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Public Statement

NEPAL - Ambassador's attempts to silence Bhetwal highlights broader failure of embassies to protect Nepalese workers' rights.

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The targeting of Dipendra Bhetwal by the Nepalese embassy in Qatar due to an article he wrote criticizing Maya Kumari Sharma, the Nepalese Ambassador to Qatar, highlights the systemic failure of the Government of Nepal to protect the rights of migrant workers abroad.

Last week reports emerged in the media that the Nepalese embassy in Qatar requested the Qatari authorities to detain and deport Bhetwal in a letter sent on 1 May. Bhetwal, who had been out of the country, was summoned by the Qatari Search and Follow Up Department on Sunday 16 June. Although he was asked to bring his passport and flight ticket, he was later allowed to leave and was not deported. Further reports suggest that the Embassy has since withdrawn its request following an intervention by the Ministry of Foreign Affairs in Kathmandu.

Amnesty International believes that the targeting of Bhetwal for his article is not only a violation of his right to freedom of expression, but also demonstrates the systemic failure of the Nepalese government to protect their nationals working abroad. The Ambassador's attempt to silence Bhetwal for voicing his concern about the lack of consular support workers receive will prove counterproductive. Migrants are likely to view this as further confirmation that embassies and consulates do not serve the best interest of migrant workers, by far their largest constituency.

Given the scale of trafficking where recruitment agencies and brokers regularly deceive migrant workers on fundamental aspects of their employment contract, the Nepalese government should focus more of their resources abroad on cleaning up the recruitment sector, a crucial first step in ensuring safe migration. Earlier in March of this year, the International Labour Organization (ILO) concluded that Nepalese government officials were complicit in the

trafficking for forced labour of its migrant workers. Thus, at the very least, Nepalese consular staff should be trained in providing effective and timely assistance to the workers, including information on redress mechanisms.

Amnesty International's 2011 report *False Promises* and on-going research indicate that Nepalese migrant workers and returnees routinely face a brick wall when going to government offices for help in resolving disputes or seeking compensation. This includes numerous complaints by returnee workers on how Nepalese consular staff in multiple destination countries had failed to provide assistance when approached. Although the Nepalese government has increased the number of labour attachés in countries with over 5,000 Nepalese migrant workers the resources and the quality of the service provided fall woefully short of what is required on the ground.

In 2013, the Ministries of Labour & Employment (MoLE), and Foreign Affairs (MoFA) made claims to Amnesty International that they were working together to 'reform and strengthen the capacity of diplomatic missions to deliver services to Nepalese workers.' However, Ambassador Sharma's recent action is inconsistent with this unified message.

With an election called for 19 November it is high time for political parties in Nepal to take the protection of migrant workers seriously rather than to view migrants as mere revenue earners via their remittances. Amnesty International is calling on all political parties to incorporate safe migration policies into their election manifestos and for political consensus on a number of key issues. Included are specific recommendations regarding Nepalese diplomatic missions:

- Appoint labour attachés to all Nepalese embassies in destinations where over 5,000 Nepalese workers are employed (as per Foreign Employment Act, 2007).
- Ensure that labour attachés are appointed based on merit, and trained to recognize and respond adequately to human and labour rights abuses, especially trafficking for labour exploitation.
- Provide adequate resources for Nepalese embassies/consulates to take action against recruiters and companies that deceive workers on their terms and conditions of work.