The recently established Committees have sought with some success to improve the mechanism for settling disputes. As part of changes introduced since 2018, they now provide free translation services during hearings, do not charge fees and hold sessions in the afternoons from Sunday to Thursday in an attempt to make the system more accessible and allow a greater proportion of migrant workers to attend outside of their regular working hours.⁸⁴⁸

Qatar’s previous labour courts were criticized for subjecting claimants to extensive delays.⁸⁴⁹ The Committees set a target of taking a maximum of six weeks from the moment a complaint is registered at ADLSA offices, to the provision of a court decision with executory force.⁸⁵⁰ Delays have however continued to be a major problem. The US State Department in 2020 reported that “in practice cases took significantly longer to resolve” than the time limits specified in the law.⁸⁵¹ Amnesty International’s research into the effectiveness

840. Interview with ILO official, 12 December 2019, and remote interview with Migrant-Rights.Org representative, 13 October 2020.

841. Representative of Social Work Society, remote interview, 27 October 2020

842. UN Human Rights Council, “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21”, A/HRC/WG.6/35/KWT/1, (November 2019): 23.

843. US Department of State, “2020 Trafficking in Persons report: Kuwait”, (2020).

844. Arab Times, “For labor complaints – complain over WhatsApp 55629845”, (9 May 2020).

845. Representative of Migrant-Rights.org, remote interview, 13 October 2020.

846. Migrant-Rights.org, “Lived experience of migrant women: Qatar, Bahrain, and Kuwait”, (2019): 34.

847. UN Human Rights Council, “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21”, A/HRC/WG.6/35/KWT/1, (November 2019): 16.

848. Amnesty International, “All Work, No Pay, The struggle of Qatar’s migrant workers for justice”, (2019): 16 - 17

849. Andrew Gardner and Silvia Pessoa, “Labour migrants and access to justice in contemporary Qatar”, LSE Middle East Centre, (2014): 28

850. Amnesty International, “All Work, No Pay: the struggle of Qatar’s migrant workers for justice”, (2019): 16.

851. US Department of State, “2020 Trafficking in persons report: Qatar”, (2020).

of the Committees, published in 2019, noted that they appear to have reduced the time in some cases, but that typically judgements still took three months and in some cases as long as eight months.⁸⁵² In 2020 Human Rights Watch also documented cases taking as long as eight months to resolve, “which can be incredibly costly for migrant workers”.⁸⁵³ This forces workers to make difficult decisions about whether to continue pursuing remedy or to return home unpaid and with greater debts. In its 2020 update, the ILO appeared to acknowledge these concerns, noting various plans to “ensure a more efficient processing of complaints” as well as working with the Qatari authorities to ensure “rapid enforcement of agreements / adjudications through the Workers’ Support Fund”.⁸⁵⁴

A 2019 ILO review of the Wage Protection System (WPS), which holds electronic evidence of the non-payment of wages, recommended a greater use of WPS data in disputes resolution at the Committees as a way to expedite the process stating that “the information provided in the WPS should be more than sufficient to put the burden of proof squarely on the employer to provide evidence or testimony to the contrary”, and that “workers should not be required to travel and be physically present to advance their case through a lengthy adjudication process”.⁸⁵⁵

Large cases cannot be heard collectively by the court, meaning that cases involving large numbers of workers almost identically subjected to wage theft by the same employers are split up, forcing migrant workers to each bear the burden of individually winning their case, slowing down processes and reducing the attractiveness of labour cases for lawyers. Amnesty International notes that, “this means that rather than analysing one collective case for 900 workers, the judges must hear 900 individual cases.”⁸⁵⁶ The ILO said in its 2020 update to the ILO that it would work with ADLSA on multi-worker complaints.⁸⁵⁷

The Committees do not charge workers to file complaints, and a court expert fee that previously was a major barrier to migrant workers has been removed. However, the Committees’ requirement to submit various forms in Arabic places a financial burden on migrant workers, who typically have to pay for these to be produced by private companies.⁸⁵⁸

Human Rights Watch has also argued that while that the Committees now do not exclude domestic workers from bringing complaints, their access is very restricted, owing to their highly controlled employment context.⁸⁵⁹ The Qatari government told Amnesty in 2019 that they received 672 complaints from domestic workers in a two year period (though they appeared to suggest to the organisation that the number was much higher in a subsequent meeting).⁸⁶⁰ In 2021, ADLSA launched an online platform to enable workers to submit complaints against employers, including as “whistleblowers”, meaning that employers are not notified that the complaint has been made. Third-party complaints can also be made. Complaints can only be made in Arabic and English, though there are user guides in ten other languages.⁸⁶¹ This may help some more domestic workers to access the Committees (see 7.4). Migrant-Rights.org said that, “the ability to file a complaint without revealing personal information will go a long way in reporting more violations as a lot of workers fear retribution if they file a formal complaint”, though noted that the requirement for complainants to provide a valid Qatari mobile number may dissuade some migrant workers.⁸⁶²

Migrant workers can also file claims via ADLSA’s hotline or mobile phone application “Amerni”, which can be used in Arabic or English.⁸⁶³ Community activists told us that in their experience, Nepali migrant workers rarely use the mobile phone application, in part because their Arabic and English skills are insufficient to use it adequately.⁸⁶⁴ The hotline is also not toll-free, which

852. Amnesty International, “All Work, No Pay, The struggle of Qatar’s migrant workers for justice”, (2019): 6.

853. Human Rights Watch, “How can we work without wages? Salary abuses facing migrant workers ahead of Qatar’s FIFA World Cup 2022”, (August 2020).

854. ILO, “Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO”, (October 2020): 8-9.

855. ILO Project Office for the State of Qatar, “Assessment of the wage protection system in Qatar”, (June 2019): 27.

856. Amnesty International, “All Work, No Pay: the struggle of Qatar’s migrant workers for justice”, (2019): 41

857. ILO, “Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO”, (October 2020): 9.

858. May Romanos, Amnesty International, remote interview, 7 October 2020.

859. Human Rights Watch, “Domestic Workers’ Rights in Qatar”, (26 June 2018).

860. Amnesty International, “Why do you want to rest? Ongoing abuse of domestic workers in Qatar” (October 2020): 26.

861. Unified Platform for Complaints and Whistleblowers

862. Migrant-Rights.org, Qatar launches whistleblower platform, 17 June 2021

863. The Peninsula, New version of Labour Ministry’s mobile app offers 33 services, (18 Jan 2020)

864. Nepal community activists in Qatar, interview, 10 October 2020.

Amnesty says causes many domestic workers to refrain from seeking help because, “they simply cannot afford the call”.⁸⁶⁵

7.3 Are workers provided with remedy including compensation as a result of such grievance processes?

Nepal

Under the FEA, workers can submit a complaint with DOFE for financial compensation in the following cases: if the employer in the destination country fails to respect the terms prescribed in the contract;⁸⁶⁶ if the worker is subjected to contract substitution and is forced to do a different job than that specified at the time of recruitment;⁸⁶⁷ if a recruitment agency sends a migrant abroad for work by giving false assurances about the job in the destination country;⁸⁶⁸ or, if a recruitment agency fails to send a worker for foreign employment after receiving payment through false assurances and deceit.⁸⁶⁹

In circumstances where the recruitment agency fails to provide compensation to workers, DOFE has the authority to recover the full compensation due to the worker via the recruitment agency’s security deposit submitted to DOFE as a condition of its license,⁸⁷⁰ but only exercises this right in isolated cases.⁸⁷¹ The FEA provides also for the use of the Migrant Welfare Fund, established to compensate workers and provide assistance to returnees or to their families, although it does not define the grounds for compensation or amounts that may be used.⁸⁷² The FER provides measures for financial assistance of up to 100,000 NR (USD 853) to a worker if they are maimed, or to a

worker’s family if they die abroad during the contract period, if an application is made to the Foreign Employment Board for financial assistance, no later than six months after the certification of the death of the deceased worker.⁸⁷³

The FEA defines the amount due as compensation for some, but not all, of these offences, leaving room for negotiations between victims and recruitment agencies and calculations by DOFE investigation officers of the estimated amounts due to migrant workers.⁸⁷⁴ In cases involving the non-respect of contract terms by employers, the victim is entitled to recover the full amount paid to the recruiter, while in cases of recruitment through deceit or failure to secure a job placement abroad, workers can additionally claim 50% of that total as compensation as well as the cost of the round trip flight ticket.⁸⁷⁵ However, as a 2014 OSF report notes, in cases of contract substitution (under Section 55), the FEA is less clear about the compensation amount, making an assessment particularly difficult for DOFE officers if the victims do not have a copy of their contract or receipts, or if they were forced to do a completely different job for the same salary. In such cases, negotiations between the parties are inevitable, with unpredictable outcomes.⁸⁷⁶ Such informal negotiations, as Amnesty noted in a 2017 report, “significantly increase the risk that migrant workers will be subjected to coercion,” and accept smaller compensation amounts, citing the case of a worker who was claiming US1124 from his recruiter, but accepted US290 after being intimidated by the recruiter, who told him he would otherwise “receive nothing”.⁸⁷⁷

Further, although the FET may order agencies or individuals to compensate the victim, it does not have any powers to enforce the decision, and victims must make a separate application to their local district court for a decision to be enforced, in yet another obstacle to

865. Amnesty International, “[Why do you want to rest? Ongoing abuse of domestic workers in Qatar](#)” (October 2020): 26.

866. [Foreign Employment Act, 2007](#), Section 36 (1).

867. [Foreign Employment Act, 2007](#), Section 55

868. [Foreign Employment Act, 2007](#), Section 43

869. [Foreign Employment Act, 2007](#), Section 44

870. [Foreign Employment Act, 2007](#), Section 51

871. The Kathmandu Post, “[Nepali workers who had returned empty-handed from Qatar three years ago are set to get their due salaries](#)”, (3 February 2020).

872. [Foreign Employment Act, 2007](#), Section 33(1,b). Both migrant workers and recruitment agencies are required to make financial deposits into the fund during the visa processing stage, which can then be used to provide workers with assistance and compensation.

873. [Foreign Employment Rules, 2008](#), Rule 28.

874. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, “[Migrant Workers’ access to justice at home: Nepal](#)”, Open Society Foundations, (2014): 101.

875. [Foreign Employment Act, 2007](#), section 43.

876. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, “[Migrant Workers’ access to justice at home: Nepal](#)”, Open Society Foundations, (2014): 103.

877. Amnesty International, “[Turning People into Profits: Abusive Recruitment, Trafficking and Forced Labour of Nepal Migrant Workers](#)”, (2017): 26.

remedies. As noted in a 2014 OSF study, the process is “complicated, onerous, and time-consuming for victims and most are unaware of the requirements unless they have legal representation”, resulting in rare cases of compensation through the tribunal.⁸⁷⁸

As a result, although offences under the FEA are categorized as criminal cases, in reality, most cases are not referred to the FET and end in negotiated out-of-court settlements between recruiters and workers as per the FEA and Nepal’s Mediation Act.⁸⁷⁹ Indeed, the 2019 NHRC annual report found that DOFE prioritizes mediation over the investigation of criminal acts during the recruitment process, effectively shielding agencies from prosecution: “rather than punishing the perpetrator, [...] DOFE has been practicing a closure of files after making the accused pay compensation to the victim [...] although the victim is provided with partial or full financial compensation, no action is taken against the recruitment agencies as per the law.”⁸⁸⁰ While these negotiations tend to be informal, DOFE has made efforts in recent years to register independent mediators to make the process more impartial as prescribed under the Mediation Act.⁸⁸¹

Compensation from the Migrant Welfare Fund is something few workers avail of, in part because few are even aware of their entitlement to it. Less than 1% of workers and their families interviewed by the National Human Rights Commission in 2019 were aware of the Migrant Welfare Fund’s existence, even though all migrants are legally required to make a contribution before departure, and the funds can be in theory used for compensation to workers who sustain major injuries or illnesses abroad, or to provide financial assistance to the families of deceased migrants.⁸⁸²

Kuwait

According to the US State Department’s Trafficking in Persons report, in 2019, PAM’s Labor Relations

Department received 15,982 grievances filed by migrant workers. Of these, some 6,060 cases unresolved via mediation were referred to labour courts. Separately, PAM’s Domestic Workers’ Department received 2,887 complaints from domestic workers, resolving approximately 75% of them “amicably”, and referring some 499 complaints to labour and criminal courts for further investigation.⁸⁸³ In general, cases settled by PAM involved “monetary compensation, and repayment of back-wages to victims” in addition to administrative fines and the closure of recruitment agencies.⁸⁸⁴

A lawyer working at an NGO told us that when migrant workers were able to pursue cases through the court process until the end, cases usually ended in their favour and included compensation, which could in some cases be significant and include damages. However, the barriers to them reaching this stage were so significant that only a minority made it this far.⁸⁸⁵ This may be particularly the case for domestic workers. The US State department said in 2019 that, “the government was more effective in resolving unpaid salary disputes involving private sector laborers than those involving domestic workers.”⁸⁸⁶ According to the government, in 2018, 108 domestic worker cases were referred to court, but only 2,560 Kuwaiti dinars (USD 8,400) in unpaid salaries and other entitlements was paid out - suggesting only a small minority of those filing cases were successful in securing backpay.⁸⁸⁷

Qatar

Since the introduction of the Labour Dispute Resolution Committees, the number of cases resulting in a judicial verdict in favour of workers has increased. In 2019, workers made 11,703 complaints to the labour dispute resolution committees, resulting in 7,561 judiciary verdicts (84% in favour of workers), with the remainder resulting in amicable out-of-court settlements or being unresolved by the end of the year.⁸⁸⁸

878. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, “Migrant Workers’ access to justice at home: Nepal”, Open Society Foundations, (2014): 113.

879. Nilambar Badal, Policy and Campaign Coordinator at National Network for Safer Migration (NNSM), interview, 13 December 2019.

880. NHRC, “Research Report on The Situation of the Rights of Migrant Workers Recruitment Practices and Access to Justice of Migrant Workers”, (November 2019): 155.

881. Prasashan, वैदेशिक रोजगार विभागले स्वतन्त्र व्यक्तिमार्फत मेलमिलाप गराउने, सूचीकृत हुन सार्वजनिक सूचना, (31 December 2019); Mediation Act, 2068, (2011)

882. MOLESS, “Nepal Labour Migration Report 2020”, (2020): XVIII. Despite the officially stated purpose of the Fund, the Nepali authorities have been widely criticised for not using to provide assistance to workers abroad, including those stranded in destination countries during the Covid-19 pandemic.

883. US State Department, “2020 Trafficking in Persons report: Kuwait”, (2020).

884. US State Department, “2019 Trafficking in Persons report: Kuwait”, (2019).

885. Representative of Social Work Society, remote interview, 27 October 2020

886. US Department of State, “Kuwait 2019 Human Rights Report”, (2020): 39

887. ILO, Observation (CEACR) - adopted 2018, published 108th ILC session (2019)

888. US Department of State, “2020 Trafficking in Persons Report: Qatar”, (2020).

When workers are able to pursue cases, in other words, they tend to win and receive court judgements ordering their employers to repay them unpaid wages and other benefits. Enforcement of these orders, however, remains a major problem. When employers fail to engage, or have gone bankrupt, long delays ensue, with workers in many cases going unpaid and being required to lodge separate enforcement proceedings through the civil courts.⁸⁸⁹ As part of an effort to improve the enforce rulings of the Committees, ADLSA and the Supreme Judiciary Council (SJC) in 2019 signed a memorandum to cooperate on information exchange regarding labour disputes,⁸⁹⁰ and in June 2020 they jointly established an office to facilitate judicial procedures for complainants.⁸⁹¹ A Nepali community activist highlighted the frustration for workers whose employers have gone bankrupt:

“Even if the disputes committee issue a positive decision... the employer will not be able to pay the salaries... if the company has gone bankrupt. The dispute committee did its job, the worker got a positive result, but the question is how long can a worker wait for a settlement? How can they survive without a job?”⁸⁹²

Seeking to tackle the issue of employers who cannot or will not pay, the Qatari authorities in 2018 established the Workers’ Support and Insurance Fund (WSIF).⁸⁹³ For workers who have won their cases at the Committees but who have failed to secure any payment from their employers, the WSIF is meant to pay the money to workers directly and then seek reimbursement from the employer. This shifts the burden from workers to the WSIF, and means, in theory, that workers should no longer have to pursue their employer further in civil courts. The fund did not become operational until 2020. As of August 2020, it had apparently disbursed 14 million riyals (USD 3.85 million) to 5,500 workers.⁸⁹⁴ Amnesty International has noted that “it is unclear under which circumstances and conditions workers are

eligible to collect their money from this fund”, and has called on the government to “adequately resourc[e] and systematically [implement] the Workers’ Support and Insurance Fund, taking into account the ongoing impact of COVID-19 and making it accessible to all workers whose employers have failed to pay them”.⁸⁹⁵

7.4 Are workers raising grievances and whistleblowers effectively protected from retaliation?

Nepal

Nepali law does not contain specific whistleblower protection provisions or measures to protect victims from retaliation, and there is no witness protection law.⁸⁹⁶

Civil society organisations, researchers and former officials told us that workers raising complaints are not effectively protected from retaliation in a system which favours mediation between victims and perpetrators as opposed to accountability. NNSM said that migrant workers seeking compensation and remedy often face further victimization as a result of having to experience a long process of negotiation with the same individuals who subjected them to fraud.⁸⁹⁷ According to an independent expert researcher, this is further exacerbated by a bureaucratic system, which has established relations with the recruitment sector, and is therefore prone to bias.⁸⁹⁸

A former Investigation Officer at DOFE told us that during his service he “used to hear stories of intimidations of victims at hands of [recruitment] agencies”.⁸⁹⁹ In a 2017 Amnesty International report, returnee migrants described dropping cases of overcharging and deception and accepting low settlements instead of pursuing full compensation with DOFE following intimidation, persuasion or threats of reprisals by recruitment agents.

889. Amnesty International, “All Work, No Pay”, (2019): 37; Amnesty International, “Unpaid and abandoned: the abuse of Mercury MENA workers”, (26 September 2018).

890. Qatar Tribune, “SJC and ADLSA sign MoU”, (30 October 2019).

891. The Peninsula, “Labour Ministry and Supreme Judiciary Council open office for implementation of rulings”, (29 June 2019).

892. Nepali community activists in Qatar, remote interview, 10 October 2020.

893. Law No. 17 of 2018 Establishing the Workers’ Support and Insurance Fund, Article 5.

894. ILO governing body, “Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO”, (October 2020): 4.

895. Amnesty International, “Reality Check 2020: Countdown To The 2022 World Cup Migrant Workers’ Rights In Qatar”, (2020): 20, 33

896. Sarah Paoletti, Eleanor Taylor-Nicholson, Bandita Sijapati and Bassina Farbenblum, “Migrant Workers’ access to justice at home: Nepal”, Open Society Foundations, (2014): 114.

897. Nilambar Badal, Policy and Campaign Coordinator at National Network for Safer Migration (NNSM), interview, 13 December 2019.

898. Dr Angela Sherwood, written comments, 31 October 2020.

899. Former Investigation Officer, Department of Foreign Employment, interview, 29 December 2019.

Some mentioned that they feared recruiters would hire criminal gangs to intimidate and attack them.⁹⁰⁰

Kuwait

Under Article 46 of the 2010 Labour Law (which does not apply to domestic workers), it is illegal to fire an employee for no cause or in retaliation for exercising their lawful rights, including participating in union activities or taking vacations, or on the basis of gender, origin or religion.⁹⁰¹ However, while the labour law guarantees the right to submit a complaint, it does not explicitly protect against dismissal for lodging an official complaint. The 2015 Domestic Workers Law does not address the subject of retaliation.

Adnan Abul, the secretary of the Kuwait Bar Association's Board of Directors, told us that the lack of specific legislation to protect workers raising grievances and the authorities' failure to protect them in practice are the main reasons why migrant workers rarely seek justice for labour abuses: "The gap [in the legislation] is bad and it prevents people from coming forward because they know that if they do, they would lose their jobs."⁹⁰² He told us that in some cases workers who have filed complaints are denied their wages, are frequently threatened with deportation or legal action, and subjected to verbal (and sometimes) physical abuse.

In 2018, the US State Department Trafficking in Persons report noted that "some workers who fled their employers without permission risked criminal penalties and arrest, detention at police stations, and deportation, even if they were fleeing an abusive sponsor... In addition, it was not uncommon for sponsors to file counter-grievances against trafficking victims who reported their own, which sometimes resulted in administrative deportation or detention of the employees"⁹⁰³

According to an independent researcher, workers usually only complain once they overcome their fear of retaliation and feel they have nothing to lose, after months of unpaid wages.⁹⁰⁴ A Nepali community activist in Kuwait said workers are usually more confident to seek justice through the labour courts when their claim is part of a collective case, and they feel that they have the support of civil society or the embassy. Even so, they are scared of being falsely accused of "absconding" as a reprisal for their complaint.⁹⁰⁵ A Sandigan Kuwait spokesperson told Migrant-Rights.org:

"Many (workers) are afraid because they are worried that the employer will kick them out of the accommodation or that they will not receive their pending salaries or end of service payment."⁹⁰⁶

Qatar

There is no specific legislation in Qatar to protect whistleblowers.⁹⁰⁷ While the 2004 Labour Law does not explicitly protect against dismissal for filing an official complaint, a 2019 decision adopted by ADLSA to regulate the elections of workers' representatives to joint committees in establishments with 30 or more employees contains a provision that requires employers to "assist workers' representatives so as to fulfill their duties [...] without taking any measures which obstruct this action"⁹⁰⁸

Nepali community activists in Doha told us migrant workers can be hesitant to file complaints because of a fear of retaliation from their employers, including termination and loss of income.⁹⁰⁹ In a 2020 report, Human Rights Watch found that the threat of false, retaliatory "absconding charges" is a major barrier preventing workers from complaining to the Committees.⁹¹⁰ According to an Amnesty International researcher, the threat of the charge can still weigh

900. Amnesty International, "Turning people into profits: Abusive recruitment, trafficking and forced labour of Nepali migrant workers", (2017): 34, 60.

901. Private Sector Labour Law, Article 46, 2010.

902. Adnan Abul, Secretary of the Kuwait Bar Association's Board of Directors, remote interview, 7 March 2020.

903. United States Department of State, "2018 Trafficking in Persons Report - Kuwait", (28 June 2018).

904. Francesca Ricciardone, independent expert on labour migration, remote interview, 12 July 2020.

905. Nepali community activist in Kuwait, remote interview, 5 October 2020.

906. Migrant-Rights.org, [Job loss and wage theft: The grim reality of Kuwait's F&B sector](#), (19 April 2021)

907. Thomson Reuters, "The case for whistleblower protection", (undated)

908. Decision No.21 of 2019 by the Minister of Administrative Development, Labour, and Social Affairs Regulating the conditions and procedures of the election of workers' representatives to joint committees, section 7, (2019).

909. Nepali community activists in Qatar, 10 October 2020.

910. Human Rights Watch, "How can we work without wages? Salary abuses facing migrant workers ahead of Qatar's FIFA World Cup 2022", (August 2020).

heavy on workers, preventing them from accessing grievance mechanisms out of fear of retaliation.⁹¹¹ A ADLSA official announced in October 2020 that the “absconding” charge would be “abolished soon” but this has not yet taken place.⁹¹² Retaliation is a particular concern for domestic workers, who live in the homes of their employers. Amnesty International has noted in this respect that it is problematic that there is a lack of shelters for domestic workers. In 2019 the authorities opened a government-run shelter for victims of human trafficking, including domestic workers, but it had yet to become fully operational at the time of writing. Eligibility criteria were not clear and there was no walk-in centre.⁹¹³

In 2020 the ILO said its goals on worker voice would include the ability of workers to submit complaints without retaliation.⁹¹⁴ In 2021, ADLSA launched an online platform to enable workers to submit complaints against employers, including as “whistleblowers”, meaning that employers are not notified that the complaint has been made. Complaints can only be made in Arabic and English, though there are user guides in ten other languages.⁹¹⁵ The impact of this platform is yet to be seen.

7.5 Are workers provided with free independent legal advice on judicial and non-judicial options to raise grievances and seek remedy?

Nepal

Although Nepal’s 2015 Constitution recognizes the right to free legal aid for anyone who cannot afford it,⁹¹⁶ state-funded legal aid is available in civil and criminal cases only from the moment charges are officially filed.⁹¹⁷ Migrant workers in Nepal are therefore not entitled to free legal aid during the preliminary negotiations

with recruitment agencies when their claims are being mediated by DOFE, although as noted elsewhere they can access legal support through migrant resource centres.⁹¹⁸ In general, even for those whose cases are referred to the FET and district courts, state-funded legal aid is difficult to access because people do not know where to find it, services are limited and mainly concentrated in urban areas, and there are few sources of affordable legal assistance.⁹¹⁹ These factors make it extremely difficult for workers to pursue their complaints against recruiters to the end of the process and significantly prejudice the amicability of mediation and settlement outcomes.

As a result, migrant workers generally rely on civil society with many seeking legal aid through migrant resource centres where NGOs such as People Forum for Human Rights help victims bring claims. Between July 2018 and July 2019, People Forum’s free legal aid clinic provided assistance to 2,115 migrant workers who sought their services following referrals, amongst others, by government bodies such as DOFE, the FET, the FEB and the police.⁹²⁰ Trade unions such as GEFONT also provide legal aid to migrant workers including by filing complaints on behalf of migrants and representing them before DOFE, courts or in their dealings with Nepali embassies in cases involving rescue and repatriation.⁹²¹

In 2018, MOLESS adopted guidelines to provide free legal aid to Nepali migrants facing criminal charges in destination countries.⁹²² Workers detained abroad can also in theory access legal aid through the welfare fund to which all workers contribute a deposit before departing abroad.⁹²³ However, assistance is limited only to those who have migrated through regular channels, and is assessed on a case by case basis, creating a special disadvantage for many women migrants. Undocumented workers and those who migrate via irregular channels are effectively excluded from such

911. May Romanos, Amnesty International, remote interview, 7 October 2020.

912. Business and Human Rights Resource Centre, “Qatar: Government announces planned cancellation of employer system to report “absconding” workers”, (21 October 2020).

913. Amnesty International, “Why do you want to rest? Ongoing abuse of domestic workers in Qatar”, (October 2020): 29.

914. ILO governing body, “Progress report on the technical cooperation programme agreed between the Government of Qatar and the ILO”, (October 2020): 16

915. [Unified Platform for Complaints and Whistleblowers](#)

916. [Constitution of Nepal](#), Article 20 (10), 2015.

917. UNODC, “Global Study on Legal Aid, Country Profiles”, (2016): 49.

918. Bassina Farbenblum, “Governance of Migrant Worker Recruitment: A Rights-Based Framework for Countries of Origin”, *Asian Journal of International Law*, (January 2017).

919. UNODC, “Global Study on Legal Aid, Country Profiles”, (2016): 43.

920. People Forum for Human Rights, “Free legal aid and paralegal services to migrant workers, yearly progress report, July 2018-July 2019”

921. Nisha Baniya, General Secretary of General Federation of Nepalese Trade Unions (GEFONT), interview, 15 January 2020.

922. The Kathmandu Post, “Locked up abroad”, (17 January 2019).

923. [Third amendment to the Foreign Employment Rules, 2017](#)

support.⁹²⁴ In practice, interviewed migrant workers told us that the provision of legal assistance by embassies in Kuwait and Qatar is almost non-existent.

In general, migrant workers in destination countries, including those who have become undocumented, and their relatives can access free legal aid by contacting migrant resource centres back in Nepal, who refer their cases to the Pravasi Nepali Coordination Committee (PNCC). The PNCC, which has an office in Qatar, coordinates support with Nepali diplomatic missions, but a MOLESS evaluation report of the SaMi project states that the impact of the organisation's interventions is "largely dependent on the network it has established with other human rights related organisations present in destination countries," thus reducing its efficacy. The project recognises the specific barriers faced by women when seeking justice and has recruited female counsellors to facilitate communication over the phone or in one of the migrant resource centres in Nepal upon their return.⁹²⁵

Kuwait

There are several organisations - including one funded by the state - providing free legal assistance to migrant workers with labour cases. However, accessing these requires knowledge and connections which some workers lack.

The US State Department notes that migrant workers in Kuwait with third-party legal assistance tend to get a better and quicker outcome, as employers prefer to avoid trial.⁹²⁶ However, according to an organisation providing legal counselling and other services to other migrants in the country, legal fees are very expensive, and the number of lawyers who are willing to take up the cases of low-wage workers or do pro bono work is limited.⁹²⁷ One NGO told us that some lawyers agree to pro bono work only on the condition that they will take some of the compensation awarded to the worker as their fees.⁹²⁸

Workers who cannot afford representation can in theory obtain it for free from the Judicial Aid Committee at the Kuwait Bar Association which is funded by the state to represent all low-income Kuwaiti nationals and migrants. Anyone seeking assistance must submit salary slips or a bank statement for the three months preceding the date of the application.⁹²⁹ However, according to a representative of the association, most migrants are not aware of the availability of these services, and as a result, end up paying relatively high fees before that point:

"Apart from word of mouth, the main way most migrants hear about this committee is in court because they have offices there. But to get to court, that means the worker has already gone through the process of filling a complaint, failed to reconcile with their employer and has already had to beg multiple lawyers for free or cheap legal aid, usually for at least KWD200-300 [USD 663 - 995] to take on their case."⁹³⁰

Sandigan Kuwait told us that typically migrant workers rely on the assistance and advice of migrant community groups, and wherever possible, their own embassies, who then usually refer them to trusted lawyers or NGOs that provide free legal aid.⁹³¹

Social Work Society provides legal assistance to female domestic workers who seek protection in the government-run shelter, primarily to help them get their travel documents back from their employers, and to migrant workers detained by the police.⁹³² There are no state-funded legal services in the shelter, however. According to Social Work Society, the shelter recently started helping migrant workers file legal complaints.⁹³³

In 2019, Kuwait Society for Human Rights (KSHR) hired a number of lawyers to provide free legal assistance to migrants who earn less than 100KWD (approximately 325 USD) a month, and whose complaints require legal representation in courts. As part of this project, which is implemented in partnership with PAM and the Swiss

924. The Kathmandu Post, "Locked up abroad", (17 January 2019).

925. Helvetas Nepal and SaMi, "Lessons learned from the safer migration project, Phase II (2013-2018), Learning series 2019/3", (2019): 22.

926. US Department of State, "Kuwait 2019 Human Rights Report", (2020): 8.

927. Interview with organisation providing legal support to migrant workers in Kuwait, 12 October 2020.

928. Representative of Migrant-Rights.Org, 13 October 2020.

929. Kuwait Bar Association [website](#)

930. Adnan Abul, Secretary of the Board of Directors, Kuwait Bar Association, remote interview, 7 March 2020.

931. Representative, Sandigan Kuwait, Remote interview, 12 October 2020.

932. Social Work Society [website](#)

933. Representative, Social Work Society, remote interview, 27 October 2020.

Development Cooperation, KSHR also set up a hotline to receive cases in Arabic and in English and via an online platform.⁹³⁴ While welcome, the initiative does not appear to solve the lack of legal aid and counselling in the initial stages of the grievance process.

Qatar

The Qatari authorities have to date not established a free legal aid programme to assist migrants in exploring judicial and non-judicial avenues to seek remedy. In fact, Amnesty International's 2019 review of Qatar's Labour Dispute Committees highlighted the lack of pro bono legal aid and representation as key obstacles to migrants' ability to successfully pursue and win claims for unpaid wages.⁹³⁵ State-funded legal assistance appears to be very limited and only made available to specific human trafficking cases.⁹³⁶ Some domestic workers can access legal aid either through the Law Clinic at Qatar University⁹³⁷ or ADLSA.⁹³⁸

As a result, migrant workers either have to manage without a lawyer, or rely on law firms offering pro bono services, which may not allocate sufficient resources to the case, and may even struggle to communicate with their clients. One lawyer told us: "while the court does have translators, we, the lawyers, do not usually have translators and because we take on these cases for little to no money, out of charity, so we also cannot afford to hire translators and have difficulty communicating with our clients since they do not speak Arabic".⁹³⁹

7.6 Does the origin state provide effective and timely consular support through its missions to workers who have been subjected to fraudulent or abusive recruitment?

Nepal

Nepali law provides for consular support to Nepali migrant workers who find themselves in abusive situations abroad. The 2007 FEA requires the appointment of labour attachés in destination countries where five thousand or more Nepali migrant workers are employed.⁹⁴⁰ Likewise, the 2008 FER provide for the appointment of female labour attachés in countries where one thousand or more Nepali women are employed.⁹⁴¹

Labour attachés are entrusted with "the responsibility for the promotion of the interests of Nepalese workers" abroad, and some of their main duties include providing assistance in the resolution of disputes between workers, employers or licensed recruitment agencies; notifying the government of the employment and human rights situation in the destination country; arranging the repatriation of Nepali workers in distress; providing counseling to workers, and discouraging them to do any work other than that set forth in their contract.⁹⁴² However, such services are only legally available to workers who migrated through official channels, with irregular migrants not eligible for assistance such as repatriation or legal aid, which the Foreign Employment Board makes in principle available free of charge to all other categories of migrant workers.⁹⁴³ The 2020 MOLESS labour migration report acknowledged that Nepali diplomatic missions need to be equipped with additional resources to provide support, including temporary shelter, for "vulnerable migrant workers" ineligible for welfare support on account of their irregular immigration status.⁹⁴⁴

The Nepali government has appointed labour attachés in nine destination countries,⁹⁴⁵ including in Qatar and in Kuwait. However, in practice, Nepali migrant workers in Qatar and Kuwait interviewed for this report said that

934. Kuwait Society for Lawyers, "Providing lawyers to defend workers' cases in Kuwait", (17 September 2019).

935. Amnesty International, "All Work, No Pay: The struggle of Qatar's migrant workers for justice", (2019): 40.

936. In its 2019 Trafficking in Persons report, the State Department noted that during 2018, the Qatari government provided "free legal services for 12 cases taken to court, including some potential trafficking cases". US Department of State, "2019 Trafficking in persons report: Qatar", (2019).

937. Professor Ray Jureidini, written comments, October 2020.

938. The Qatari Government's Communication Office noted in a letter sent to Amnesty International in August 2020 the availability of legal aid services to domestic workers through ADLSA. However, according to Amnesty International's research such assistance is not widely accessible. Amnesty International, "Why do you want to rest? Ongoing abuse of domestic workers in Qatar", (October 2020).

939. Lawyer who represents both employers and workers in Qatar, remote interview, 14 July 2020.

940. *Foreign Employment Act, 2007*, Section 68.

941. *Foreign Employment Rules, 2008*, Chapter 10.

942. *Foreign Employment Act, 2007*, Section 68.

943. UN Human Rights Council, "Report of the Special Rapporteur on the human rights of migrants following his mission to Nepal", A/HRC/38/41/Add.1, (April 2018): 9.

944. MOLESS, *Nepal Labour Migration report 2020*, (March 2020): 91.

945. UN Human Rights Council, "Report of the Special Rapporteur on the human rights of migrants following his mission to Nepal", A/HRC/38/41/Add.1, (April 2018): 9.

they hardly ever reach out to their embassy for help because of a perception amongst the community that the embassy is not responsive, and that staff are “rude”. Many said that they would only seek help from the Nepali embassy for legal matters such as the issuance of a new passport or loss of official documents, but that in case of disputes at work, wage theft or requests for financial assistance, they would usually reach out to Nepali community networks, recruitment agencies, their families, or their employers.

A 30-year-old Nepali man who was working as a food delivery driver in Kuwait recounted his experience of seeking help from the embassy after his employer took away his ATM card and stopped paying his wages following the outbreak of Covid-19:

“The embassy is useless, they don’t receive our calls. Even if they do, they just ask us about our complaints and mention that it has been documented in their record and repeat the same every other day. The embassy just asked me to file a case in the high court, without recognizing my [lack of] status and position to afford the process. They further refused to extend any help.”⁹⁴⁶

In another case, a 28-year-old baker told us that embassy staff accused him of putting himself in a difficult situation after he reached out to them for help during lockdown in Kuwait following the outbreak of Covid-19. He also tried to get help directly from MOLESS by calling the toll-free number but received no response.⁹⁴⁷

Nepali community activists told us that the ability of Nepali embassies to intervene on the ground was severely constrained by limited human and financial resources, the lack of a referral and case management system and facilities. They said that embassies limit their intervention to very serious cases only such as road accidents involving death or injury, sexual or physical abuse and in other cases, seek the assistance of known Nepali networks or NGOs.⁹⁴⁸

In 2018, the Special Rapporteur on the human rights of migrants made a recommendation for the Nepali authorities “especially labour attachés and consular services, to collect better data in terms of the complaints received” and encouraged the Foreign Employment Board to use its funds “to provide a roster of competent local lawyers” for migrant workers given the inadequate information on redress provided by the embassies.⁹⁴⁹ In its 2020 annual labour migration report, MOLESS recognized that human and financial resources in diplomatic missions in major destination countries are “inadequate” for labour attachés to fulfill their mandate and to respond to the workload, which has only increased with recent reforms now requiring embassies to certify demand letters based on background checks on employers through field visits, and to renew workers’ labour permits.⁹⁵⁰

According to the Director of Projects at Migrant-Rights.Org, the lack of resources in embassies means that labour attachés are currently treating complaints as “charity cases”, dealing with whether workers have food and arranging their repatriation instead of seeing them as labour rights issues.⁹⁵¹

946. Migrant worker in Kuwait, remote interview, 2 August 2020.

947. Migrant worker in Kuwait, remote interview, 2 August 2020.

948. Nepali community activists in in Kuwait and Qatar, remote interviews, 5 and 10 October 2020

949. UN Human Rights Council, “[Report of the Special Rapporteur on the human rights of migrants following his mission to Nepal](#)”, A/HRC/38/41/Add.1, (April 2018): 9.

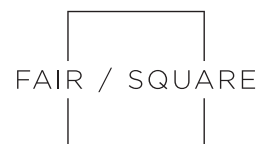
950. MOLESS, [Nepal Labour Migration report 2020](#), (March 2020): 90.

951. Vani Saraswathi, Director of Projects, Migrants-Rights.Org, remote interview, 23 July 2020.

Supported by Open Society Foundations, Humanity United and Porticus

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