

**Working Paper
Volume 2022 Number 571**

Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment

**Arjun Kharel, Sudhir Shrestha, Sadikshya Bhattarai,
Pauline Oosterhoff and Karen Snyder**

May 2022

The Institute of Development Studies (IDS) delivers world-class research, learning and teaching that transforms the knowledge, action and leadership needed for more equitable and sustainable development globally.



© Institute of Development Studies 2022

Working Paper Volume 2022 Number 571

Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment

Arjun Kharel, Sudhir Shrestha, Sadikshya Bhattarai, Pauline Oosterhoff and Karen Snyder

May 2022

First published by the Institute of Development Studies in May 2022

ISSN: 2040-0209 ISBN: 978-1-80470-000-6

DOI: [10.19088/IDS.2022.037](https://doi.org/10.19088/IDS.2022.037)

Suggested citation: Kharel, A.; Shrestha, S.; Bhattarai, S.; Oosterhoff, P. and Snyder, K. (2022) *Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment*, IDS Working Paper 571, Brighton: Institute of Development Studies, DOI:

[10.19088/IDS.2022.037](https://doi.org/10.19088/IDS.2022.037)

A catalogue record for this publication is available from the British Library.

This research was made possible by the generous support of the American people and British people through the United States Agency for International Development (USAID) and the United Kingdom's Department for International Development (UK Aid). This paper is the responsibility of Winrock International and does not necessarily reflect the views of USAID or the United States government or UK Aid or the United Kingdom government.



This is an Open Access paper distributed under the terms of the **Creative Commons Attribution 4.0 International licence** (CC BY), which permits unrestricted use, distribution, and reproduction in any medium, provided the original authors and source are credited and any modifications or adaptations are indicated.

Available from:

Institute of Development Studies, Library Road

Brighton, BN1 9RE, United Kingdom

+44 (0)1273 915637

ids.ac.uk

IDS is a charitable company limited by guarantee and registered in England

Charity Registration Number 306371

Charitable Company Number 877338

Working Paper
Volume 2022 Number 571

Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment

**Arjun Kharel, Sudhir Shrestha, Sadikshya Bhattarai,
Pauline Oosterhoff and Karen Snyder**

May 2022

Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment

Arjun Kharel, Sudhir Shrestha, Sadikshya Bhattarai, Pauline Oosterhoff and Karen Snyder
May 2022

Summary

This study was conducted to identify the gaps in policies and practices of labour recruitment in Nepal and assess the outreach and engagement of major formal labour intermediaries, private recruitment agencies (PRAs) and pre-departure orientation training (PDOT) centres, with migrant workers for providing information on human trafficking prior to departure. The study used data from interviews with the management of 15 PRAs and 10 PDOT centres, along with a review of online materials published by the sampled PRAs and PDOT centres and existing publications on labour migration from Nepal.

This research finds that several inconsistencies and gaps in the practices and policies of labour recruitment – such as the widespread use of intermediaries and unauthorised payment for procurement of job demand from employer companies, use of labour intermediaries by Nepali PRAs sourcing workers in Nepal, and bureaucratic hassles and irregularities – have contributed to increase the overall migration costs for, and affected the safe migration of, Nepali workers. Only minimal information on human trafficking was provided to migrant workers prior to departure through online materials, print job advertisements, and face-to-face interactions with the potential migrants. The PDOT classes had simply become a customary requirement in the process of getting labour permits and there was little incentive for the PDOT centres to improve their quality of service as they got their clients through their PRA network, rather than through competition based on quality. The study concludes with recommendations to the government agencies, non-governmental organisations, and PRAs for improving labour migration from Nepal.

Keywords

Nepal; labour intermediaries; international labour recruitment; foreign employment; human trafficking; gender; labour migration; labour trafficking; trafficking in persons; pre-departure orientation training; pre-departure information; migration governance; recruitment policy.

Authors

Arjun Kharel (PhD) is an assistant professor of sociology at Tribhuvan University and a research fellow at the Centre for the Study of Labour and Mobility at Social Science Baha, Kathmandu, Nepal. His research focuses on migration, labour, social change, and development.

Sudhir Shrestha (MA) is a researcher at the Centre for the Study of Labour and Mobility at Social Science Baha, Kathmandu, Nepal. His research interests lie in labour, migration, and informal employment.

Sadikshya Bhattarai (MSc) has been a research officer at the Centre for the Study of Labour and Mobility at Social Science Baha, Kathmandu, Nepal since 2019. Her professional background comprises work on diverse issues relating to migration and mobility, including internal and transnational migration, and livelihoods.

Pauline Oosterhoff (PhD, MA, MPH) has been a research fellow at the Institute of Development Studies, University of Sussex, UK since 2014. Her research at IDS has focused on sexual and reproductive health and rights, modern-day slavery and labour migration, epidemics and humanitarian responses examining gaps between policies, plans, and local realities.

Karen Snyder (PhD, MPH) is an evaluator and researcher based in Vancouver, Canada with more than 25 years' experience improving policies and practices in anti-trafficking, human rights, health, and the environment.

Executive summary

While the existing literature on human trafficking has largely focused on the perspectives of victims, mainly on their rescue and rehabilitation, the concerns of labour intermediaries, such as private recruitment agencies (PRAs), and migration-related service providers, such as pre-departure orientation training (PDOT) centres, or the motivations behind their actions which might have knowingly or unknowingly contributed to instances of human trafficking or forced labour, are largely overlooked. In this context, our research explores the concerns and constraints of major formal labour intermediaries – the PRAs and the PDOT centres – for their existing business practices, which might have directly or indirectly contributed to cases of human trafficking. Specifically, this study identifies gaps in policies and practices of labour recruitment in Nepal that have hindered the implementation of safe migration from Nepal. It also assesses the outreach and engagement of PRAs and PDOT centres with the migrant workers leaving for foreign employment, focusing on the quality of information on safe migration relayed to them.

The study used mixed methods consisting of a review of existing publications, interviews with owners and managers of sampled PRAs and PDOT centres, and analysis of online materials used by PRAs and PDOT centres for outreach and engagement with prospective migrant workers. Interviews were conducted with the management of 15 PRAs and 10 PDOT centres who were selected through purposive sampling. Interview data, complemented by online materials retrieved from official websites, Facebook pages, and Twitter accounts of the sampled PRAs and PDOT centres, were primarily used to achieve the research objectives. Primary data were also triangulated with data from secondary sources.

The study finds several gaps in policies and practices of labour recruitment in Nepal, from labour demand procurement from employers abroad to sourcing of workers in Nepal, to PDOT.¹ These gaps have increased the costs of business operation for PRAs and ultimately the cost of migration for workers. The study also finds that the policies and regulations of the state, although well-intentioned, can be counterproductive and have unintended consequences, sometimes providing less motivation to PRAs to control trafficking in persons (TIP) and at times even implicitly causing them to resort to dubious recruitment practices. Most respondents from the sampled PRAs and PDOT centres reported the recently enacted provisions by the state have affected their businesses, such as the mandatory requirement to send at least 100 workers for two consecutive fiscal years for licence renewal of PRAs and the increase in the amount of the deposit PRAs and PDOT centres are required to make. The implementation of the policies at a time when the coronavirus (Covid-19) pandemic has reduced the demand for workers, could have implications that encourage PRAs to procure labour demand from employers abroad without proper due diligence to

¹ 'Labour demand procurement' refers to securing demand for workers from the employer companies abroad, while 'sourcing of workers' means bringing in and selecting workers at the home country to match the procured demand.

meet the threshold number of workers. Migration-related policies drafted in a source country without considering the policies and practices of the destination country and employer companies, as in the case of minimum referral wages and labour demand procurement, are counterproductive. Thus, any policies and programmes aimed at improving workers' migration experience should include stakeholders from both source and destination countries.

It is a statutory requirement for PRAs to publish advertisements in national daily newspapers in print format. This study, however, finds that such advertisements are published to merely abide by the law. The advertisements are ineffective in disseminating employment- and awareness-related information to potential migrant workers as newspapers in print formats are mostly inaccessible in remote villages, where a large proportion of potential migrants reside. The study also finds that use of information and communications technology and social media to reach potential clients is limited to a few big PRAs and PRAs which have streamlined their business functions according to 'ethical recruitment practices'. Amid the lack of reach of newspapers (in print format) and PRAs' lack of active use of social media, the information gap between potential migrant workers and PRAs is mainly filled by informal labour intermediaries – commonly referred to as agents or brokers – who take advantage of their proximity and personal relations with potential migrant workers to convey job-related information and facilitate the migration process. The use of agents or brokers in the migration process is, however, considered illegal by the state. This study shows that the illegal status of agents/brokers and, at the same time, extensive use of their services have led to a complicated situation. Agents or brokers cannot be held accountable for their services, even in cases of wrongdoing.

The study reveals that PDOT classes have simply become a customary requirement in the process of getting labour permits. All the representatives from PDOT centres interviewed stated that they get their clients through their PRA network. As a result, there is little incentive for the PDOT centres to improve their quality of service as competition is not based on quality. All PDOT centres teach the same syllabus developed by the Foreign Employment Board (FEB) through trainers who all receive uniform FEB training.

Based on the findings, this study recommends the following measures for the government, national non-governmental organisations (NGOs) and international NGOs (INGOs), PRAs and PDOT centres:

For the government

- Policies and regulations directly affecting PRAs and PDOT centres, such as provisions related to minimum deposits and bank guarantees, the minimum number of workers to be sent by PRAs every year and minimum referral wages, should be amended in consultation with relevant stakeholders, accompanied by a prior study on their possible impacts; otherwise, they could have unintended consequences.
- Some form of regulation, such as licensing agents and brokers or introducing provisions to hold agents and brokers accountable for workers who have gone abroad through them, should be introduced to manage the use of agents and brokers, prioritising workers' welfare.

- PDOT should take place early in the labour migration process as placing it towards the end defeats the purpose of helping migrants make informed decisions.

For NGOs and INGOs

- National NGOs and INGOs – such as Maiti Nepal, Responsible Business Alliance (RBA) and the International Recruitment Integrity System – could assist PRAs in expanding and strengthening their outreach and engagement activities with potential workers. Such outreach activities should be accompanied with awareness-related information on safe migration, forced labour, and trafficking.
- NGOs and INGOs, working with the government and PRAs, could run awareness programmes on safe migration, targeting potential migrant workers; however, it is important that such awareness programmes on safe migration are not based on untested assumptions and these programmes should be followed up with evaluations of their effectiveness.

For PRAs

- PRAs should provide full disclosure of information regarding job contracts and other safe migration-related information to potential migrant workers and collectively resist malpractice in the recruitment industry, such as providing fake contracts or contract substitution to workers as is sometimes reported in the media.
- PRAs should consider approaches, such as boosting their Facebook pages to target groups of potential workers and having a separate social media strategy, to make their online engagement with potential workers more active and effective.

For PDOT centres

- PDOT centres need to strictly monitor and control malpractice in training sessions such as allowing fake biometric attendance records or issuing certificates to non-attendees.
- PDOT centres should implement the new curriculum introduced by the government, which includes country-specific information.

Contents

Acknowledgements	12
-------------------------	-----------

Definition of terms and concepts used in the study	13
---	-----------

Acronyms	15
-----------------	-----------

1. Introduction	16
1.1 Background of the research project	16
1.2 Background to the study	16
1.2.1 Prevalence of foreign labour migration in Nepal	16
1.2.2 Role of labour intermediaries in facilitating labour migration from Nepal	18
1.2.3 Effectiveness of pre-migration awareness-raising programmes	21
1.3 Objectives and relevance of the research	22
1.4 Research methodology	24
1.4.1 Literature review	24
1.4.2 Selection of recruitment agencies and orientation training centres	25
1.4.3 Interviews	27
1.4.4 Review of PRAs' and PDOT centres' online materials	27
1.4.5 Ethical considerations	28
1.5 Limitations	29
2. Discussion of study findings	31
2.1 PRAs' understanding of TIP	31
2.2 Gaps in labour recruitment policies and practices	32
2.2.1 Labour demand procurement, demand verification, and pre-approval processes	33
2.2.2 Intermediaries' role in sourcing workers	35
2.2.3 Cost of recruitment – issues with the implementation of the 'free visa, free ticket' policy	41
2.2.4 Challenges PRAs face from government policies	43
2.2.5 Use of visit visas for labour migration	45

ids.ac.uk	Working Paper Volume 2022 Number 571 Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment	10
2.2.6	Arbitrary fixing of minimum referral wages	47
2.2.7	Bureaucratic hassles and irregularities	48
2.3	Outreach and engagement of PRAs and PDOT centres with migrant workers	50
2.3.1	Information and communications technology	50
2.3.2	Job advertisements in print media	51
2.3.3	Leaflets and other print materials	53
2.3.4	Online media	54
2.3.5	Awareness-raising campaigns and training	60
2.3.6	In-person meetings with potential migrants	61
2.4	TIP information in PDOT	62
2.4.1	PDOT curriculum and topics covered	63
2.4.2	TIP information in the PDOT curriculum	65
2.4.3	Major issues with the PDOT sector	66
3.	Conclusion and recommendations	71
3.1	Recommendations	73
3.1.1	For the government	73
3.1.2	For NGOs and INGOs	74
3.1.3	For PRAs	74
3.1.4	For PDOT centres	74
Annexe 1: Data extraction form		75
Annexe 2: Verbal consent form		76
Annexe 3: Interview checklist for PRAs		77
Annexe 4: Interview checklist for PDOT centres		80
References		81

Figures

Figure 2.1 Channels PRAs use to source workers	36
Figure 2.2 Sample newspaper advertisement	52
Figure 2.3 Sample of job advertisement posted on PRA7 Facebook page	57

Tables

Table 1.1 Characteristics of the 15 PRAs selected for the study	26
Table 1.2 Location of the ten PDOT centres selected for the study	26
Table 2.1 Breakdown of the contents of PRA Facebook pages	56

Acknowledgements

This study is a collective effort of various individuals and organisations. We would like to express our gratitude to the United States Agency for International Development (USAID), the Foreign, Commonwealth & Development Office (formerly the Department for International Development), and Winrock International for providing funds for the research under the Hamro Samman Project being implemented in Nepal at the time of the study. We would also like to thank Audra Stark, Tricia Ryan, and Michelle McKay from Winrock International and Zainab Akther, Sabina Pradhan, Balmukunda Humagain, and Sanoj Tulachan from the Hamro Samman project for their contributions, which include invaluable comments on the inception and final reports. The authors also express their gratitude to external reviewer Joelle Mak for reviewing the final report and providing constructive feedback. We would like to thank Deepak Thapa, director of Social Science Baha, for reviewing the final report and for his inputs, especially in developing the proposal for the study. We also appreciate the contribution of Rajita Dhungana of the Centre for the Study of Labour and Mobility in drafting the proposal for the study.

We are grateful to the interviewees from private recruitment agencies and pre-departure orientation centres in Nepal for agreeing to be a part of this study. They provided their valuable time to share information and their own experiences regarding the recruitment process, conducting pre-departure orientation training, and the challenges and constraints in facilitating labour migration from Nepal. We are also thankful to all the interviewees who assisted us in connecting with other interviewees.

We are thankful to Amy Cowlard at the Institute of Development Studies for project management support and Rita Bhujel at Social Science Baha for administrative support while conducting the study.

Definition of terms and concepts used in the study

Foreign labour migration: indicates an act or a process through which a person is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national (Hakizimana 2017).

Forced labour: International Labour Organization (ILO) Convention 29 defines the term forced or compulsory labour as ‘all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily’ (ILO 1930: Article 2, Chapter 1). The term ‘under the menace of any penalty’ in the definition does not necessarily mean any penal action but might include, as observed in many cases, the loss of rights or privileges on the part of workers. For the purpose of measurement, ILO uses three dimensions: unfree recruitment, work and life under duress, and impossibility of leaving one’s employer. Any employment is considered forced labour if any of the three dimensions is prevalent (Mak *et al.* 2017).

Bonded labour: describes a relationship between an employer and an employee in which the employee does not have the freedom to choose his or her employer and cannot negotiate the terms and conditions of his or her working arrangements (Oosterhoff, Sharma and Burns 2017).

Labour market intermediary: an entity or institution that interposes itself between workers and firms to facilitate, inform, or regulate how workers are matched to firms, how work is accomplished, and how conflicts are resolved (Autor 2009).

Formal labour market intermediary: an entity or institution which is governed by a network of legal orders, such as licensing or registering requirements, and has a legal obligation to ensure effective recruitment and placement.

Informal labour market intermediary: an entity or institution generally unregistered and may comprise small enterprises or individual agents, sub-agents or brokers who recruit workers in remote areas that large private recruitment agencies (PRAs) cannot reach (Yunus 2020). Among the group of people also considered informal labour intermediaries in this study are aspirant migrants’ family members, relatives, neighbours and friends, as well as former or current migrant workers, who may or may not identify themselves as agents or brokers but who connect aspirant migrants with other agents or brokers or with PRAs directly for labour migration.

Human trafficking/trafficking in persons: refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other form of coercion, abduction, fraud, deception, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation (UN 2000).

Private recruitment agency: in this study, refers to institutions established under the prevailing Company Act of Nepal that have acquired a licence to conduct a foreign employment business that recruits workers for advertised jobs in other countries (Ministry of Labour and Employment 2016).

Irregular migrant and irregular migration: a person who crosses a foreign border in a movement that takes place outside the regulatory norms of sending, transit, and receiving countries. Correspondingly, the term ‘irregular migration’ refers to the process of migration that the irregular migrant uses (Ministry of Labour and Employment 2016). The term ‘irregular migrant’ is used instead of ‘illegal migrant’ or ‘undocumented migrant’ out of consideration for the human rights of each person who migrates.

Safe migration: this means that migrants are protected from any risks related to their health, legal status, or life at all stages of the migration process (in countries of origin, transit, and destination) (AFEW International 2020).

Responsible Business Alliance (RBA): a non-profit organisation founded by companies that are ‘committed to supporting the rights and well-being of workers and communities worldwide affected by the global supply chain’ (RBA 2021a). RBA also offers training to the recruitment agencies on ethical recruitment – the Ethical Recruitment Appreciation Course – which provides labour suppliers with foundational knowledge and tools to meet company expectations on forced labour in alignment with the RBA standards on forced labour. The course is expected to help participants assess themselves against the RBA’s standards on forced labour and prepare action plans that identify internal policies, processes, systems, and competencies that need to be in place to meet them (RBA 2021b).

Ethics Practitioners Association of Nepal (EPAN): an association founded by recruitment agencies in Nepal that state their commitment to international labour law. EPAN aims to engage in activities that ‘respect, protect and fulfil internationally recognised human rights... on the labour recruitment’ process, including no recruitment fees for workers (EPAN 2021).

Acronyms

AED	Emirati dirham
CESLAM	Centre for the Study of Labour and Mobility
CIAA	Commission for Investigation of Abuse of Authority
DoFE	Department of Foreign Employment
EPAN	Ethics Practitioners Association of Nepal
FEB	Foreign Employment Board
GCC	Gulf Cooperation Council
GoN	Government of Nepal
ICT	information and communication technology
IDS	Institute of Development Studies
ILO	International Labour Organization
INGO	international non-governmental organisation
IRIS	International Recruitment Integrity System
NGO	non-governmental organisation
NPR	Nepali rupee
PDOT	pre-departure orientation training
PRA	private recruitment agency
QAR	Qatari riyal
RBA	Responsible Business Alliance
SAR	Saudi Arabian riyal
SMS	short message service
TIP	trafficking in persons
UAE	United Arab Emirates
US	United States
USAID	United States Agency for International Development

1. Introduction

1.1 Background of the research project

The Hamro Samman Project is a five-year project generously supported, respectively, by the United States Agency for International Development (USAID) and UK Aid from the Foreign, Commonwealth & Development Office, and implemented by Winrock International. Its goal is to reduce the prevalence of trafficking in persons (TIP) in ten strategically selected districts of Nepal. Using the '4Ps' framework – prevention, protection, prosecution, and partnership – the Hamro Samman project will bring together various stakeholders and implementing partners to reduce the prevalence of TIP. The Hamro Samman Project has engaged the Institute of Development Studies (IDS) at the University of Sussex, UK as its international research partner to: conduct multiple multidisciplinary, action-research projects using mixed-methods techniques to map trends in priority sectors, including trafficking of Nepali workers in the foreign labour migration process and trafficking in the adult entertainment sector within Nepal; to improve the knowledge base on TIP; and to identify what works in reducing human trafficking and improving service delivery to trafficking survivors and people at risk of being trafficked.

IDS contracted the Centre for the Study of Labour and Mobility (CESLAM) to conduct this study. CESLAM is a research centre set up within Social Science Baha in Kathmandu, Nepal to contribute to the understanding of labour and mobility through interdisciplinary research.

1.2 Background to the study

1.2.1 Prevalence of foreign labour migration in Nepal

A large number of people in Nepal participate in international labour migration for their livelihoods (Sijapati, Bhattarai and Pathak 2015; Sijapati *et al.* 2017; Sharma *et al.* 2014; Ministry of Labour, Employment and Social Security 2020). Three quarters of young people entering the labour market every year find their employment outside the country as the rate of job growth cannot keep pace with the increase in the labour force in Nepal (National Planning Commission and United Nations Development Programme 2020). The Department of Foreign Employment (DoFE) issued over 4 million labour permits to Nepali workers in the decade from 2009/10 to 2018/19 for employment in countries other than India.² In the 'normal' period before the Covid-19 pandemic, over half a million labour permits were issued every year with permits for 'new entry'³ making up nearly

² Labour permits are not issued to Nepali workers migrating to India for employment; see Ministry of Labour, Employment and Social Security (2020).

³ Labour permits for 'new entry' are issued to those workers who are going to work for a specific employer in a specific destination country for the first time. 'Re-entry' permits, also called 'renewed labour permits', are issued to workers returning to the same job on a renewed contract. Recruitment agencies process

half this number. For instance, in 2018/19,⁴ 508,828 labour permits were issued to Nepali migrant workers, with new entry labour permits contributing to a little less than half (46.4 per cent) of them (DoFE 2019). Labour migration from Nepal has shrunk with the onslaught of the pandemic. However, 166,698 labour permits were still issued to Nepali workers in 2020/21 and new entry permits contributed over two fifths (43.2 per cent) of total labour permits (DoFE 2021a). The documented labour migration from Nepal is heavily concentrated in Malaysia and Gulf Cooperation Council (GCC) countries (Qatar, the United Arab Emirates (UAE), Saudi Arabia, Kuwait, Bahrain, and Oman). These countries together accounted for over four fifths (86.4 per cent) of the 3.5 million labour permits⁵ issued between 2008/09 and 2016/17 (Ministry of Labour and Employment 2020).

Labour migration data provided by the DoFE exclude large numbers of people migrating to India for work. While it is difficult to arrive at an exact estimate of the number of migrants going to India for jobs, owing to the open border between Nepal and India and non-requirement of approvals from any government bodies, it is estimated that approximately 1.2–1.5 million Nepalis – which is about half of the total labour migrants from Nepal – migrate to India on a temporary basis for jobs, out of which around 90 per cent are men (Sharma 2013). Similarly, a substantial number of people, who migrate through irregular channels, are also not recorded in official DoFE data. These could be individuals flying to a destination from India using unauthorised channels or those travelling on a tourist or student visa but who take up employment at their destination. These migrants, however, can regularise their status by obtaining a labour permit from the DoFE when they return home on holiday and fly out from Nepal to resume the same employment abroad (Ministry of Labour, Employment and Social Security 2020). In 2018/19, 5,336 individuals regularised their migration, with men making up 91 per cent of them (DoFE 2021a).

Workers from Nepal go abroad mainly for jobs that are ranked lower in the hierarchy of skills and wages. About half of the total workers (48.22 per cent) from Nepal in 2020/21 went for ‘unskilled’ work, with similar proportions among males and females, followed by workers pursuing jobs considered ‘skilled’ (42.3 per cent) and ‘semi-skilled’ (9.4 per cent) (*ibid.*). In terms of specific occupations, the majority of workers from Nepal are hired in elementary occupations, in particular labour categories that are ‘specified’ (including those linked to specific sectors, such as agriculture and carpentry, and electrical and mechanical work) or ‘unspecified’ (labour categories not linked to any specific sectors, such as general labourers, general workers, helpers, cleaners, packers and loaders, etc.) (Ministry of Labour, Employment and Social Security 2020).

Labour migration from Nepal has largely been a male phenomenon, with the proportion of female migration little more than 5 per cent in the past decade (*ibid.*). Female workers’ share of total labour permits has, however, increased

the migration of workers who fall under the new entry category of labour migration. Returning migrants normally renew their labour permits themselves or with minimal support from intermediaries.

⁴ Official data in Nepal are given by fiscal year, which begins in the middle of July.

⁵ The figure excludes labour permits issued to Nepali workers migrating to South Korea through the Employment Permit System; nearly 45,000 Nepali workers migrated via the system between 2008 and 2017.

over time, with 3.91 per cent in 2008/09 and 6.87 per cent in 2020/21, owing to 'push factors' such as economic challenges, natural disasters, domestic violence, and a desire to see the outside world which often outweigh migration-related fears and restrictions (*ibid.*; DoFE 2021a). The top five destination countries for Nepali female migrants are the UAE, Qatar, Cyprus, Jordan, and the Maldives, comprising 79.69 per cent of total female migrants (Ministry of Labour, Employment and Social Security 2020; DoFE 2021a). However, the pattern of destination countries for males is no different than the aggregate pattern of labour migration (Ministry of Labour, Employment and Social Security 2020; DoFE 2021a). Female workers are concentrated in a few occupation sectors such as cleaning and laundry, hospitality, and caregiving, whereas male workers are recruited in relatively more diverse occupation sectors including labour, security, cleaning and laundry, hospitality, driving, and construction (Ministry of Labour, Employment and Social Security 2020).

1.2.2 Role of labour intermediaries in facilitating labour migration from Nepal

Nepali workers' migration to foreign countries (excluding India)⁶ is largely facilitated by private recruitment agencies (PRAs), known locally as 'manpower companies', which play an important role in connecting job seekers in Nepal with employers abroad. Most of the labour approvals for migration are processed through PRAs, although such approvals can also be processed individually or through government agencies in case of migration facilitated through government-to-government agreements (*ibid.*). Before the onset of the Covid-19 pandemic, in 2018/19, over 200,000 labour permits issued by the DoFE were processed through PRAs, a figure that made up nearly nine tenths of total new entry labour permits issued that year (DoFE 2019). PRAs also provide support to migrant workers to complete necessary paperwork and acquire labour permits, visas, and air travel tickets (Amnesty International 2017; Kern and Müller-Böker 2015).

The PRAs do not play any major role in facilitating migration to countries such as South Korea and Israel, where labour migration is facilitated under the government-to-government modality, with governments of both origin and destination countries overseeing the overall migration process. The South Korean government has taken a fixed number of workers from Nepal every year since 2008 under the Employment Permit System (EPS) and PRAs are not involved in workers' migration to South Korea (Rai, Kharel and Thapa 2019; Rastriya Samachar Samiti 2020). The Government of Nepal (GoN) is preparing to send Nepali workers for caregiver jobs in Israel following a memorandum of agreement with the Government of Israel (*República* 2020). However, these migration flows account for only a fraction compared to those who obtain labour approvals through PRAs. For instance, since the implementation of the EPS in 2007 the annual number of workers Nepal has sent to Korea has never exceeded 8,000 (Rai *et al.* 2019). Nepali workers can migrate to Japan through the Technical Intern Training Programme conducted by the Japanese

⁶ PRAs are not used in cross-border labour migration to India.

government since 1993⁷ and, since 2019, workers with occupation-specific skills can migrate through the Specified Skilled Workers Programme (Yamanaka 2021), but Nepali PRAs are still involved in facilitating this flow of labour migration.

Nepali PRAs are required to register at the Company Registrar's Office and obtain a licence from the DoFE to operate their business (GoN 2007: Art. 10, Ch. 3). There were 834 PRAs 'active' in the country at the time of the study (DoFE n.d.). All PRAs are based in the Kathmandu valley. Only 29 of them have branch offices in other parts of the country (DoFE 2021b); most (21) have only one branch office, while the remainder have 2–4 branches. The branch offices are in cities such as Pokhara, Birtamod, Itahari, Bharatpur, Dharan, and Lahan.

In addition to the PRAs, there are other service providers such as pre-departure orientation training (PDOT) centres, medical centres, and travel agencies formally involved in the migration of workers from Nepal. The Foreign Employment Act (2007) mandates workers going for foreign employment to take orientation training from the institutions authorised by the DoFE (GoN 2007: §27). Prior to outgoing migrants' departure, the PDOT centres provide them with information on foreign employment processes, legal provisions, travel information, referral and support services, and other safety and security measures related to foreign employment. PDOT centres are registered private companies that are licensed by the DoFE after confirming that they have adequate infrastructure, human resources, and other means and resources required to provide such training, and are monitored by the Foreign Employment Board (FEB) (*ibid*: §28, §29). There were 171 authorised orientation centres in operation in 2020 (Ministry of Labour, Employment and Social Security 2020). The PDOT programme in Nepal is run in coordination between government agencies and private actors. The FEB designs the curriculum, oversees its implementation, and monitors the standard of trainings, while the implementing agencies are the private training centres authorised by the FEB (Ministry of Labour, Employment and Social Security and Foreign Employment Board 2020; GoN 2007: §27, §28).

Similarly, prior to going abroad for foreign employment, workers must have a health check-up conducted by a health institution that has obtained permission from the GoN (GoN 2007: §27). Such medical centres conduct medical tests and provide certificates to outgoing migrants confirming their medical fitness. In 2020, there were 226 such medical centres offering services to outgoing migrants (Ministry of Labour, Employment and Social Security 2020). However, essential migration-related services are heavily centralised in Kathmandu and other major cities. Significant proportions of PDOT and government-authorized medical test centres are also found in the Kathmandu valley, while the remainder are in major cities.

Most people who want to migrate are originally from outside the Kathmandu valley, including from remote rural areas and villages, where there are no formal centres or offices. Eight of the top ten origin districts for migrant workers in 2018/19 were located in Province 1 and Province 2 and accounted for 40 per cent of total labour migration from Nepal (Ministry of Labour, Employment and Social Security 2020). This means that those people, some of whom might not

⁷ For more information on TITP see: [What is the Technical Intern Traineeship Program?](#), JITCO.

be highly educated,⁸ have to find their way to these facilities, opening up a market for informal labour intermediaries, commonly referred to as agents or brokers (Oosterhoff and Hacker 2020; Paoletti *et al.* 2014; Yunus 2020). While potential migrant workers are mostly from outside cities, PRAs are generally concentrated in big cities and require services from informal labour intermediaries to get clients and sustain their businesses.

While not all recruitment agencies – including agents and brokers – are fraudulent, various forms of malpractice such as misinformation, deception, and exploitation are often documented (see, for example, Amnesty International 2011). Workers are reported to have been trafficked for sex work or are provided with inadequate or incorrect information on pay and working conditions, or are forced to work in inhumane conditions that can be categorised as forced labour or human trafficking (Andrees, Nasri and Swiniarsk 2015). A study of 519 female returnee migrants in Nepal, although non-generalisable at national level, found the vast majority (90 per cent) of women had experienced conditions of forced labour⁹ during their employment abroad (Mak, Kiss and Zimmerman 2019). The same study also found nearly three quarters of migrant workers had experienced conditions of forced labour during the migration cycle. Officials estimate that more than 70,000 Nepalis work in Saudi Arabia under oppressive conditions, which could include forced labour, and Nepali workers in both Qatar and the UAE report that employers retain their passports and sometimes do not pay them for months at a time (US Department of State 2020). In January 2020, the Nepal Police's Crime Investigation Bureau opened a criminal investigation into 41 recruitment agencies earning money from illicit activities while they were involved in sending migrant workers abroad (*ibid.*).

The issue of labour recruitment and the link between forced labour, human trafficking, and unscrupulous and fraudulent behaviour of recruitment and employment agencies has been at the forefront of various debates at national and international platforms (Andrees *et al.* 2015). However, conceptualising all recruitment agencies as a homogeneous group, in terms of their alleged involvement in fraudulent activities, will not be effective in making targeted interventions to prevent human trafficking. It is also not just to categorise all PRAs as alleged perpetrators, considering the important function they perform in facilitating the process of migration.

More importantly, there is a lack of research offering labour intermediaries' perspectives and explaining the way they operate, which could provide an informed understanding on the linkage between labour migration and trafficking. A study on PRAs' recruitment methods and their relationship with other labour intermediaries could contribute to an understanding of the overall functioning of the recruitment industry and identify gaps in migration policies in Nepal. Similarly, while PDOT centres have been criticised for their (potential) misconduct in administering orientation training to migrant workers (Mandal 2021c), negligible

⁸ As per the calculation of raw data from the Nepal Labour Force Survey 2017/18, more than 60 per cent of Nepalis who went abroad for employment had a secondary level of education or less and approximately 8 per cent were found to be illiterate.

⁹ The three dimensions of forced labour identified by the ILO – unfree recruitment, work and life under duress, and impossibility of leaving the employer – are measured; forced labour is positive, if any one of the dimensions is positive.

efforts have been made to use their perspectives to understand how the centres establish contact and engage with migrant workers and how pre-departure information is provided in practice. In this context, it is necessary to map and explore outreach and engagement activities by both PRAs and PDOT centres to see how they engage with prospective migrant workers and identify challenges in operating their businesses, and what pre-departure information they provide to prospective migrants about human trafficking.

1.2.3 Effectiveness of pre-migration awareness-raising programmes

Awareness-raising campaigns and pre-migration trainings are popular strategies used to prevent human trafficking. The tools used most often in campaigns are promotional activities and communication tools such as posters, leaflets, advertisements, films, clips, public service announcements, and television and radio advertising. Over the past decade, there has been substantial investment in awareness-raising and pre-migration training as the preferred strategy to prevent modern day slavery, including trafficking.

Several studies, however, point out that often awareness campaigns and pre-migration interventions are either not assessed for their effectiveness or that their effectiveness in protecting migrant workers is very limited. There is a lack of investment in testing and long-term monitoring of safe migration programmes, and the standard indicators used to measure the effectiveness of programmes often count activities and not outcomes (Winrock International 2021). A systematic review of 16 studies, which examined anti-human trafficking campaigns and were published in peer-reviewed journals, found that none of the studies reported 'any form of outcome, process, or impact evaluation of anti-human trafficking campaigns', indicating a need for rigorous assessment of the impact of anti-human trafficking campaigns (Szablewska and Kubacki 2018: 117). Similarly, 'evidence about intervention impact is extraordinarily limited' since almost all evaluations only included output indicators of programme components, such as meetings held, trainings conducted and migrant resource centres established, which provide little evidence of intervention programmes' impact (Zimmerman, McAlpine and Kiss 2015: 47).

Studies point out that safe migration programmes are based on untested assumptions that educating aspirant migrants about safe migration will keep them safe, that people will receive and understand safe migration messages and act accordingly, and that the knowledge will trickle down to family and community members (Winrock International 2021). The training does not always bring the desired changes in understanding and attitudes. A study by Pocock *et al.* finds low awareness about migration risks, labour rights, and collective bargaining both pre- and post-training, and only modest changes in attitudes about safe and risky migration practices, earnings, and savings (Pocock *et al.* 2020). Impact also wanes over time. A study in Nepal found that narrative-based campaigns, with positive appeals that aim to empower the audience, have some effect on individuals' initial perceptions on trafficking and were comparatively more effective than purely fact-based campaigns; however, the effects of exposure to multimedia on people's perception waned with time (Jensen, Pocock and Oosterhoff 2020).

Awareness-raising activities and training programmes are premised on the idea that protection begins in the country of origin and, provided that migrants are equipped with knowledge about risks, labour and migration regulation and documentation and their rights, the information will be helpful in empowering the prospective migrants to travel to and stay/work in the destination country (Asis and Mendoza 2012). However, knowledge-building training alone cannot improve migrants' ability to protect themselves in the migration process. A study found that the messages provided during training led women migrants to believe that they would be safe during migration and that in case of emergency they could rely on hotline services, although such services were not always guaranteed (Jensen *et al.* 2020). Despite feeling empowered with knowledge gained during the training, the migrant workers could not assert their rights and had little power during the migration trajectory (*ibid.*). Similarly, there are sometimes unintended adverse effects of safe migration programming such as fear of international migration and lack of trust in NGOs and government agencies (Winrock International 2021).

These campaigns and training also ignore other factors such as power dynamics, socioeconomic inequality and inequity that can contribute to trafficking. Prevention programmes do not analyse root causes, contributing factors, or vulnerability risks that may lead to human trafficking (Rosenberg, Lazaroiu and Tyurkanova 2004).

However, awareness-based programmes are to some extent still relevant in Nepal, as studies indicate low levels of awareness among migrant workers regarding terms of contracts. A survey conducted among returnee migrant women in three districts (Morang, Chitwan, and Rupandehi) found that most of the migrants did not receive any information before leaving Nepal about: overtime hours and pay (85 per cent); foreign migrants' rights and responsibilities (85 per cent); penalties for early termination of contract (72 per cent); time off and vacation (66 per cent); working hours (64 per cent); and the name of their employer/company (58 per cent) (Mak *et al.* 2019).

Awareness-raising information and job-related information provided to potential migrant workers during PRAs' and PDOT centres' engagement with them can have important implications for preventing human trafficking during labour migration. Studies on pre-migration interventions have mostly centred on campaigns and activities by NGOs. Studies on pre-migration information provided by PRAs or orientation classes run by PDOT centres are very limited in number and scope.

1.3 Objectives and relevance of the research

Studies highlight the paucity of interventions and lack of insights on alleged perpetrators of 'modern slavery' and human trafficking, as in recent times the focus has been more on rescuing and rehabilitating victims of human trafficking (Oosterhoff *et al.* 2018; Choi-Fitzpatrick 2016). This focus, as a result, has overlooked the concerns of alleged perpetrators, such as recruitment agencies and agricultural landowners, causing less attention to be paid to the reasons and motivations behind their actions, which have supposedly led to conditions of forced labour, human trafficking, and bonded labour (Oosterhoff *et al.* 2018;

Choi-Fitzpatrick 2016, 2017). Labour intermediaries, such as PRAs, and migration-related service providers, such as PDOT centres, perform important functions in connecting potential migrants to jobs abroad and providing them with relevant information necessary for making informed decisions in the process of foreign migration; therefore, it is not reasonable to categorise all of them as a homogeneous category, only considering their reported involvement in unethical and illegal activities and wholly ignoring their contribution to foreign labour recruitment.

There is a need for scholars and advocates to study the motives of the perpetrators who play an integral role in delivering individuals into forced labour (Choi-Fitzpatrick 2016). This study contributes to fill this research gap by exploring the motivations for labour intermediaries' existing business practices. In other words, this study examines the motivations and concerns of important service providers in labour migration, mainly PRAs and PDOT centres, which might have knowingly or unknowingly contributed to instances of human trafficking and forced labour.

Specifically, the objectives of the study were to:

- Identify gaps in policies and practices in labour recruitment in Nepal that have adversely affected the implementation of safe migration from Nepal;
- Assess the outreach and engagement of PRAs and PDOT centres with migrant workers leaving for foreign employment in various sectors, including entertainment;
- Examine pre-departure information about human trafficking provided to prospective labour migrants by Nepali PRAs and PDOT centres; and,
- Inform interventions to address the problem of human trafficking from Nepal in the process of labour migration and support at-risk populations.

Migration is important for Nepal's economy (Sijapati *et al.* 2017; Ratha *et al.* 2021). It is a desired and acceptable way for many families to make a living, a strategy that has helped to lift families out of poverty, as well as a right that is embedded in various laws (Acharya 2017; Thapa and Acharya 2017). Labour intermediaries fulfil an important economic role and provide valued services, but there are clearly some issues within the sector as a whole. Given the substantial role recruitment agencies play in the labour migration process in Nepal, this study helps to enhance understanding of recruitment practices and identify ways to promote fair recruitment practices and protect at-risk migrants from forced labour and human trafficking. This research contributes to strengthening and building effective pre-migration strategies to prevent the possibility of human trafficking during the process of labour migration. This study is relevant in the context of an increased interest among a growing number of studies on awareness-raising campaigns, knowledge-building training, pre-migration training and orientation programmes run by labour intermediaries. Based on its findings, the study also suggests how PRAs and PDOT centres could improve their services and how the government should play a better role in formulating policies that encourage and ensure enhanced services from migration-related service providers, so the welfare of migrant workers is not compromised.

1.4 Research methodology

The study used mixed methods consisting of the following elements: (1) a literature review of existing publications; (2) interviews with the owners and managers of the sampled PRAs and PDOT centres; and (3) analysis of online materials used by PRAs and PDOT centres for outreach and engagement with (prospective) migrant workers. The detailed methodology is discussed below.

1.4.1 Literature review

An extensive review of literature mostly published in the past two decades (2000–20), including academic publications, grey literature, news reports, and legal and policy documents, was undertaken to understand the existing legal framework and identify gaps in the governance of labour migration in Nepal that could contribute to human trafficking. Policy documents reviewed included: the Foreign Employment Act (2007); Foreign Employment Rules (2008); Human Trafficking and Transportation (Control) Act (2007); bilateral labour agreements; PDOT curriculum; and relevant International Labour Organization (ILO) and UN conventions adopted by the state. Further, literature on the effectiveness of awareness and training campaigns in Nepal and abroad and the use or misuse of technology in the recruitment process were also reviewed. The Google search engine was used to search for relevant literature as it is a useful tool to find and access publications including grey literature. Keywords were used such as: 'labour migration'; 'human trafficking'; 'trafficking in persons'; 'forced labour'; 'bonded labour'; 'labour intermediaries'; 'pre-migration interventions'; 'safe migration'; 'pre-migration orientation'; 'fair recruitment'; 'labour exploitation'; 'online labour recruitment'; and 'modern slavery'.

Besides conducting searches using keywords, literature encountered during past studies in the field of human trafficking and labour migration, and relevant media articles were selected for review. Similarly, the data made available by different sources, including the DoFE, FEB, National Human Rights Commission, Nepali diplomatic missions in destination countries, civil society organisations, NGOs and INGOs working in the sector of labour migration and trafficking were used for contextualisation and, if possible, data triangulation while presenting the findings. In addition, the PDOT curriculum was retrieved from the official website of the FEB, which is the government agency authorised for drafting and implementing the curriculum. The contents of the curriculum were analysed for information on: human trafficking; forced labour; safe migration; labour exploitation; sexual exploitation; the migration process; recruitment fees; living and working conditions in destination countries; workers' rights in Nepal and transit and destination countries; and the kind of information provided to foreign-bound workers on these issues.

Most publications were in English, apart from a few government rules, regulations and policies, and some news articles, which were in Nepali. The literature review process was somewhat constrained by the search method, despite the use of particular keywords, as the selection and exclusion of literature was not based on any objective strategy. However, the review still fulfilled the study goal of gathering background and policy-related information rather than conducting a systematic literature review. The information gathered

also helped in triangulating data obtained from other methods, mainly via interviews with the owners and managers of PRAs and PDOT centres.

1.4.2 Selection of recruitment agencies and orientation training centres

The study began with the identification and selection of recruitment agencies to be included in the sample. A comprehensive list of PRAs was obtained from the DoFE¹⁰ and three criteria were set for the selection of PRAs for the sample. Given the limited scope of the study, 15 PRAs were selected purposively from a pool of 982 registered in Nepal (as at 2019/20) based on three factors: (1) the size of the agency; (2) the destination country and employment sector recruiting workers; and (3) the PRAs' publicly expressed commitment to ethical and fair recruitment. These three factors were deemed important in the sampling to capture the diverse experiences of the PRAs in labour recruitment and their engagement with migrant workers. The inclusion of large-scale PRAs was considered essential in this study as such PRAs are more likely to use a wide range of recruitment methods and intermediaries to meet their annual target number of migrant workers; they also have more resources to reach out to migrant workers. Their inclusion in the study is even more relevant given the lack of a systematic published report on large PRAs and their role in migration and foreign employment. The size of recruitment agency was determined based on the number of workers the agency had recruited in 2019/20.¹¹ For the purpose of the study, PRAs that sent more than 1,000 workers abroad in 2019/20 were considered to be large PRAs.¹²

As the PRAs' recruitment practices and nature of engagement were also likely to differ according to differences in the countries of destination and employment sectors they supplied workers to, the study sampled as diverse a group of PRAs as possible in this regard. Some PRAs sending workers for domestic work were selected considering that women migrant workers going abroad for domestic work are more vulnerable to exploitation and trafficking (American Civil Liberties Union n.d.). The study also included PRAs that had publicly expressed their commitment to ethical recruitment, along with PRAs that operated 'conventionally', to capture the potential diversity in their recruitment practices. 'Non-conventional' PRAs were considered to be those that had taken or were undergoing the Responsible Business Alliance's (RBA) Ethical Recruitment Appreciation training,¹³ were part of the Ethics Practitioners Association of Nepal (EPAN), or had been involved in the ILO's Fair Recruitment project.

Similarly, ten PDOT centres were identified and selected for the study from a comprehensive list of 156 active PDOT centres obtained from the FEB. Centres located in different parts of the country were purposively selected in an effort to make the sample representative and capture the diversity in their experiences of providing pre-departure information to migrant workers. All active PDOTs were

¹⁰ The list was taken from DoFE (2020a).

¹¹ The number of workers sent by each recruitment agency is based on data provided by the DoFE under the Ministry of Labour, Employment and Social Security; see DoFE (2020b).

¹² The number of workers sent by different PRAs ranged between 1 and 3,163; see DoFE (2020b).

¹³ The RBA is a non-profit organisation that offers training to recruitment agencies on ethical recruitment; for more information, see RBA (2021a).

located in major cities in five of Nepal's seven provinces: Province 1, Province 2, Bagmati, Gandaki, and Lumbini. Hence, for this study at least two PDOT centres from each of the five provinces were purposively selected, although only one PDOT centre was interviewed from Gandaki as the others declined to participate in the study.¹⁴

Table 1.1 Characteristics of the 15 PRAs selected for the study

Criteria for selection	No. of PRAs selected	Location
Size of business (PRAs which sent more than 1,000 workers in 2019/20)	6	All six in Kathmandu valley (Province 3); two have branches outside the valley
Size of business (PRAs which sent more than 1,000 workers in 2019/20) and sectors of employment	3	All three in Kathmandu valley (Province 3); one has branches outside the valley
Employment sector of domestic work (PRAs sending Nepali migrants abroad primarily for domestic work)	3	All three in Kathmandu valley (Province 3)
Non-conventional modality of business operation	3	All three in Kathmandu valley (Province 3)

Source: Authors' own.

Table 1.2 Location of the ten PDOT centres selected for the study

Location	Number
Province 1	2
Province 2	2
Bagmati (Province 3)	3
Gandaki (Province 4)	1
Lumbini (Province 5)	2

Source: Authors' own.

After preparing the provisional list, we started contacting the PRAs and PDOT centres in our list that were eligible for this study. Six PRAs and six PDOT centres of the initially selected sample of PRAs and PDOT centres either did not respond to our calls or refused to be interviewed for the study, so were

¹⁴ Gandaki province had only five active PDOT centres.

eliminated from the list. Most of the respondents who refused to participate in the study gave the second wave of the Covid-19 pandemic as the main reason for their non-participation. We found some respondents were infected with Covid-19 at the time we contacted them for interview. Meanwhile, other respondents stated that the PRAs and PDOT centres were temporarily closed and the owners or managers were not available, even for telephone interviews. The PRAs and PDOT centres eliminated from the sample were replaced with other PRAs based on the same criteria as those initially selected.

All the PRAs and PDOTs that participated in the current study have been anonymised in the report to the extent possible. The PRAs and PDOT centres are, respectively, labelled PRA1–PRA15 and PDOT1–PDOT10 to maintain the anonymity of the agencies and the respondents that spoke to the study team.

1.4.3 Interviews

To identify gaps in labour recruitment policies and practices in Nepal, including the administration of pre-departure information to migrant workers, interviews were conducted with the management of the sampled PRAs (n=15) and PDOT centres (n=10) to understand these practices from their perspective. The managing director and/or owner of each organisation (in most cases, both are the same) were contacted for interviews. In cases where the researchers were referred to another person in the organisation for the interview, the researchers made sure the respondent was involved in the management of the organisation and was knowledgeable on the subject matter. Respondents were asked before the interview if they knew the functioning of the organisation and the recruitment industry well. Additionally, the researchers ensured that referred respondents worked in the capacity of manager or above at the time of the interview to maintain the credibility of the information provided.

The interviews focused on the roles of the PRAs and PDOT centres in facilitating the overseas migration of Nepali workers, the nature of their collaboration with other labour intermediaries, their outreach and engagement with migrant workers and challenges they faced in conducting their business. The interviews were instrumental in understanding the actual recruitment methods PRAs used, the platforms they used for job advertisements and to reach out to potential migrant workers, and their knowledge of safe migration and human trafficking.

Interviews were conducted over the phone due to mobility restrictions during this period of the pandemic. The interview checklists are presented in Annexe 3 and Annexe 4. The interviews were conducted in Nepali and, accordingly, interview checklists were translated into Nepali also. Interviews with PRA representatives ranged between 45 minutes and 60 minutes, while interviews with PDOT centre representatives were around 30 minutes each.

1.4.4 Review of PRAs' and PDOT centres' online materials

Interview data were supplemented with online materials retrieved from official websites, Facebook pages, and Twitter handles of the sampled PRAs and PDOT centres to analyse awareness-raising information provided to migrant workers prior to their departure for foreign employment. Among the social media

platforms, Facebook and Twitter were selected as they are the two social media platforms most widely used by Nepalis (StatCounter n.d. b).¹⁵ The online materials from official websites, Facebook pages, and Twitter accounts of PRAs mostly comprised: posts on job advertisements; scanned pictures of print advertisements; circulation to prospective clients of information such as application deadlines and interview dates; awareness-related information; and office activities of respective agencies. For instance, any advertisements or notices on topics such as the migration process, employment opportunities, application requirements, job conditions, and PDOT were reviewed to see what pre-departure information was provided to prospective labour migrants about human trafficking and whether there was any indication of deception in such advertisements.

Similarly, a review of content of recruitment agencies' brochures and advertising materials posted on social media (Facebook and Twitter) was also carried out. Specifically, online content from between January 2019 and June 2021 was considered for analysis. Websites were scanned to determine if materials on safe migration such as codes of conduct or ethics were shared by the agencies, so that the quality or nature of any trafficking- or forced labour-related awareness-raising information could be analysed.

The official Facebook pages and Twitter handles of the PRAs and PDOTs selected for the study were primarily identified through their official websites. In cases when the PRAs and PDOTs did not have a website, the company names were used as keywords in Google to find possible Facebook pages and Twitter handles. The Facebook pages and Twitter handles identified this way were confirmed later in the interviews held with the owners, managers, or directors of respective PRAs and PDOT centres.

The online materials of each agency were exported into separate Microsoft Word files in chronological order for further analysis. One researcher from the team went through all the materials relating to the agencies, identified them by title (or subject matter if there was no title), publication date and source (website, Facebook page, Twitter) and extracted them into a Microsoft Excel file using the data extraction form in Annexe 1. In the data extraction process, the researcher checked if each piece of material included any information on human trafficking or contained keywords (listed in Section 1.4.1) provided in the data extraction form, who the target audience was and whether it contained clearly misleading or deceptive information. Similarly, the PDOT curriculum was also analysed for safe migration- and trafficking-related content using the keywords listed earlier.

1.4.5 Ethical considerations

For all interviews, to mitigate any risks, research participants were allowed to choose their own level of anonymity and were encouraged to choose a place that was comfortable and maintained aural privacy for them. Covid-19 precautions were respected and discussed in advance. Participants were informed about the study and their consent was obtained verbally prior to starting

¹⁵ Facebook and Twitter respectively accounted for 90.3 per cent and 4.08 per cent of social media use in Nepal between October 2020 and October 2021.

the interviews. The participants were informed that their participation in the research would be completely voluntary, and they could withdraw their consent at any point. The verbal consent form is presented in Annexe 2. The respondents were asked for permission to record the telephone calls, and the recorded interviews were transcribed and translated into English for analysis.

The confidentiality of the PRAs and PDOT centres is maintained while presenting the findings of the study. In doing so, any identifying details of the agencies have been deleted and the quotes used have been paraphrased to avoid traceability. With a good understanding that the labour migration sector is important for Nepal and that actors in the sector who know how their businesses work are important in bringing improvements, the principle of 'innocent until proven guilty' has been adhered to while reporting information in the study.

All data were stored in a password-protected private file on the researchers' personal or office computers that were also protected by password-protected private logins. The data were only accessible to the interviewers, translators, and main researchers. Audio files of the interviews were deleted after they were transcribed.

There is no institutional body to review social science research in Nepal that is not directly related to health.¹⁶ However, to ensure ethical research practices, all the researchers from Social Science Baha and CESLAM involved in this study completed Macquarie University's Social Science Ethics Training online. They also received support from an IDS Ethical Review Board (ERB) member to implement research ethics in practice and in line with ERB guidelines. As the research was led by Social Science Baha, per IDS policy, the ERB was not involved in reviewing the research project.

1.5 Limitations

This study has limitations. One limitation is the exclusion of various types of intermediaries involved in labour migration from Nepal, as the study aims to examine only important service providers in the labour migration industry, such as PRAs and PDOT centres to understand their outreach and engagement with prospective migrants. Due to the scope of the study, it does not look at the practices of informal intermediaries who also play an integral role in the migration process.

The study focuses on PRAs and PDOT centres providing services to workers migrating to GCC countries and Malaysia, which are the main destinations for Nepali migrant workers. The review of labour recruitment policies also focuses on these migration corridors. The study does not capture the scenario of labour migration to countries, such as South Korea, Japan, and Israel, where a government-to-government modality of labour migration is followed.

An important part of the study is based on interviews conducted with the PRAs and PDOT owners or managers. None of the sampled PRAs and PDOT centres on the initial list could be reached for interview as most of them were closed due to the pandemic. Some respondents stated that they were infected with Covid-19

¹⁶ The Nepal Health Research Council must approve health-related research conducted in Nepal.

and expressed their inability to participate in the interview. Additionally, interviews could not be conducted in person according to Covid-19 health protocols. It would have been preferable to build rapport and identify non-verbal cues through in-person interviews.

Some interview questions were sensitive since they concerned activities which are considered illegal by the state. In such cases, it would have been better if the responses by the managers of the PRAs and PDOT centres could have been verified. However, the information they provided could neither be verified nor triangulated with information from workers as it was not possible to identify and contact the workers who had been sent abroad by these PRAs or taught by the PDOT centres, so this activity was beyond the scope of the study.

The sample of 15 PRAs and 10 PDOT centres is not statistically representative of the entire recruitment and orientation training industry due to the small size of sample and use of a non-probability sampling method. However, purposive selection of the sample using different criteria (see Tables 1.1 and 1.2) has accommodated a diverse group of PRAs and PDOT centres representative of diverse conditions, thus ensuring comprehensive information on the topic studied. Managers and owners were prioritised for the interviews. Although efforts were made to make sure that the respondents knew their organisations best, there may have been cases when other staff members had more direct experience with the operation of the businesses.

Meanwhile, most of the PDOT centres did not have any online presence and the few that had Facebook pages were found to have only posted contact information and posts related to office activities. As a result, analysis of online materials from PDOT centres was very limited.

The literature review was necessarily limited in time and scope. Mostly, literature in English was considered, omitting literature in Nepali. The choice of keywords used in Google searches may also have led to a selective choice of literature.

2. Discussion of study findings

This section presents the findings derived from the analysis of data from online materials and interviews with the PRAs and PDOT centres selected for the study. It first discusses the PRAs' understanding of the concept of TIP and its implications for their engagement with potential migrant workers. This is followed by the discussion of gaps in the formulation of labour recruitment policies and their implementation in Nepal, gaps in PRAs' outreach and engagement activities with potential migrant workers, and issues in the PDOT curriculum and classes that have adverse effects on the dissemination of safe migration information to potential migrants.

2.1 PRAs' understanding of TIP

Clarity on the definition of trafficking among the PRAs could have important implications for the kind of activities they conduct while engaging with potential migrant workers during the recruitment process. For instance, intentionally misleading or not properly communicating to migrant workers on some of the clauses in the job contract, such as the job description, salary, or benefits may not be considered a serious offence when the managers or owners of PRAs have a narrow definition of TIP.

The interviewees from all 15 PRAs had heard of human trafficking, but apart from two none of them could be definite in their response to the question of what kinds of acts constitute human trafficking. Nevertheless, respondents from all the PRAs agreed that foreign-bound workers from Nepal are very susceptible to falling prey to trafficking. For example, the respondent from PRA4 stated:

Except in the case of experts and highly skilled, there are very high chances of 'trafficking in person'. For the workers in skilled, semi-skilled and unskilled work categories the process of trafficking starts at the very beginning stage of recruitment.

Nepal acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime (commonly called the Palermo Protocol) on 16 June 2020, which is about a year before the study was conducted. The Palermo Protocol specifically identifies the presence of fraud, deception or abuse of power or a position of vulnerability in addition to threat or use of force or other forms of coercion as a 'means' leading to trafficking,¹⁷ but responses from PRA managers/owners on the definition of TIP mostly centred on unauthorised travel for work either through the misuse of visit visas (or travelling without a valid labour permit) or via illegal routes (not using a national airport) as means leading to trafficking. Respondents from about half the PRAs (7 out of 15) cited the use of illegal routes for travel, misuse of visit visas, or absence of a valid labour permit as major factors leading to trafficking.

¹⁷ See Article 3, Chapter 1 of UN (2000).

There is a possibility that wrong or incomplete information from PRAs could lead to acts of trafficking, but the respondents generally shifted the onus onto informal labour intermediaries sending workers on visit visas, lack of awareness among workers or government policies. For example, the representative from PRA9 stated:

Sending workers via illegal routes or without a valid labour permit is called trafficking in person. Trafficking in person is an illegal activity and it is not connected with the registered PRAs. It is a personal act and not connected to an industry.

The statement of the representative from PRA1 was not very different either:

It [TIP] rarely has the chance of happening when a candidate goes abroad taking a legal labour permit. Trafficking in person happens when the illegal route is taken via India or any third country. For this, the candidate himself/herself should be aware or should be made aware.

The respondents from five PRAs stated that providing the wrong information on salary and benefits could be considered to be cheating but not trafficking; and five considered cases of misinformation as a form of trafficking, but blamed informal intermediaries in the recruitment process. For instance, the representative from PRA12 said: 'Desperation among workers to make money anyhow and meeting agents/brokers who beguile them into taking advantage of their desperation is the cause of trafficking.'

Almost all the interviewees from the sampled recruitment agencies claimed that they had no incentive to be involved in acts of trafficking, since they would be held legally accountable for workers sent through their agencies if those workers were stranded abroad.

2.2 Gaps in labour recruitment policies and practices

The labour recruitment process in Nepal is primarily governed by the Foreign Employment Act (2007) and subsequent Foreign Employment Rules (2008). The legal instruments have clearly outlined the processes of labour recruitment for overseas employment. However, several gaps in labour recruitment policies and practices were identified while reviewing the relevant literature, mainly policy documents, and analysing the data from interviews with PRA managers and owners for this study. This section highlights the prevalent inconsistencies and gaps in policies and practices of labour recruitment from the very first step in labour demand procurement to the deployment of workers, with a focus on labour recruitment for GCC countries and Malaysia.

2.2.1 Labour demand procurement, demand verification, and pre-approval processes

The Foreign Employment Act (2007) presumes that employer companies in destination countries approach Nepal-based PRAs to recruit workers from Nepal. As per the act, employers in the country of destination need to submit labour demands to recruitment agencies in Nepal when they need Nepali workers. The demand letter is then certified by the Nepali diplomatic mission in the destination country and sent to the DoFE within 15 days of its certification, along with disclosure on whether the employer has arranged an airline ticket for the workers or not (GoN 2019). To apply for pre-approval of the demand letter, the recruitment agencies in Nepal then need to submit the original copy of the labour demand letter certified by the diplomatic mission in the destination country to the DoFE, along with other documents or information, such as the name and address of the employer, destination country, type and number of workers, salary, working hours and facilities provided to workers, a copy of the contract to be made between the employer and workers and between the recruitment agencies and workers (*ibid.*). The DoFE then gives pre-approval to the recruitment agencies to start the process of sending workers for foreign employment (GoN 2007: §15-2). On receiving pre-approval of the demand request, the PRA has to advertise the demand details in a national daily newspaper and the process of sourcing prospective migrant workers begins (GoN 2007: §16). On the eighth day of the publication of the advertisement, the PRA is eligible to apply for a 'visa-stamping letter', followed by the visa application process at the relevant embassy. The PRA can apply for final approval of the labour permit from the DoFE only after the assurance of the visa.

However, in practice, as disclosed by representatives from two recruitment agencies interviewed during this study, generally Nepali PRAs approach prospective employers with the help of other recruitment agencies or agents in the destination countries (see also Sijapati *et al.* 2015). The interviewees stated that only occasionally do the employers directly contact the PRAs in Nepal to seek their collaboration in recruiting workers from Nepal. For instance, the respondent from PRA13, a large PRA, explained:

We get to know about the labour demand in the destination country through several channels such as online vacancy announcements in the company's websites, personal visits to the employers, and recruitment agencies in the CoD [country of destination] and so on. We then send a letter to the employer companies offering to recruit workers for them in Nepal. If the companies are interested in hiring workers from Nepal, we start the process of negotiation with the companies on service charge, other related costs and working conditions for workers.

Similarly, a representative of another large PRA that mostly sends workers to Malaysia stated:

We obtain labour demand from the employer company by establishing contacts with them initially by writing emails to employer companies and with the help of Malaysia-based recruitment agencies.

The respondents from about half the PRAs revealed that their companies sent their representatives to the countries of destination regularly to build networks with employer companies. A couple of respondents disclosed that they would get help from recruitment agencies based in the country of destination by paying them commissions in return for connecting them with employers or securing labour demands for Nepali PRAs. A study on the Nepal–Qatar migration corridor also confirms payment of illegal ‘kickback’ commissions, in the range of US\$300–500 per worker, by Nepali PRAs to Qatari recruitment agents acting on behalf of Qatari employers or to employers’ representatives directly for the purpose of securing demand letters for workers (Verité and The Freedom Fund 2016). Media reports occasionally also corroborate that many Nepali PRAs send money abroad illegally (*The Himalayan Times* 2019; *Nayapatrika* 2019). A World Bank study estimated the size of annual informal commission flows from Nepal to informal intermediaries in Qatar to range from US\$17m to US\$34m, amounting to around 5 per cent of recorded worker remittance flows from Qatar to Nepal (Endo and Afram 2011). There are also human resources supply companies, which could be unlicensed recruitment agencies in the destination country, bringing workers from overseas and supplying them to companies and projects in the destination country (Five Corridors Project and FairSquare 2021; Verité 2012). For example, a study by Human Rights Watch verified the existence in the UAE of companies, commonly called ‘manpower supply companies’, which import migrant workers from Nepal solely for the purpose of subcontracting them to other employers for short- or long-term jobs (Human Rights Watch 2006).

While most of the representatives from the sampled PRAs did not reveal if they made any payments to intermediaries in destination countries, respondents from a couple of PRAs confirmed such payments to human resources officials while procuring labour. A representative from a small PRA sending workers mainly to Saudi Arabia and other Middle Eastern countries said:

While sending workers to Qatar, our company establishes initial contact with the employer companies through our friends in Qatar or by visiting the companies’ websites. We then communicate with the human resource managers of the companies, who are overwhelmingly Indians, and sometimes some payments may be necessary to be made to them while procuring the demand.

Existing studies also confirm that employer companies in receiving countries recruit workers either through internal hiring based on referral of existing staff members or they auction contract to the recruitment agencies that can supply the cheapest labour (Verité 2012). The latter mode of recruitment is reported to be more widely used. Under this method of procurement, a recruitment agency/manpower supply company or employer 'puts forward a "public" demand for workers from all nationalities approved by the government, and then sells the demand to the highest bidder in the country of origin' (Sijapati *et al.* 2015: 50). Recruitment agencies that are successful in procuring labour either pay the recruitment agencies in the destination country the highest commission or provide the most cost-efficient price by quoting the lowest salary, or both (Verité 2012; Sijapati *et al.* 2015). This, in turn, adversely impacts workers' salaries and benefits as it incites recruitment agencies in Nepal to set salaries below the minimum referral wage declared by the GoN (Verité 2012).

Although workers cannot be sent to work abroad below the minimum wage set by the GoN, a study by Verité (2012) finds that recruitment agencies use different methods to circumvent legal requirements, such as: (a) bribing labour department officials to approve applications of workers who will be earning less than the minimum wage; (b) preparing two different contracts for workers: the first contract to obtain labour approval and clear the immigration process and the second contract being the one the workers are made to sign upon arrival in the destination country; and (c) showing the contract to workers only a few hours before departure, so that they do not get time to read it and do not know that the salary they will get is below what was promised to them earlier (Verité 2012). A representative from a PRA practising 'ethical recruitment' also confirmed the presence of such malpractice in the recruitment industry:

Nepali migrant workers are at the risk of trafficking mainly due to lack of awareness due to which they are at times manipulated by brokers or agents. There are cases of debt bondage and contract substitution. There are even cases when an employment contract is signed only at the airport just before departure.

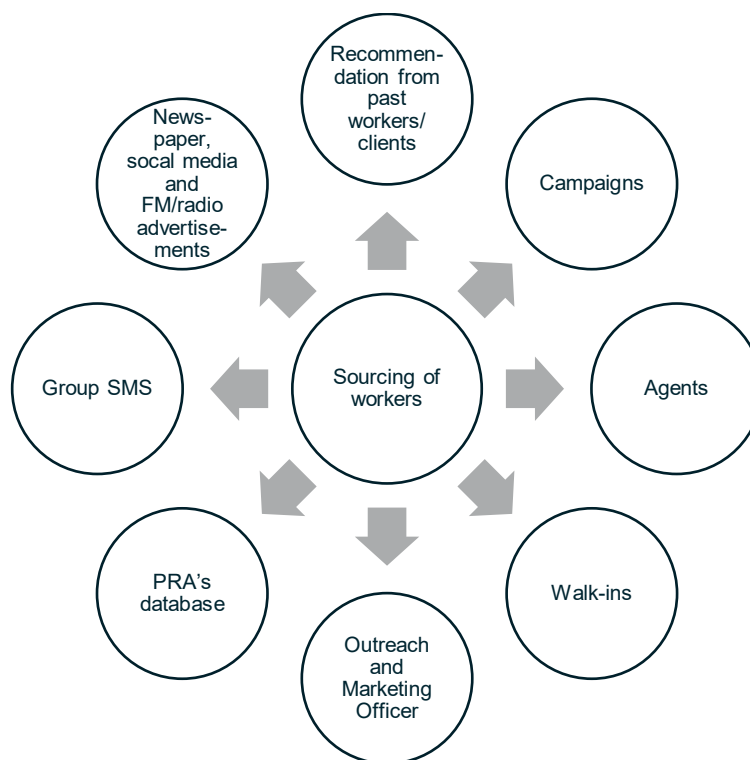
The use of several layers of intermediaries in the destination country for labour demand procurement ultimately increases the transaction cost of migration for Nepali workers, as commission must be paid to each additional intermediary involved in the labour migration process (Human Rights Watch 2006).

2.2.2 Intermediaries' role in sourcing workers

The Foreign Employment Act (2007) mandates recruitment agencies in Nepal to provide information on the availability of job demands abroad through advertisements in Nepali in national dailies (GoN 2007: §16). The act also specifies further details on job advertisements (discussed below in Section 2.3.3). PRAs, however, cannot solely rely on newspaper advertisements to reach out to potential migrants. The circulation of print media is limited to the Kathmandu valley and major cities due to the difficult geographical terrain, high recurring costs for both publishers and readers, and adult literacy rate of only around 60 per cent of the population (Acharya 2021). Although there is a lack of data on

circulation and readership of newspapers in Nepal, a media survey in 2017 found that 40 per cent of Nepalis read newspapers (*ibid.*). Interviewees from eight PRAs also stated that job advertisements in newspapers are not very effective in reaching many migrant workers as newspapers are not accessible in all areas and many prospective migrants are illiterate. Consequently, recruitment agencies use multiple channels, along with the mandatory job advertisements in newspapers, to source workers from different places in the country to ultimately connect them to employer companies abroad. These channels include: social media posts; FM/radio advertisements; group short message services (SMS – text messages) to potential worker groups; PRA databases of prospective workers; use of outreach and marketing officers (separate staff members); walk-in clients; agents; campaigns in villages or places where potential workers can be brought in from; and referrals or recommendations from past workers (Figure 2.1).

Figure 2.1 Channels PRAs use to source workers



Source: Authors' own.

The recruitment agencies have lately attempted to recruit workers through online media, thanks to the spread of digital technology. The review of PRAs' social media content showed that pictures of print advertisements are posted on the Facebook pages of the PRAs. A manager of a PRA said some PRAs also posted prospective foreign jobs available with them on social media pages prior to receiving pre-approvals from the DoFE. While this is not considered legal, the PRAs share such information early to prepare a list of potential clients in advance.

The respondents from two PRAs stated that they also ‘boosted’ their Facebook posts,¹⁸ targeting specific groups based on their location and age. The manager from PRA1 said in the interview:

Through our Facebook page, we provide information regarding the [job] demand, call for interviews and other recruitment-related information. We also boost the page to target groups of potential migrant workers, usually based on location and age group, to extend the reach of our information.

The study found that almost all recruitment agencies maintained a database of ‘potential’ or ‘interested’ workers, usually those who had previously enquired about the availability of jobs through in-person visits or phone calls. These workers were informed about jobs via text messages whenever they became available. As reported by a PRA representative, the PRAs used the database to send group SMS on the availability of jobs to potential migrant workers. The respondents said that such messages were usually brief and contained only the name of the recruiting company, position, number of jobs, and interview date. The recruitment agencies claimed that they specified the content of the messages, while the design and delivery were subcontracted to other companies involved in SMS marketing. A participant from a PRA, which also has a branch office outside the Kathmandu valley, said that they also advertised the jobs and their company through local FM radio to reach people in villages.

Although somewhat rare, some Nepali recruitment agencies also conducted recruitment campaigns in different source communities. A recruitment agency in the sample had often conducted recruitment campaigns in the villages of potential migrant workers by organising gatherings and face-to-face interactions, explaining the process of recruitment, and raising awareness and providing information to interested people. Another recruitment agency employed separate staff members to spread information on the availability of jobs abroad, as mentioned by the respondent during the interview:

Outreach or marketing officers are working in around 7–8 places around the country. They reach out to the prospective workers and distribute pamphlets about the organisation, its principles, and its code of conduct. Interested people then reach out to the organisation and enquire of the availability of jobs. These outreach officers are not agents or brokers but are the office staff and they are required to report their activity every month.

Twenty-nine recruitment agencies in Nepal and three in the study sample had opened between one and four branch offices in cities outside the Kathmandu valley to establish contact with potential workers from outside Kathmandu.

¹⁸ Boosted posts are advertisements created from posts on a Facebook page; boosting a post can help a person or a business get more messages, video views, leads or calls. New people who are likely to be interested in a page or a business, but do not currently follow it can be reached by boosting posts; see [Facebook page boosting](#).

However, these accepted channels were not adequate for labour recruitment for most PRAs. The owners and managers of eight PRAs in the sample reported limited success in recruiting workers through print advertisements. Furthermore, the respondents from all PRAs engaged in social media marketing (12 PRAs had a Facebook page, but only three had a Twitter handle), except one, who stated that marketing through social media had not yielded many recruits. While the branch offices are helpful, their presence is limited to a few major cities and most PRAs do not have them anyway. This has created conditions for the emergence of informal labour intermediaries in different parts of the country to facilitate linkages between interested workers and the recruitment agencies, which would not have been possible otherwise (Paoletti *et al.* 2014). These intermediaries – commonly known as agents, sub-agents, or brokers – are actively involved in the labour recruitment sector, despite the 2019 amendment of the Foreign Employment Act (2007) forbidding their engagement (GoN 2019).¹⁹ Recruitment agencies were prohibited from using informal labour intermediaries in an effort by the GoN to minimise recruitment costs and stop unscrupulous recruitment practices (Karki 2019).

The informal labour intermediaries connect prospective migrants either directly with registered PRAs or with other agents who then link the workers with the registered PRAs. These intermediaries are often migrants' friends, neighbours, acquaintances, villagers, or relatives (Kiss *et al.* 2019; Kharel 2016). It is difficult to know the exact number of agents as they operate informally and outside the legal purview, but this number is estimated to be as high as around 30,000 (Baumann and Dharel 2014).

The persistent presence of agents or brokers despite efforts by the state to discourage the practice of their use for recruitment indicates that the utility they provide – for example, their proximity to potential migrant workers in terms of relationship and distance, the convenience of approaching them and their offer of a complete service package – is still valued by migrant workers (Amnesty International 2017; Five Corridors Project and FairSquare 2021). Such informal intermediaries are not going to disappear from the labour recruitment sector anytime soon due to the persistent demand in connecting migrant workers with recruitment agencies, which is not always possible through the formal mechanisms as envisaged in the Foreign Employment Act (2007) (Abrar *et al.* 2017). However, the use of informal intermediaries or agents or sub-agents outside the legal framework has created difficulties in effective monitoring and regularisation of the recruitment sector (Yunus 2020). The act assumes that prospective migrants read job advertisements in newspapers and contact PRAs about labour migration. But many migrants are illiterate, and newspapers do not reach workers in remote villages (Kiss *et al.* 2019).

Although most PRA representatives reported not having used agents since they had been made illegal, the respondents from two PRAs stated that it was not possible to recruit workers without using intermediaries since very few people visited the recruitment agencies directly in response to advertisements in print media. The main reason, as the PRA representatives reported, was that most

¹⁹ The provision for PRAs to appoint agents has been repealed through an amendment in the Foreign Employment Act (2007).

aspirant migrants are located in villages where job advertisements are not accessible in a timely fashion. The representative from PRA4 stated: 'In reality, around 99 per cent of the business of recruitment agencies does not happen without the use of intermediaries/agents.' In the same line, the owner of PRA5 explained: 'Only a few people come directly. Sourcing of workers is done mostly through agents as only a few come through newspaper advertisements.' Several studies also show that prospective migrants must progress up a ladder of intermediaries that start with unregistered agents or brokers in villages, as a result of which the migrant workers tend to fall prey to problems caused by information gaps and lack of negotiation (Baumann and Dharel 2014; Verité 2012; Paoletti *et al.* 2014).

While describing the problems concerning the use of agents in the recruitment sector, several respondents from the PDOT centres selected for the study stated that Nepali PRAs often prefer not to deal directly with prospective migrant workers for a number of reasons. It is more convenient for PRAs to establish trust with workers via agents, who are usually distant relatives, villagers, or acquaintances. The representative from PDOT5 shared their experience based on their interaction with workers attending orientation classes:

People tend to trust agents at the local level, though it is illegal to use any intermediaries in the recruitment process. So, even if information is kept on a website or social media or any advertisement, the workers, due to their lack of access to information or lack of knowledge, tend to take help of local intermediaries or agents as a primary contact point to go abroad for foreign employment. This means that even if awareness is provided at village level or local level by the outsiders, the trust in that information is observed to be lower than that provided by the local agent who they know in person.

This was also confirmed by a PRA representative who stated that migrant workers tend to trust local agents more than recruitment agency personnel; hence, the use of such intermediaries continues, although the state has attempted to eliminate them.

Respondents from two PDOT centres stated that agents (informal labour intermediaries), would also partially relieve PRAs from the responsibility of addressing migrant workers' grievances. They would primarily be communicated to the agents as the workers' first point of contact, not the PRAs, although all the legal documents for obtaining labour permits would have been processed by recruitment agencies. Agents are usually the primary point of contact for workers in the event of any issues with the recruitment process or working conditions, as the agents are usually familiar to them and the workers may have only dealt with PRAs through these agents (Kharel 2016). With such arrangements in place, the PRAs can avoid being contacted by workers from abroad in the event of difficult working conditions, lower-than-assured salaries or to seek rescue and repatriation due to health problems or other issues. Other studies have shown evidence that PRAs prefer to operate through agents to avoid legal liabilities in

the event that any harm comes to the migrant workers in or outside the country (Sijapati *et al.* 2015). This was also explained by the PDOT2 representative, who had been working with migrant workers for some time and was familiar with the strategic use of agents in the recruitment process:

The demand from destination countries brought by recruitment agencies in Nepal is communicated via advertisements in national dailies. But, in reality, workers rarely go through them and information flows mainly through agents. In that case, both recruitment agencies and agents benefit because in case any problem occurs while working at the destination countries, the recruitment agencies can escape from the responsibility by blaming the agents; on the other hand, the agent receives commission and they do not have any legal status as they are considered illegal by the State. In the end, the losers are the workers. The government cannot take any action since the recruitment agencies would have legally fulfilled the process through documentation.

In this way, labour intermediaries such as agents persist in the recruitment process, although there is evidence showing agents and brokers many a time being associated with misinformation, fraud, and overcharging and exploiting migrant workers (Verité 2012). The interviewees from two PDOT centres stated that since the agents function outside the legal purview and the agents are relatives, villagers, or acquaintances of the migrant workers, the workers are less likely to file complaints against them. It is difficult to hold them accountable even in cases of blatant fraud. A respondent from PDOT10 stated:

While our organisation encourages the migrant workers to report to relevant agencies, without any fear, against any fraud or mischievous activity on the part of the recruitment agency in case they find they are cheated after they go abroad, we find that their relationship with agents, who are mostly their relatives or villagers, and non-recognition of those agents by the laws prevent them from doing so.

The representative from PRA4 suggested that the agents be brought within the legal framework to improve the labour recruitment process in Nepal. The participant proposed the solution to this problem thus:

Instead of making the agents illegal or registering a few agents for each recruitment agency, the government should introduce a rule that while taking the labour permit, workers themselves should state through which agent they have come. Through this way, agents come under the jurisdiction of law and their monopoly is also broken down. Such rules and regulations should be brought out by the government by discussing it with the recruitment agencies.

2.2.3 Cost of recruitment – issues with the implementation of the ‘free visa, free ticket’ policy

The GoN introduced the ‘free visa, free ticket’ policy in 2015 to facilitate the migration of workers from Nepal at the lowest possible cost, with workers having to pay only for PDOT, medical check-ups and insurance, and a contribution to the Foreign Employment Welfare Fund²⁰ established for migrant workers by the government (Sijapati, Ayub and Kharel 2017). The policy was implemented for labour migration to GCC countries and Malaysia, allowing PRAs to collect recruitment fees up to a maximum of NPR 10,000 (US\$84) from each worker when recruitment fees were not provided by employer companies.²¹ The labour agreements signed by the GoN with Malaysia and the UAE included the provision to hold employers responsible for covering all recruitment costs and fees, thus reducing the cost for migrant workers to zero (Ministry of Labour, Employment and Social Security 2020: 60). Since the ‘free visa, free ticket’ policy and bilateral agreements reduces the workers’ cost for recruitment to a minimum and makes employers responsible for bearing nearly all the costs of migration, this policy is also referred as a ‘zero cost’ recruitment model or ‘employer pays’ model. It is, however, contradictory that the labour agreements signed by the GoN with the governments of South Korea, Japan, and Israel require migrant workers to pay a certain amount as fixed by the GoN to cover migration costs.²²

The implementation of the ‘free visa, free ticket’ policy has largely remained ineffective. Workers still pay hefty fees during the recruitment process (Amnesty International 2017). A study in 2017 revealed that workers paid up to NPR 145,000 (US\$1,222) as recruitment fees to PRAs, but indirectly via agents, and 90 per cent of the workers who had made payments during the recruitment process did not receive a full receipt from the agents or the PRAs (ibid). Similarly,

²⁰ The Foreign Employment Act (2007) provides for the establishment of a Foreign Employment Welfare Fund under the FEB to provide social security and ensure the welfare of workers (and their families) who have gone abroad for/returned from foreign employment. The fund consists of: the amount paid by workers going abroad for employment; interest accrued on their deposit; licence fees and licence renewal fees obtained from recruitment agencies and training institutions; funds received from time to time from organisations involved in the foreign employment business; and other grants and assistance. The contribution amount is currently NPR 1,500 (US\$13) for an employment contract period of three years and NPR 2,500 (US\$21) for a period of more than three years. For more information, see Sijapati and Limbu (2012).

²¹ US\$1 = NPR 118.70 as at 30 September 2021; the GoN introduced the ‘free-visa, free-ticket’ policy in 2015 to curb unethical recruitment practices. The policy requires foreign employment companies to cover migrant workers’ visa costs and round-trip airfares to the seven major countries – the GCC countries and Malaysia – and requires recruitment agencies to charge up to a maximum of NPR 10,000 (US\$84) as their service fee.

²² The recruitment cost prescribed by the GoN for South Korea is NPR 115,000 (US\$970); for Israel for a caregiver job, NPR 165,700 (US\$1,395); and for Japan under the Technical Intern Traineeship Program is NPR 50,000 (US\$417). The cost for Israel has been prescribed as per the notice issued by the Department of Foreign Employment on 27 July 2021: **Notice**; see *General Agreement in the field of manpower between the Government of the Hashemite Kingdom of Jordan and the Government of Nepal* (2017); *Memorandum of Understanding between the Government of Nepal and the Government of Malaysia on the Recruitment, Employment, and Repatriation of Workers* (2018); *Memorandum of understanding between the Government of Nepal and the Government of the Republic of Mauritius on the recruitment and employment of workers from Nepal* (2019); *Memorandum of Understanding between the Government of Nepal and the Government of the UAE in the Recruitment, Employment, and Repatriation of Workers* (2019); and *Agreement between the Government of the State of Israel and the Government of Nepal on the Temporary Employment of Nepali Workers in Specific Labor Market Sectors in the State of Israel* (2020) **Bilateral Arrangements**.

another study shows that Nepali workers pay over NPR 175,000 (US\$1,474) in recruitment fees and associated costs for migration to Malaysia and over NPR 100,000 (US\$842) for the GCC countries of Qatar, Saudi Arabia, the UAE, and Kuwait (ILO 2016).

The representatives from all PRAs in the sample denied taking any recruitment fees other than what is authorised by law. However, the respondent from PRA7 admitted that while 'zero cost' recruitment was mostly followed prior to the Covid-19 pandemic, workers were increasingly paying a large amount for labour migration due to weak regulation by government bodies with the onset of the pandemic. The respondent commented on the implementation status of the 'free visa, free ticket' policy in the recruitment sector as follows:

The 'free visa, free ticket' policy was well implemented before the pandemic. Most of the workers were sent at 'zero cost'. However, after the pandemic, the monitoring by the government has been weak and each worker pays now at least NPR 130,000–200,000 for going to Saudi Arabia. Currently, the proportion of workers paying exorbitant fees has reached very high and only some per cent of workers go at 'zero cost'.

Charging high recruitment fees leaves workers trapped in debt and makes them prone to forced or bonded labour (Amnesty International 2017; Shramik Sanjal 2019). While migration can be a voluntary process, it can soon change into a situation of bondage due to the loan or advance taken to cover expenses incurred during the process. Studies show that the costs of migration, such as high recruitment costs, are the second most important reason for households in Tarai, the southern belt of Nepal with high levels of bonded labour, to take out loans (Oosterhoff, Sharma and Burns 2017, 2020). Most of those loans are taken from informal money lenders at high interest rates, thus perpetuating the condition of bondage.

The presence of the policy on paper without effective implementation in practice has, in addition, complicated the process of providing justice to workers when they choose to file a complaint against the PRAs after they find they have been misinformed, misled, or cheated. The representative from PDOT3 said:

The government has implemented the 'free visa, free ticket' provision but rarely has any migrant flown by paying only the stated maximum fee. If the migrants are asked how much they have paid, almost all report more than the maximum of NPR 10,000 [allowed for Malaysia and the GCC countries]. Now, if the worker faces any problem abroad and files a complaint in the Department [DoFE] and seeks refund, then he or she will be provided with only NPR 10,000 because the receipt shows the same, but in reality he or she would have paid more. The actual amount, which can cross even NPR 100,000, is given by the migrant workers to agents and no receipt is provided for the extra amount provided.

The representatives from some recruitment agencies said that the ‘free visa, free ticket’ policy was impractical and detrimental to the migration sector as a whole. They reported that it was difficult for Nepali PRAs to bring labour demand from foreign countries competing with the PRAs, such as India, Pakistan, and Bangladesh, which have not adopted a ‘free visa, free ticket’ policy. According to the respondent from PRA15:

Employer companies are recruiting workers from other countries like India, Pakistan, and Bangladesh as it is cheaper to recruit workers from those countries since the workers or the recruitment agencies themselves bear the expenses for tickets and other related recruitment expenses in those countries.

The contradictions in the GoN’s policy on recruitment fees have come to the surface again with the decision of the government to authorise each worker to pay NPR 165,000 (US\$1,390) for migration to Israel (Mandal 2021a). The respondent from PRA13 questioned the government’s contradictory policies thus:

When the government itself cannot send workers at zero cost, how can a private sector send workers at such minimal cost when it has operating cost, marketing cost, transportation, and other costs to bear to run the organisation?

2.2.4 Challenges PRAs face from government policies

As discussed in the preceding section, Nepali PRAs are allowed to charge each worker a recruitment fee up to a maximum of NPR 10,000 (US\$84) for certain destination countries under the ‘free visa, free ticket’ policy. Further, the GoN amended the Foreign Employment Act (2007) (5th amendment) in 2019 and added a condition for the renewal of PRA licences: a PRA must send at least 100 workers for two consecutive years for its licence to be renewed.²³ Through the same amendment, the GoN also increased the amount of cash deposits and bank guarantees to be provided by PRAs to the DoFE, which would provide funds for the government to rescue and repatriate migrant workers, as well as to compensate workers stranded in foreign countries if the PRAs had deceptively recruited and deployed the workers. Accordingly, PRAs sending up to 3,000 workers annually need to deposit NPR 5m in cash and provide a bank guarantee of NPR 15m; PRAs sending 3,000–5,000 workers annually need to deposit NPR 10m in cash and provide a bank guarantee of NPR 30m; and PRAs sending more than 5,000 workers annually need to deposit NPR 20m cash and provide a bank guarantee of NPR 40m. The purpose of the fifth amendment (2018/19) of the Foreign Employment Act (2007) was to control mushrooming recruitment agencies and ease the process of regulating them to screen out inactive ones. The changes in the provisions were aimed at rightsizing recruitment agencies by increasing the security deposit and adopting a policy of mergers among recruitment agencies. Besides, the government explained that

²³ The provision was added to **Section 13 Subsection 2 of the Foreign Employment Act (2007)**.

the increased deposits would provide funds for the government to rescue and repatriate as well as compensate workers stranded in foreign countries if the PRAs had deceptively recruited and deployed them (Ministry of Labour, Employment and Social Security 2020).

The respondents from four PRAs complained that with the meagre recruitment fee of a maximum NPR 10,000 (US\$84) that they were allowed to charge workers under the 'zero cost' recruitment model, it was very difficult for them to cover the expenses incurred in running their businesses, which require frequent visits to the destination countries, a deposit of a large sum to run their business, payment to intermediaries involved in worker recruitment, and possible payments to recruitment agencies and human resource officials of employer companies while procuring labour (job) demand from employers abroad. The respondents from about half of the sampled PRAs also stated that the provisions for increased depository requirements and bank guarantees significantly increased PRAs' operational costs, particularly at a time when the recruitment sector has been hit hard by the Covid-19 pandemic. A study on the impact of the pandemic on Nepali PRAs found that most recruitment agencies in Nepal were facing either a significant decrease in demand for workers from foreign companies or were unable to deploy workers even when demand persisted due to the suspension of international flights and suspension of the issuance of labour permits (ILO 2021c).

The representatives from two PRAs mentioned that Nepali PRAs were struggling to abide by the requirement for an additional deposit and fulfilling the requirement to send at least 100 workers for two consecutive years for the licence renewal of the PRAs. The respondents from a couple of PRAs stated that this policy has led them to become more likely to ignore the quality of jobs or be less particular in procuring job demands from employers or intermediaries in destination countries as they must also focus on meeting the annual threshold of 100 workers. They stated that, at a time of declining labour demand, this provision of the 100-worker threshold, along with the pressure to accrue financial resources to abide by the new depository requirement, had incited the PRAs to send workers by any means, even illicitly, such as by manipulating terms and conditions in job contracts. Thus, the cumulative effect of the recent amendments in the Foreign Employment Act (2007) is that many PRAs are competing for decreasing labour demand and consequently may be compromising on the quality of jobs and working conditions for workers. All these factors could possibly encourage recruitment agencies in Nepal to engage in unethical recruitment practices merely to survive, a concern also shared by the respondent from PRA4:

The government has imposed a rule that minimum one hundred workers per year are to be sent by recruitment agencies for their licence to be renewed. At the same time, it also has laws against 'trafficking in person'. With the implementation of 'zero cost' recruitment process, employers in the recruiting country are not ready to provide demand when they have to bear all the cost of recruitment. Then, hardly one third of the existing recruitment

agencies can send more than 100 workers in the current situation. The consequence is that recruitment agencies will then try to send workers anyhow through any means to make the number up to hundred, or else they risk losing their licence. This has the chance of giving rise to unethical practices while recruiting workers, thus giving rise to 'trafficking in person'.

2.2.5 Use of visit visas for labour migration

The actual number of people participating in labour migration to countries other than India is expected to be much higher than the official statistics provided by the DoFE, because a considerable number of workers migrate irregularly using visit visas (without a labour permit from the DoFE) and their number is not included in the official data of labour migration (Mandal 2020a). Pretending to go on a tour abroad or to visit relatives outside Nepal accounted for 13.5 per cent of the trafficking cases registered by the Nepal Police in 2018/19 (Hamal 2019). Labour migration in the guise of tourism is usually facilitated by agents or brokers and sometimes by recruitment agencies with the involvement of negligent and complicit immigrant officials and police in transit countries (US Department of State 2020; Mandal 2020b). Many Nepali men and women are reported to have been deceived through such forms of irregular migration, leaving them stranded in foreign countries and prone to exploitation and forced labour (Ghimire 2021).

Visit visas are often used to send Nepali women for domestic work to countries such as Syria, Iraq, the UAE, and Kuwait largely due to travel restrictions, such as the blanket ban in 2017 on Nepali women working in the domestic sector abroad (ILO 2021a), enforced by the GoN to 'protect' women. While there is a high risk of exploitation and abuse of women migrant workers, particularly in unregulated sectors such as domestic work (IOM 2019), the travel restrictions enforced by the GoN have increased their vulnerability to trafficking. The travel restrictions overlook the fact that there is a growing interest among women to participate in labour migration, and it is reflected in the growth in the number of women workers pursuing employment abroad over the past two decades using regular channels. Female workers' share of documented labour migration has increased over time, from 3.91 per cent in 2008/09 to 6.87 per cent in 2020/21 (Ministry of Labour, Employment and Social Security 2020; DoFE 2021a). Studies show that women migrants use irregular migration to circumvent the restrictions (IOM 2019). While some women cross the open border between Nepal and India and then travel to destination countries using international airports in India (McQue 2020), others fly from Kathmandu on tourist visas but only to pursue employment abroad.

Visit visas are also used to transport male workers to foreign countries for employment. The respondents from five recruitment agencies said that some recruitment agencies are themselves involved in misusing visit visas to send workers for employment, mainly to GCC countries such as the UAE. This was also evident in some of the news reports published during the Covid-19 pandemic. After the first wave of the pandemic, the UAE briefly opened to foreign workers; 9,000 people were reported to have gone to Dubai on visit visas between September and December 2020 (in total, 26,000 Nepalis went to

different countries on visit visas during this period) (Ghimire 2021). It is highly improbable that 9,000 people visited the UAE from Nepal as tourists in the middle of the pandemic.

Collusion between employer companies abroad and recruitment agencies in Nepal in issuing visit visas for work purposes saves companies costs, as this kind of visa arrangement holds the migrant workers themselves responsible for airfares and other expenses and eliminates the burden on the companies. It also provides additional flexibility in the implementation of job contracts, as explained by the respondent from PRA4:

The cost of issuing a working visa is 7,000 dirham [US\$1,906]²⁴ while the cost per visit visa is only 250 dirham [US\$68]. Most importantly, in case of a work visa, work contract terms must be fully abided by, and workers cannot be dispensed of without any concrete explanation, otherwise the labour court will penalise the employing company within three months. Now, employers in Dubai are taking advantage of visit visas to recruit workers because it saves the cost of issuing visas and also workers who are not fit for the job can be dispensed of easily. Employers tend to employ workers on visit visas for a month and process work visas only for a few of those workers who they think are the most fit for the job; however, the majority are thrown off from the job during the process and their stay will eventually become illegal. Such workers under illegal stay are likely to fall prey to exploitation, forced labour and trafficking.

Irregular migration using visit visas is likely to place workers at great risk of losing jobs and their legal status. Employers abroad who hire workers on visit visas are often reluctant to change the visa type into a work visa or renew the visas of workers who have arrived there on visit visas. As a result, the workers' stay becomes illegal, at which point they are prone to sexual and labour exploitation (National Human Rights Commission 2019). Under such circumstances, it becomes pertinent that workers find another employer in the same country and change their visa type into a work visa before their stay becomes illegal. For example, in the UAE, the term of a visit visa is at most 90 days, which can be extended for 30 days twice without having to leave the country (The United Arab Emirates' Government Portal n.d.). If their stay becomes illegal, rescue and repatriation of such workers is also a complicated process. For instance, the Nepali embassy in Saudi Arabia stated that any illegal stay in Saudi Arabia is subject to a fine of SAR 15,000 (US\$4,000),²⁵ without which an exit visa is not granted (National Human Rights Commission 2019). In addition, workers travelling on visit visas are not recorded as migrant workers by the GoN; hence, when they encounter a problem, the recruitment agency or informal intermediary that sent them on the visit visa cannot be held responsible and the workers will not be entitled to any compensation, since travelling on a visit visa is not

²⁴ AED 1 = US\$0.27 as at 22 September 2021.

²⁵ SAR 1 = US\$0.27 as at 22 September 2021.

considered foreign labour migration under the Foreign Employment Act (2007) (*ibid.*).

While visit visas are mostly facilitated by intermediaries and migrants pay a hefty amount for them, they are also occasionally used for travel related to work due to GoN policies prohibiting migrants from outside families from sending genuine work visas to aspirant migrants in Nepal who might be their friends, neighbours, distant relatives, or acquaintances. The respondent from PRA7 explained:

One of the reasons for the use of visit visas for work purposes is the government rule of the requirement of a 'proof of relationship' to go in work visa sent by relatives. Such proof can be shown only for close relatives [such as brothers or sisters]. In cases when work visas are sent by distant relatives, such visas cannot be availed of as the document specifying 'proof of relationship' is not issued by the government in case of such distant relatives. Thus, in order to access such work opportunities [arranged by the relatives] abroad, visit visas are used knowingly by workers. However, the category of migrants using a visit visa for this purpose [i.e. for work arranged by relatives abroad] is at less risk compared to the other category which believes in agents and go for work on visit visas.

2.2.6 Arbitrary fixing of minimum referral wages

The GoN has fixed minimum referral wages to regulate the wages of Nepali workers employed abroad in different occupations (Ministry of Labour, Employment and Social Security 2020: 56). The objective is to ensure that Nepali workers are not undermined by employer companies abroad through unilateral wage-fixing in destination countries. Implementing a 'minimum referral wage' system has implications for obtaining labour demand from the employer companies abroad. With the objective of screening out low-paying job offers, considering workers' welfare, job demands below the prescribed referral wages are not attested by Nepali diplomatic missions in destination countries (Verité 2012), which is a necessary criterion for PRAs to obtain pre-approval of demand letters from the DoFE (GoN 2019). In other words, the DoFE will not approve job demands below the minimum referral wage.

However, the respondents from two of the sampled PRAs complained that the referral wages are so high that it discourages employers in destination countries from recruiting Nepali workers. Although the GoN claims that the referral wages are calculated based on the cost of living, prevailing wages and the referral wages of other nationals in the destination country, the PRA respondents accused the embassies in the destination countries of arbitrarily fixing the minimum wage for Nepali workers without understanding the domestic economy of the destination country and competition from other labour-exporting countries. The PRA representatives further argued that recruitment agencies are important stakeholders in the migration process, but they are not consulted in setting minimum referral wages. For instance, the Qatari government has set the minimum monthly wage at QAR 1,000 (US\$275) (ILO 2021b); however, the

Nepali embassy in Qatar has set the minimum monthly wage for inbound migrant workers at QAR 1,200 (US\$330) (Embassy of Nepal 2021).

The PRA representatives argued that since referral wages set by Nepali embassies are at times greater than those set by the host governments, it becomes less cost-effective for foreign employers to hire workers from Nepal. They further stated that demand for Nepali workers is falling due to discrepancies between Nepali policy and the policies of host countries; but Nepali PRAs are still required to send at least 100 workers for two consecutive years for their licences to be renewed.²⁶ The pressure to meet the threshold to sustain business incites PRAs to engage in illegal measures such as issuing fake contracts or contract substitution²⁷ to hire workers for employers abroad, as stated by the participant from PRA14:

PRAs are [then] bound to issue two sets of contracts, one complying with the minimum referral wage while the other having the actual wage to be provided to the workers, in order to procure demand and according to the legal definition of trafficking, this falls under 'trafficking in person' as this involves deceiving workers.

2.2.7 Bureaucratic hassles and irregularities

Interested workers who are desperate to apply for overseas jobs must make arduous journeys from villages to district headquarters to Kathmandu and from one government office to another to obtain passports, secure required documents, obtain visas, get medical tests done, take pre-departure orientation classes and get labour permits. This can take from several months to a year. For example, the respondent from PRA8 described the time taken in the recruitment process:

Qatar Visa Centre in Nepal alone takes one month for processing documents and another one month for visa processing due to which the recruitment process becomes very long, and client companies become reluctant to take workers from Nepal.

A long bureaucratic process requiring repetitive production of documentation is hard for everyone to navigate, and this structure tends to overwhelm recruitment agencies and the bureaucracy, resulting in high chances of corruption (Dharel 2015).

The respondents from two PRAs and PDOT centres each complained of corruption and bureaucratic irregularities having detrimental effects on policy framing and implementation aimed at improving the foreign employment sector. They blamed 'airport setting' – a phrase used to indicate collusion between smugglers and airport officials – as a cause for the rampant use of visit visas for foreign employment, which is one of the important causes of workers being

²⁶ See Section 13 Subsection 2 of the Foreign Employment Act (2007) (5th amendment).

²⁷ Contract substitution is the process of overriding a contract and replacing it with a harsher, 'substituted' one; see Beech (2021).

stranded abroad. Immigration officials at the only international airport in Nepal have been reported to be accomplices in 'trafficking' of workers through falsifying information in passports and creating fraudulent documents for prospective labour migrants (US Department of State 2020). Such acts by government officials allow migrant workers to pass through immigration control at the airport without any suspicion, even when the documents are actually incomplete. Government officials' involvement in different unauthorised activities in relation to labour migration has been repeatedly reported. For example, in October 2019 the Commission for Investigation of Abuse of Authority (CIAA), a constitutional body established to curb corruption in Nepal, filed charges against 13 government officials for circumventing Nepali migration restrictions and taking NPR 10,000 (US\$84) illegally to send 248 female migrant workers to Qatar and the UAE for domestic work (US Department of State 2020).

None of the respondents in the study reported paying any bribes to government agencies or officials in the labour recruitment process. However, there are reports of recruitment agencies in Nepal paying bribes to government officials to complete different activities related to labour recruitment, which ultimately raises the costs for migrant workers. DoFE officials have been caught taking bribes from PRAs on various occasions (*The Himalayan Times* 2016, 2017). The CIAA also ranks the DoFE as one of the 'most corrupt' government offices alongside the Land Revenue Office, Department of Transport Management, Department of Inland Revenue and Department of Customs (Sedhai 2017).

The respondent from PRA10 also reported political and bureaucratic pressure on the selection of workers: 'Sometimes there is pressure by political party leaders and bureaucrats to recruit their persons, which interferes with the fair selection process.'

There are also frequent transfers of key officials at labour departments, although such positions require a steep learning curve (Khadka 2021b; Thapa 2021). Such transfers outside of the normal routine, which likely take place to meet the vested interests of certain groups, affect the regulation of labour recruitment. Changes in DoFE and ministerial leadership can also lead to frequent changes in policies that can be detrimental to the sector, including to the PRAs, which are important facilitators in the foreign migration process. A respondent from PDOT8 stated:

The political instability has taken a toll on the sector. Even when some ministers or bureaucrats try to do well, they are frequently replaced or their responsibilities are changed. With change in the ministers and bureaucrats, the policies are changed frequently. While the new ministers/bureaucrats take time to understand the sector, they are removed from their responsibility, limiting their tenure to a short period. This causes inconsistency in rules, regulations and their implementation due to which adherence to those rules and regulations becomes difficult.

2.3 Outreach and engagement of PRAs and PDOT centres with migrant workers

A study on best practices in trafficking prevention in Europe and Eurasia broadly categorises TIP prevention programmes into subcategories of awareness raising, employment, income generation, empowerment, crisis prevention and violence mitigation, safe migration, demand reduction, protection as prevention and deterrence through criminalisation (Warnath 2009). Among these, safe migration programmes use seminars, distribution of 'safe migration' awareness documents and answering questions in response to helpline calls or at clinics to raise awareness among possible victims of trafficking.

Formal labour intermediaries, such as PRAs, and training providers, such as PDOT centres, engage with prospective migrant workers and provide migration-related information in different ways. As discussed in Section 2.3.2, the preliminary disclosure of details by the PRAs to prospective migrants on job requirements, remuneration and other benefits and working conditions takes the form of advertisements in national dailies, as mandated by the Foreign Employment Act (2007), on receipt of pre-approval of the labour demand from the DoFE (GoN 2007: §16). Other modes of outreach to potential migrants by recruitment agencies include using informal labour intermediaries, such as agents or sub-agents, and online platforms, primarily social media platforms such as Facebook, to advertise the recruitment agency and available jobs, and disseminate migration-related information.

However, other than pursuing their core function of conducting orientation classes for migrant workers, PDOT centres do not engage in outreach activities as they get their clients mostly, if not always, through referrals and have little incentive to improve their engagement with migrant workers (see Section 2.4.3). The PDOT centres reviewed in this study barely had any online presence: none of them had an organisational website or official Twitter handle; only three (out of ten) had a Facebook page and this was limited to sharing contact information rather than posting about PDOT or disseminating information on safe migration. Hence, analysis of online engagement by PDOT centres has not been conducted for this report. The analysis of PDOT centres' training activities and challenges in conducting the trainings are discussed in detail in Section 2.4, while the different channels PRAs use to engage with migrant workers are discussed in Subsections 2.3.1 to 2.3.6.

2.3.1 Information and communications technology

Information and communications technology (ICT) is used in Nepal for various anti-human trafficking purposes, from information dissemination to the rescue of victims. ICT has been used to spread awareness among people of trafficking and to reach out to victims. During the three-month lockdown imposed in 2020, 12 victims of trafficking, including three minors, were rescued by the Nepal Police's Anti-Human Trafficking Bureau through tip-offs and complaints received via social media platforms or messaging apps (Dhungana 2020). Similarly, the Shuvayatra – Safe Migration app, which was launched in 2016 jointly by the Asia Foundation, the Non-Resident Nepali Association and Young Innovators –

provides information on safe migration to prospective migrants (Asia Foundation 2016). The DoFE also receives online applications for repatriation from migrant workers and their families. Within the first two months of starting the service, the DoFE received 227 repatriation requests (US Department of State 2020). However, there is a dearth of evaluation studies on ICT-based interventions, especially the use of mobile apps, despite their potential strength in spreading information and migrant services, employer ratings, tracking trafficked children and victim identification (Oosterhoff *et al.* 2018). For example, while the FEB has allocated a separate budget for increasing awareness levels on safe migration through electronic, print, and social media, no evaluations have been conducted to assess the effectiveness of such programmes (National Human Rights Commission 2018).

The PRA representatives explained during the interviews that while print media are the mandatory platform for advertising jobs, to disseminate information PRAs also use websites and social media (mainly Facebook) to reach out to potential migrant workers. The representatives of all 15 PRAs interviewed for the study, however, reported that in-person meetings were still the main medium of engagement with potential migrant workers, at several stages of the migration process prior to departure, from the time workers enquire about job availability to signing a contract and participating in PDOT (discussed in Section 2.3.6).

2.3.2 Job advertisements in print media

The Foreign Employment Act (2007) mandates that recruitment agencies publish job advertisements in national daily newspapers in Nepali after getting pre-approval for labour demands to start recruiting workers (GoN 2008: Rule 14). The Foreign Employment Rules (2008) mention the details to be set out in the published advertisement (GoN 2008).

The PRAs disseminated crucial awareness-related information through print advertisements on the recommendation of the DoFE. The advertisements provided information on the cost of migration, salary, qualifications needed, number of vacancies, and working hours. Such job advertisements also contained awareness-related information targeting migrant workers, as mandated by the DoFE (*ibid.*). Specifically, the advertisements advised migrant workers to pay recruitment agencies only after receiving work visas and not to provide any additional money other than what was mentioned in the advertisements. The job advertisements advised prospective migrants to sign contract papers only after properly reading about the destination country, employer company, salary and benefits, and terms and conditions of the contract, and to keep a copy of the contract with them after signing it (see Figure 2.2 for an example of a job advertisement).

Figure 2.2 Sample newspaper advertisement

Qatar मा रोजगारको अवसर
TYSEER SERVICE COMPANY W.L.L.

पूर्व स्वीकृती दिनांक: २०७५/१२/१० LT. NO. 126053 चलानी नं. ३००८५३५३
 पूर्व: विज्ञापन दिनांक: २०७५/६/२५ LT. NO. 126053 चलानी नं.: ५५५५५

क्र.सं.	कामचाराको पद	मासिक तलब पुरवा QR	मासिक तलब ने.रु.	मासिक तलब ने.रु.	अन्य सुविधा सहित	नयाँ कार्य पदमा	वर्षा समेत	परादेशी मैला	वर्षा समेत	अन्य सुविधा	नयाँ मैला
1	Camp Boss	3	2500	70,413							
2	Arabic Cook	1	2000	56,330							
3	Indian Chief Cook	2	2000	56,330							
4	Indian Cook	5	1800	50,698							
5	Assistant Cook	4	1500	42,248							
6	Waiter	41	1400	39,520							
7	Store Helper / GA	4	1000	28,165							
8	Laundry Man	9	1300	36,615							
9	Driver	11	1800	50,698							
10	Salad Man	2	1300	36,615							
11	Breakfast Cook	6	1300	36,615							
12	Butcher	5	1300	36,615							
13	Chapatiman	4	1300	36,615							
14	Packing Supervisor	1	1700	47,989							
15	Mess Supervisor	1	2000	56,330							

कम्पनीको नियमानुसार
 ५ वर्ष
 ५ दिन
 कम्पनीको नियमानुसार
 २ वर्ष

अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा
अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा	अन्य सुविधा

फाईनल अन्तरवार्ता कम्पनीको प्रतिनिधिबाट
 २०७५ आषाढ १० र ११ गते (25 & 26 June, 2015) का दिन हुनेछ ।

Vision & Value Overseas Pvt. Ltd.
 GPO Box: 7764, Samakhushi Town Planning, Kathmandu
 Tel: 4358395, 4359043, 4390696, Fax: 4387582
 Email: applyvovjobs@gmail.com, Website: vovjobs.com
 Mob.: 9818002688, 9849826490, 9808020528

License No.: 822/066/067

Source: Kantipur, published 17 June 2015 (reproduced with permission from Kantipur Media Group).

As there had been reports on cases of smuggling workers from Nepal through airports in India (Indo-Asian News Service 2015), the advertisements warned migrant workers not to use airports outside Nepal while going abroad for work. The advertisements also suggested that migrant workers keep the contact address and phone number of the diplomatic mission in the respective destination country, to be of help in case of any trouble in the country.

While the print advertisements contained important information on trafficking, it was published in smaller font and much more closely packed together than the main body of the advertisement (containing the job description, salary and benefits, and cost details) which might have impacted its readability. Similarly, a thorough and careful reading of the advertisements of the sampled PRAs revealed that the recruitment agencies did not provide additional awareness-raising information related to TIP, only what was required by the Foreign Employment Rules (2008). In the interviews we conducted, the PRA representatives stated that it was not possible to provide additional words of

caution on safe migration due to the inflexibility of the format; they were not allowed to separately add anything in the advertisement.

The representatives of half of the PRAs (eight out of 15) reported that the effectiveness of newspaper advertisements in communicating with workers was limited, as only a few potential migrant workers reached the recruitment agencies via such advertisements. The advertisements were rarely successful in generating sufficient interest from potential candidates as they were remotely situated, did not have access to newspapers or had limited levels of education (see Section 2.2.2). The respondent from PRA5 also reported that only a small percentage of workers arrived at the organisation through advertisements and claimed the situation to be similar for most of the agencies in the market. The respondent further added that such advertisements were published only to fulfil legal requirements. Such job advertisements, contrary to what was envisioned in the Act, mainly fulfilled the function of alerting brokers about overseas jobs, providing information on the destination country, number of workers required and remuneration. The brokers searched for and established contact with possible candidates, who were then referred to the recruitment agencies. The representatives from a few recruitment agencies (three out of 15), however, reported increasing access to print advertisements among the target groups of prospective migrant workers with recent developments in and expansion of ICT. They further mentioned that scans of advertisements are now circulated on social media sites and are accessed by potential migrant workers. The respondent from PRA13 said:

In the past, very few people used to arrive at the organisation through newspapers, but currently the number has risen. This is because the scanned versions of the newspaper advertisements are posted in different job portals and social media due to which it is not always necessary to read the newspaper itself to know about the job openings.

2.3.3 Leaflets and other print materials

Only one fifth of the PRAs (three out of 15) sampled for the study, as reported by their representatives, had published informational materials other than the job advertisements to provide information on safe migration. The materials were limited to leaflets and were prepared mainly by PRAs that were trying to streamline their business practices along ethical and fair recruitment principles. The leaflets highlighted the guiding principles of the agencies and included information on the cost of migration (zero cost), recruitment process, commitment of the agency not to hold onto migrants' passports unnecessarily, safe migration, safe and secure accommodation, and access to legal help. The leaflet also urged migrants to only go through registered PRAs, not to travel using illegal routes, and to check whether the demand letter was approved by the government or not. A PRA representative said in their interview:

A leaflet has been prepared for marketing purpose. Contents of the leaflet include company profile, objective, company policy and code of ethics, and association with Responsible Business Alliance.

The leaflets were written in Nepali and distributed to migrant workers visiting the recruitment agency office. Representatives from other PRAs stated that the PRAs did not produce any informational materials because they did not consider them necessary or did not want to bear the financial burden. According to the proprietor of a small PRA: 'Publishing print advertisements, which is mandatorily to be published even if only one worker has to be sent, is itself expensive enough to produce any other publications.'

Most of the PRAs' publication materials, which included print advertisements and leaflets, had a text-heavy design. These materials seemed to have been prepared on the assumption that potential migrant workers were literate and could read well. However, interviews with the representatives from PRAs revealed that many aspirant migrants visiting the recruitment agencies searching for work were illiterate or could barely read the advertisements or employment contracts or fill out the job application forms.

2.3.4 Online media

The internet also facilitates recruitment by offering a platform for the recruitment agencies to advertise available jobs and provide information to prospective migrant workers about the migration process. Marketing via the internet is increasingly used in Nepal as this method of marketing is cheap and the number of internet users is continuously growing. The internet penetration rate dramatically increased from 35.7 per cent in 2014 to 62.9 per cent in 2017 (World Trade Organization 2018). As of 2021, 91 per cent of the population of Nepal had internet access, with 65.7 per cent of users accessing the internet through mobile devices (Rastriya Samachar Samiti 2021; Nepal Telecommunications Authority 2021). It seems more Nepalis will have access to high-speed internet as the GoN has started developing information highways at local level by laying optical fibre cables in rural areas to expand the broadband network (World Trade Organization 2018). Although estimates on internet use for job searches is unavailable, increased access to the internet and the proliferation of online job portals,²⁸ as well as the presence of PRAs on social media platforms such as Facebook, suggests a persistent increase in the use of online platforms, including via mobile phones, to search and apply for jobs within and outside Nepal.

The internet is also used for labour exploitation and trafficking due to its ease of use, cheapness, and the level of anonymity that can be maintained on online platforms. A study focusing on a set of cases in which online classified advertisements were used in the commercial sexual exploitation of children finds a certain pattern of activities in online trafficking: (a) online classified sites are used to post advertisements of victims; (b) social networking sites are used in the recruitment of victims; (c) investigators may begin with a picture of what

²⁸ Online job portals are online platforms connecting job seekers and employers. Lately, such portals have even been used to provide information on PRAs' overseas job demands; see, for example, [SajhaJobs](#).

appears to be an underage girl in an online classified advertisement; and, (d) a number of victims have been identified as runaways (Latonero 2011). Another study mentions the case of the trafficking of 110 Romanian workers to Cyprus in 2009 through online recruitment to work under conditions of forced labour (ITUC CSI IGB, Anti-slavery International and CCME 2011). Traffickers attracted victims through promising job advertisements, conversations in chat rooms or on mainstream social media, and behavioural targeting of advertisements. Common red flags in the content of advertisements included promises of unrealistically high pay, only general descriptions of jobs, no address for the recruitment agent and contact details containing only a mobile number or general email address (*ibid.*). Likewise, a study examining the extent of the presence of indicators of trafficking in online job advertisements targeted at Lithuanians seeking work abroad found that 28 per cent of the advertisements had two important indicators of labour trafficking: violations of the national minimum wage and of working hours regulations (Volodko, Cockbain and Kleinberg 2019). Although such violations may exist in normal working relations and might not necessarily indicate labour trafficking, these factors can increase workers' dependency on employers and disrupt the power balance between the two, which can lead to conditions of forced labour.

The representatives from most PRAs (11 out of 15) in the current study responded that they used online media such as Facebook and the company website when advertising to recruit new workers, as well as to communicate with potential workers, who contacted the PRAs through Meta's Messenger or by commenting on Facebook posts. Most of the respondents who claimed to have been using online media to reach out to prospective migrant workers (10 out of 11) stated that online messaging and calling apps such as WhatsApp, Viber, and Imo were used to ensure that the workers had reached the destination country safely and had been received by the employer company. Most of them said that calls via such apps would also take place later, but usually only if workers faced serious problems and wanted to seek support from the PRAs that had processed their migration.

As stated in Section 1.5, most of the PDOT centres did not have an online presence (website, Facebook, or Twitter) and the few that had Facebook pages were found to only have posted contact information and posts related to office activities. The following analysis of Facebook and Twitter deals with contents posted by the sampled PRAs only.

Facebook

Most of the PRAs (11 out of 15) had an official Facebook page. However, we found that only some of the sampled PRAs – in particular, large PRAs – used Facebook regularly to advertise job openings or communicate with potential migrant workers. Compared to the smaller PRAs, the large-scale PRAs interviewed for this study were more likely to have an active Facebook page and a large number of followers, ranging from around 6,000 to over 50,000 (see Table 2.1). The small-scale PRAs either did not have a Facebook page or only had a small number of followers. Some PRAs, mostly the small ones, did not have a Facebook page at all. Their representatives mentioned during interview that it was deemed unnecessary since they were unable to procure a large labour demand from overseas companies and the demand for a small number of

workers was met through a database of potential workers, which was prepared based on enquiries made by interested candidates. Among the PRAs with active Facebook pages, job advertisements comprised most of the posts on the Facebook pages (see Table 2.1).

Table 2.1 Breakdown of the contents of PRA Facebook pages

Selection criteria	Size of business	Size of business and employment sector	Employment sector of domestic work	Non-conventional modality of business operation
No. of PRAs sampled	6	3	3	3
No. of PRAs with active ²⁹ Facebook page	6	2	1	2
Average no. of followers ³⁰	26,906	10,274	3,481	1,613
No. of scanned images of print advertisements	60	14	2	0
No. of job advertisement posts other than scanned print advertisements	134	96	11	0
No. of safe migration-related posts	7	1	19	10
No. of other posts ³¹	202	28	2	19
Total no. of posts	403	139	34	29

Source: Authors' own.

The representatives of PRAs active on Facebook reported that, unlike print advertisements, social media provided flexibility for recruitment agencies to use the format they liked and highlight certain points about jobs. For instance, some job announcements were posted with text only, whereas others were posted in an attractive layout with graphics. The respondent from PRA14 said: 'Facebook could be used to post more specific requirements of the client which could not be published in the newspaper advertisement due to the strict format enforced by DoFE.'

An analysis of the Facebook pages of the sampled PRAs revealed that job advertisements posted on Facebook had the following three forms:

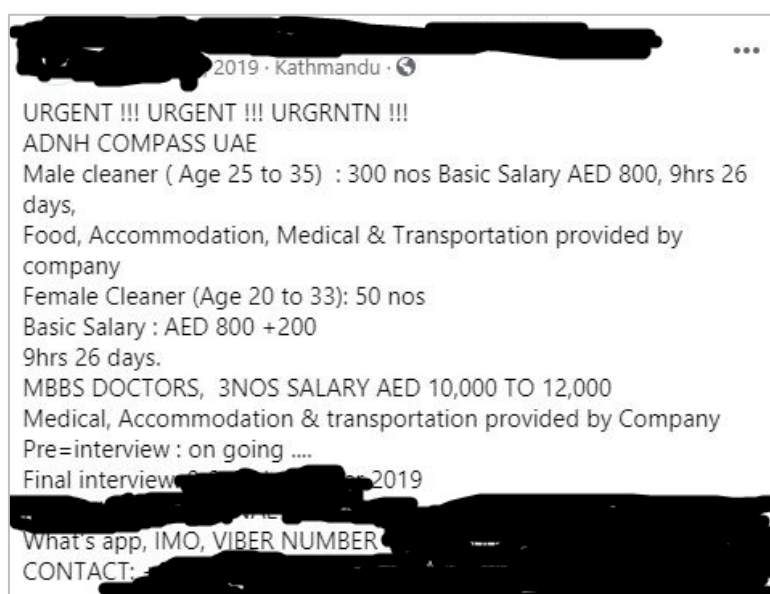
²⁹ A Facebook page was considered 'inactive' if no post was made during the period covered by the study (1 January 2019–30 June 2021) or the company did not have an official Facebook page at all.

³⁰ The number of followers is measured by the number of 'likes' on PRAs' Facebook pages.

³¹ 'Other content' includes festival wishes or wishes on special occasions such as International Labour Day or International Women's Day, PRAs' internal office activities and notices, Covid-19-related awareness and self-promotion posts including workers' testimonials.

- Scanned images of print advertisements;
- Posts with text and images, with information on the employer company and job only, asking interested candidates to send their CV or call the contact number given; and,
- Text-only job posts, with information including the destination country, company name, designation or job title of the employee, required qualities/qualifications, salary, duty hours, pre-interview and final interview dates, and the PRA's contact information; however, no awareness-raising information or words of caution were provided.

Figure 2.3 Sample of job advertisement posted on PRA7 Facebook page



Source: PRA7. 'Urgent!!! Urgent!!! Urgent!!! FREE VISA FREE TICKET!!! ADNH COMPASS UAE.' Facebook, 6 November 2019. © Meta.³²

Other content posted on the Facebook pages of the recruitment agencies included:

- Government department notices of changes to rules and provisions related to foreign employment;
- News related to labour migration and the recruitment process;
- Lists of workers selected for jobs after being interviewed;
- Self-promotion posts;
- Posts about office activities such as updates on trainings conducted or received and corporate social responsibility;

³² Permission to reproduce Figure 2.3 has been sought from Meta/Facebook without response.

- Safe migration information;
- Testimonials of workers abroad or returnees about their experience of the service received from the PRA; and,
- Company policies such as the vision, objectives, grievance-handling mechanisms, code of ethics, and quality policy.

Active engagement from prospective clients was noticeable on some Facebook pages. The PRAs usually responded quickly to relevant comments on their posts. Potential migrants' comments centred on one or more of the following topics:

- Enquiries about job posts;
- Good or bad comments about the company based on their earlier migration experience;
- Interested candidates provided contact numbers in the comments, so that the company would keep them in their database and contact them when there were job opportunities available; and,
- Enquiries by aspiring migrant workers about the recruitment process, such as whether their visa had been issued or not.

Only three of the selected recruitment agencies were found to provide safe migration information through Facebook posts. Such posts, however, were small in number as the PRAs posted awareness-related information very rarely. Safe migration information included in one of the posts about a job advertisement on the Facebook page in Nepali roughly translated as follows:

- Applicants were requested to apply without using any agents or brokers;
- Applicants and their families did not need to pay a fee or make gifts to anyone during the recruitment process;
- The recruitment agency did not have any branches or agents; and,
- You could report the recruitment agency for any deception, illegal activities, or corruption by calling an independent hotline or emailing (the number and email address were provided). Confidentiality was assured.

Other posts included a warning message to not use visit visas for labour migration to the UAE due to the possibility of deception in the migration process, lack of insurance coverage for workers and workers not getting jobs that matched their skills. There was also a graphical post by one of the PRAs that contained the following bullet points on safe migration:

- Take advice from a recruitment agency recognised by the GoN;
- Get information on the relevant destination country and employer company;
- Read and understand properly the work description, salary, benefits and employment contract before signing a contract;
- As far as possible, get training for the work of interest before applying for foreign employment; and,

- Do not take advice from third parties or agents.

A comparative analysis of engagement of potential migrant workers with PRAs' Facebook posts on job advertisements versus posts on awareness showed that potential migrants were more interested in and more heavily engaged with job-related posts than awareness-related posts, indicated by the disproportionately higher numbers of 'likes' and 'comments' on the job-related posts. Other than about remuneration, aspirant migrant workers made few enquiries in comments on topics such as safety at work, healthy working conditions, social security, and workers' social relations. Aspirant migrant workers posted personal information such as contact numbers and personal email addresses in comments on the PRAs' Facebook posts about available jobs in the expectation that the PRAs would contact them. The potential consequences of interested candidates revealing personal contact information on public platforms include being preyed upon by traffickers or having their identity used for other illegal activities. The PRA representatives stated during their interviews that they did not perform any analysis of interested workers' engagement on their social media platforms, although a few reported that a separate team handled social media.

The analysis of potential workers' engagement with PRAs' Facebook pages, though incomplete without getting the perspectives of the workers themselves, shows that the prospective migrant workers are more interested in getting jobs and less interested in details of working conditions and their rights. The active use of Facebook pages by only a few large PRAs indicates that it is not the favoured medium for marketing among the PRAs in general. Furthermore, among the few PRAs active on Facebook, there has been limited use of the platform to propagate information on trafficking, forced labour and safe migration since their focus is mainly on spreading job-related information (see Table 2.1). The PRA respondents stated that no attempts had been made to measure effectiveness, such as whether potential migrants had acted based on awareness-related information posted on Facebook.

Twitter

Twitter was not a medium commonly used by PRAs and potential workers to connect with one another. We found only three PRAs in the sample with Twitter accounts and none of them had been actively tweeting recently. One of them had a comparatively large number of followers (over 400) while the other two had far fewer (less than 25). The most recent tweet by any of the three PRAs had been posted at least a year ago. Two PRAs had tweeted about an event on human trafficking jointly organised with an NGO. Another PRA tweeted about stopping human trafficking and having attended the RBA's training and the International Recruitment Integrity System's (IRIS) ethical recruitment programme. Engagement of potential workers with PRAs on Twitter through replies or retweets was almost non-existent.

Few people in Nepal use Twitter, making up about 1.7 per cent of social media users in Nepal (StatCounter n.d. a). A survey on Twitter use in Nepal shows that 30 per cent of Nepali Twitter users reside outside Nepal. Around 80 per cent of users in Nepal reside in big cities in the Kathmandu valley, Pokhara, Bharatpur, and Butwal, and only a few of them use the platform to connect directly with service providers (Acharya 2020). These data suggest that most potential migrant workers are not likely to be Twitter users. Tweets by PRAs are also less

likely to reach substantial numbers of potential migrants. This might explain PRAs' low Twitter use and potential migrant workers' low engagement with PRAs via Twitter.

Websites

All the sampled PRAs except one had a company website. Most of the websites had information on application procedures, selection of candidates and other labour migration processes, but the agencies mostly posted job demands on their websites. In such job demands, the name of the destination country, company, job title, number of vacancies and salary/benefits were clearly mentioned. Unlike print advertisements, job advertisements posted on websites are not strictly regulated by state legislation; hence, there was no compulsion for PRAs to attach any awareness-related information to job-related information in the advertisements. In other words, PRAs were free to use their websites solely for commercial purposes, mainly to attract clients and disseminate agency-related information. Nevertheless, awareness-related information was found elsewhere on the websites of a few PRAs.

Two large PRAs in the sample had separate code of conduct sections on their websites, where they claimed to ensure their commitment to human dignity and ethical practices in migrant workers' recruitment and workplaces, including prohibiting forced labour, child labour and bonded labour, and compliance with minimum wages and labour laws and regulations. Another large PRA claimed on its website to provide advice to migrant workers on ethical matters and labour rights and expressed its commitment to reducing the risk of fraud, human trafficking, and modern slavery. Another 'non-conventional' PRA, which claimed to carry out 'ethical' recruitment practices, mentioned on its website that it had experience in supply chain audits, including TIP assessments. The PRA further claimed to conduct quality assurance tests, labour training assessments and dispute resolution, and to provide unobtrusive audits of existing relationships between management and workforces across all sectors. In sum, the study found only a few PRAs had websites with rich content on safe migration, human trafficking and forced labour and they were either large or 'non-conventional' PRAs.

2.3.5 Awareness-raising campaigns and training

We found through interviews with PRA participants that only some recruitment agencies (six out of 15) had ever conducted awareness-raising campaigns and trainings on safe migration. A PRA supposedly practising 'ethical' recruitment, in collaboration with an NGO founded by trafficking survivors, had run a one-year project in 2018 to spread awareness on the issues of TIP, child trafficking and forced labour. The activities performed under the project were circus and drama accompanied by warnings about trafficking and forced labour. Group discussions, one-to-one question-answer sessions and surveys were conducted after the event to evaluate learning. The same PRA had also collaborated with the ILO on implementing the Fair Recruitment project. Another PRA had once held an awareness-raising campaign in Kathmandu and had distributed pamphlets/leaflets to people at one of the bus parks during the event, but the PRA had not made any effort to measure the effectiveness of the campaign. A couple of representatives from PRAs (two out of 15) reported that they had not

organised any awareness-raising campaigns or trainings themselves but had participated in trainings that were focused on safe migration, trafficking and other issues related to workers' welfare, which were organised by organisations such as RBA and Maiti Nepal. The study thus finds that while some PRAs had at some point conducted awareness-raising programmes, none of these programmes were ever evaluated well enough to draw any conclusions on their effectiveness.

2.3.6 In-person meetings with potential migrants

The study found through interviews with the PRA representatives that they made efforts to disseminate awareness-raising information mainly through in-person meetings with migrant workers, providing advice or oral briefing sessions. The representatives from all 15 PRAs claimed that their companies generally preferred to provide information in person rather than by phone or an online medium. The prospective migrants were usually briefed twice about the terms and conditions of their employment during the recruitment process, at pre- and post-interview briefings. Information about the job was provided to the prospective candidates initially when they enquired about job availability. According to the respondent from PRA6:

During the pre-selection process itself, the prospective migrants are briefed not to use agents and not to provide money to anyone in case someone asks for money promising favourable results, the workers are asked to report against such activities.

Later, upon the workers' selection, details about the salary, benefits and other terms and conditions of the employment contract were communicated verbally and in writing. Workers were also provided the contact details of the embassy and social organisations in the destination country, so that they could ask for help in case they needed relief or rescue.

The recruitment agencies trained on ethical recruitment stated that they followed discrete processes to maintain fair and ethical recruitment:

We brief the clients about the demand and details of the employing company. Then the provisions set by the government rules and regulations are also explained to workers. After that, the cost breakdown is explained to workers. After all the information, if the workers agree to the terms and conditions, then they are asked to do a medical test and Immigration Security Clearance [in the case of Malaysia]. Passports are then asked from them to apply for a visa. We, being a member organisation of the Ethics Practitioners Association of Nepal (EPAN), follow the EPAN guidelines and hold workers' passports only after having them sign a consent form. If they disagree to provide a passport, then a photocopy of the passport is required. On receiving the visa, the workers are asked to attend the orientation classes.

One recruitment agency, which was trying to align its business to fair and ethical recruitment, claimed to have recently implemented an internal audit system for a sample of workers migrating through the PRA to make sure the workers had not made any payment to intermediaries in the recruitment process. The respondent from the PRA further explained that they contacted family members of the migrant workers to obtain information regarding payments made by the migrant workers and the amount of money they were carrying when they visited the recruitment agency. Their audit found that the migrant workers were paying brokers, who guaranteed them a job upon payment of a certain amount of money, even though the migrant workers had stated to the PRAs that they had not made payments to any informal intermediaries.

2.4 TIP information in PDOT

The Foreign Employment Act (2007) mandates workers going for foreign employment to undergo PDOT at DoFE-authorized institutions (GoN 2007: §27). The objectives of PDOT are to: provide general information about the geography, language, culture and traffic rules of the destination country; explain preparations required before the journey and procedures to follow during the journey; acquaint people with possible problems and solutions during their foreign employment; disseminate information on do's and don'ts for workers and important points to consider before signing a contract with an employer; and inform workers about facilities/benefits and financial literacy (Ministry of Labour, Employment and Social Security 2019). PDOT takes place over two days (for six hours each day), covering various topics that include: the foreign employment legal framework in Nepal; international laws related to migrant workers; referral and support services available to migrant workers; rights and responsibilities; easy and safe travel; physical and mental health awareness; and use of ICT (Ministry of Labour, Employment and Social Security and Foreign Employment Board 2020).

Until recently, PDOT was generic in nature, providing information which was neither country nor sector specific. The FEB in November 2020 revised the curriculum to update the nature of the information required and to make it more specific to particular countries. It added features such as financial literacy, health-related issues and available migration-related technology (e.g. mobile apps). The FEB has formulated several regional clusters of countries that share similar characteristics to make training more specific. These clusters are: South Korea–Japan; GCC countries (Saudi Arabia, Qatar, Kuwait, and the UAE); Malaysia; Israel, Jordan, and Lebanon; and European countries (ILO n.d.). The curriculum includes general safety measures such as: providing family members with a copy of one's passport, labour permit, labour contract, employer's name and address, and recruitment agency's name and address; communicating with the Nepali embassy in the event of a problem; and filing complaints of human rights abuses and sexual harassment. However, there is no specific requirement to include awareness-raising information on human trafficking (*ibid.*).

Awareness-raising and pre-migration training are commonly used strategies to prevent human trafficking. The objective of an awareness-raising migration training session is generally to provide information that will support individuals in decision-making and planning processes, and teach them appropriate

behaviours in the destination country with the aim of lowering migrants' exposure to migration-related abuses (Pocock *et al.* 2020). Studies indicate a lack of adequate pre-departure information on overseas employment among Nepali migrant workers (Mak *et al.* 2019). PDOT programmes have been criticised for their centralisation in urban areas and it is also not clear whether migrants attending PDOT acquire necessary or relevant information (Asis and Mendoza 2012). Migrant workers also doubt the quality of PDOT and many undergo the training as a mere formality (i.e. to fulfil one of the requirements for a labour permit) (Regmi *et al.* 2020).

Orientation classes are mandatory only for those workers who fly out with a labour permit issued by the DoFE. Workers going to India, as well as those travelling on a visit visa or through irregular channels, do not undergo such training. They are also legally ineligible for training as candidates must hold a valid work visa (Ministry of Labour, Employment and Social Security 2019: §7); although, as seen in the interview excerpt below, in practice training would be given to anyone coming to the PDOT centre. In any event, PDOT trainings miss out many workers who travel on visas that do not require labour permits or who use irregular routes (such as travelling via India). These migrants may be more prone to being trafficked. The owner and managing director of PDOT9 explained:

Those who go through a visit visa or through an 'airport setting' or through the use of illegal routes do not reach the orientation centres at all since taking classes in orientation centres is only compulsory for those who require a labour permit. Although anybody can attend the orientation training the workers do not attend such classes unless required by law.

The following subsections largely focus on discussion of the topics covered in the PDOT curriculum, including trafficking-related content and major concerns in the effective implementation of the training.

2.4.1 PDOT curriculum and topics covered

The FEB is responsible for determining the curriculum and standard of PDOT to be provided by orientation training centres (GoN 2007: §20). The Foreign Employment Rules (2008) dictate that the orientation training syllabus should cover:

- The foreign employment law of Nepal;
- The geographical situation, culture, lifestyle, economic, social and political situation of the destination country;
- The language(s) of the destination country;
- The labour, immigration laws and traffic rules of the destination country;
- HIV/AIDS, communicable diseases, and sexual and reproductive health;
- Easy and safe travel;

- The conduct, treatment and security of workers; and,
- Simple, easy, and safe repatriation of earnings (GoN 2008: Rule 20).

In addition, the following subjects are also included in the syllabus:

- Preparation before travelling;
- Use of ICT;
- Possible risks and accidents;
- Information related to insurance and the Foreign Employment Welfare Fund;
- The role of agencies and missions associated with foreign employment; and,
- Agencies to contact in case of any problems abroad (Ministry of Labour, Employment and Social Security 2019: §4).

Orientation classes run over two days, for six hours each day (*ibid.*: §6). Trainers must have completed higher secondary education and have undertaken training of trainers by the FEB. At least one trainer in each training institute should be a returnee with at least one year's experience of foreign employment (*ibid.*: §8). The cost of training is NPR 700 (US\$6) per trainee, to be borne by the trainees themselves. However, this is refunded by the FEB to female trainees, although both male and female participants take the same course together (*ibid.*: §16, §17).

The new curriculum for PDOT is divided into two parts: the first part contains generic information; while the second part provides cluster-specific information. The generic information is provided to all workers irrespective of the country of destination and contains information on: labour and employment-related provisions in laws and the constitution of Nepal, which includes information about registered PRAs, the labour approval process, pre-approval-related information, the complaints process, and other provisions related to labour rights; easy and safe travel, including information on required documents (visa, passport, ticket, insurance policy, and others) and materials allowed to be carried during travel, copies of documents to be left with family members (passport and visa, labour permit, employment contract, and contact information for the registered PRA through which the job application was made, the employer company, the Nepali embassy in the destination country, etc.), the immigration and transit process at the airport and other information on air travel; provisions of the contract; personal conduct to be followed and stress management; occupational safety and health; personal health and protection; provisions on management of earnings and sending remittances; use of ICT (cell phone, social media and apps); and finally, information on agencies offering assistance and ways to contact them.

As discussed earlier in this section, destination countries with similar characteristics are grouped together into different clusters to impart country-specific information. The subject matters for the cluster-specific syllabus include general information on the country (geography, environment, culture, religion, political situation, human rights and gender issues, traffic rules, *kafala*³³ or the

³³ The *kafala* or sponsorship system is a 'legal framework defining the relationship between migrant workers and their employers' and is found in GCC countries (i.e. the UAE, Qatar, Saudi Arabia, Bahrain, Kuwait, and Oman) and in Jordan and Lebanon. The system endows the employer with control over

sponsorship system) and provisions in the labour laws of the country (introduction to labour laws, employment contracts, workers' rights and duties, leave, association with labour unions and workplace conflict). The syllabus also includes a pre- and a post-test evaluation mechanism to measure trainees' learning.

The respondents from all the sampled PDOT centres (n=10) thought that the curriculum was comprehensive and well designed, but they expressed concerns about its implementation (see Section 2.4.3 for the issues with PDOT). Analysis of data from interviews with the representatives of the PDOT centres showed no significant difference in pedagogy among them: all the PDOT centres taught the same curriculum; teachers underwent the same training of trainers by the FEB; class hours were of the same length; and the design of the class was also as stipulated in the curriculum. In addition, the respondents from PDOT centres stated that the FEB provided a book as the learning material for the attendees and that was the only reference material the PDOT centres distributed to migrant workers, and some audio-visual materials were used to supplement the dissemination of information. It could be inferred that the selection of a particular PDOT centre would not significantly affect the quality of the training migrant workers received.

2.4.2 TIP information in the PDOT curriculum

The FEB did not prescribe human trafficking as a separate topic in the PDOT curriculum. Respondents from PDOT centres stated that TIP was discussed as an overlapping issue under the themes of easy and safe travel, terms and conditions in employment contracts and information on agencies offering assistance in destination countries and ways to contact them. As the managing director and owner of PDOT3 explained:

The curriculum does not explicitly mention human trafficking. It warns the workers that they may get exploited at work. It cautions workers to go through the registered recruitment agencies, use the national airport only and compulsorily take the labour permit. The workers are provided with the information that after they get their passport, they need to check the demand posted by recruitment agencies in a national daily before applying for any job. The training centre specifically advises the workers to call the Embassy [in the destination country] in case of any problem and if the Embassy does not respond to the call, then call the Foreign Employment Department or the orientation centre. The contact details of the concerned authorities are provided.

Both male and female migrant workers were taught in the same class and each class had a maximum of 25–30 students. Another respondent from PDOT6 explained that the migrant workers were made aware of the issues of: illegal

workers' right to work and their legal presence (except in Bahrain, where the government agency is the workers' sponsor) creating 'a power imbalance that sponsors can exploit', see Robinson (2021).

travel; use of India as a transit country; labour exploitation in the destination country; illegal work; transfers to work for an employer other than the one mentioned in the contract; illegal transportation of women; chances of falling to any enticement such as unusually high salary; and so on. A couple of respondents reported that the information on human trafficking was also communicated via audio-visual materials obtained from the FEB.

2.4.3 Major issues with the PDOT sector

Participants from all the PDOT centres stated that they found the PDOT curriculum up to date and relevant in educating migrant workers on safe migration and preventing possible trafficking and forced labour. However, through interviews with owners and managers of the sampled PDOT centres, certain issues were identified that were likely to hinder effective implementation of the curriculum. These issues are discussed in detail below.

Continuation of the old syllabus

The earlier syllabus, which was designed in 2013, was criticised for being insufficient and ineffective due to its lack of country-specific information, insufficient and inappropriate teaching materials, and lack of evaluation of the effectiveness of training (Ministry of Labour, Employment and Social Security and Foreign Employment Board 2020). In response to this criticism, it was replaced with a new syllabus (discussed in Section 2.4.1) which came into effect in November 2020; however, at the time of the research in 2021, it had not been implemented by any of the sampled PDOT centres. All the sampled PDOT centres were still following the earlier syllabus, which did not include information on destination-specific subjects, ICT, or mental health. The older syllabus also had one teaching hour less and did not include pre- and post-training evaluation of trainees.

PDOT centres were reluctant to implement the new syllabus as, participants stated, it was not financially viable for them to implement the destination-specific syllabus for NPR 700 (US\$6), which is what they were allowed to charge each trainee. The respondent from PDOT2 explained the reason for the centre's non-compliance with implementing the new syllabus thus:

The curriculum [that is currently being taught at the centre] is not designed as per the destination country. All people are taught in the same class irrespective of their destination country. The new curriculum which is said to be designed as per cluster of countries has not been implemented yet. The problem with the implementation of the new curriculum is that each cluster will require a separate class due to which it is difficult to operate financially when the fee is only NPR 700, especially outside the Kathmandu valley. Four training centres in Nepalgunj have already stopped their operation during the pandemic due to financial constraint.

Attendance and learning attitude of the participants

Migrant workers' attendance at PDOT is mandatory for both days of the orientation class to get a labour permit from the DoFE. This is documented using biometric registration, which records attendees' fingerprints. Registration of participants is done four times in total (twice a day on arrival and departure) and updated on the Foreign Employment Information Management System (FEIMS). The government introduced the FEIMS software in 2018 to provide real-time information to improve the process of collecting and reporting on migration-related data, while increasing the accountability of various stakeholders involved in the recruitment process (*The Kathmandu Post* 2018). However, there have been reports of malpractice and of 'fake' attendances being uploaded to the FEIMS (Mandal 2021c). Some PDOT centres were also found to be charging workers a fee for the training orientation, but not conducting the training (US Department of State 2020). There have been cases reported of biometric data of aspirant workers submitted at pre-departure orientation centres not matching up with records on the database at the labour desk at the Tribhuvan International Airport before boarding flights (Mandal 2021b). This indicates a possibility that the biometric data submitted might have been forged and the aspirant migrants might not have taken orientation classes at a PDOT centre. The respondent from PDOT4 also admitted that 'there are cases when the biometric attendance is done by wrong persons.'

Some respondents from PDOT centres (four out of ten) claimed that participants' attitude to learning was not very encouraging as there was a general lack of awareness among workers that they had to take the orientation classes seriously. The respondents explained that the workers' reluctance to attend PDOT was due to their belief that they already knew the content and due to the length of the class. According to the PDOT9 manager:

The timing of the class is 1–5.30pm in the first shift and students are uncomfortable staying in the class for long hours. They also respond that they already know that [the contents] and need not learn it again.

This was even truer in the case of the re-migrants, who had to undertake mandatory PDOT if they were going to a different country. Re-migrants who were returning to the same country were not required to take the orientation classes again (Ministry of Labour, Employment and Social Security 2019). The re-migrants to a different country did not benefit from taking the orientation classes again as the PDOT centres were still following the old syllabus, which lacked differentiated, country-specific content. According to the respondent from PDOT2:

Most of the participants (around 80 per cent) are in the category of re-migration and they are not interested to learn the lessons taught since they say that they already know them. Now, the remaining 20 per cent of the workers who are migrating for work for the first time show some interest and enquire mainly about salary and possible malpractices by recruitment agencies. The participants are also not interested in learning because they only have in mind how to

go abroad fast since they would already have spent several months processing their documents via recruitment agencies.

The migrants' lack of interest in attending the PDOT could be partly explained by their having invested significant time, energy, and money to reach the final stage of the migration process. It was natural for them to want to depart as soon as possible, since they also needed to start earning to repay the debt incurred in the migration process.

Sequencing of PDOT classes

PDOT classes are scheduled towards the end of the labour recruitment process (i.e. just before workers apply for labour permits, after they get their visas). All respondents from PDOT centres participating in the interviews stated that scheduling orientation classes at the end of the labour recruitment process made PDOT less effective in terms of promoting safe migration. According to the respondent from PDOT6: 'As orientation trainings are provided at the end of the recruitment process just before taking the flight, the migrant workers have different priorities and do not have much concentration in the class.' Similarly, the respondent from PDOT10 stated:

Ideally, orientation classes would be a lot more effective if they are scheduled just after publishing the demand by recruitment agencies in a national daily on receiving the pre-approval from the Department [before interviewing workers]. In that case, orientation centres can take classes and impart lessons freely. But, in practice, the orientation classes are scheduled in the last phase after the visa has arrived and just before embarking on the journey due to which the classes appear to have been conducted simply for collecting the résumé of workers. The orientation class has to be scheduled alongside the pre-approval not just before the final approval for it to be effective.

The respondents from all PDOT centres unanimously agreed that acts of trafficking such as labour (formal or informal) intermediaries providing wrong information to potential migrant workers and charging high recruitment fees occur from the very beginning of the recruitment process. By the time the PDOT centres provide training, the migrant workers may have already been victims of trafficking. The manager of PDOT9 said:

Orientation is provided at the end of the recruitment process after almost completing all the process at the recruitment agency. So, in the end, the migrant workers are not interested in changing or revisiting any of their prior decisions they had taken during the recruitment process after obtaining new information through the orientation class. Even if the costs paid to the recruitment agencies are high, they choose not to complain since they are already ready to fly abroad for employment.

Business model of PDOT centres

Interviewees from all the sampled PDOT centres stated that they got almost all of their clients through referrals from PRAs. This also suggests that competition among PDOT centres based on quality of service was almost non-existent. There were some drawbacks to using PDOT centres' networks, mainly the PRAs, in bringing clients to the PDOT centres, as explained by the representative from PDOT6:

The workers do not come to the orientation centres directly since they do not look for information on the website of the Board [FEB] or the [Foreign Employment] Department. They come through the recruitment agencies or (illegal) agents; so they go to the orientation centre referred by the recruitment agencies which processed their documents. This is how the network business runs. They cannot independently choose the training centre and they themselves do not care which one is a better institute.

In fact, there were no noticeable differences between PDOT centres in terms of quality because all PDOT centres used the same curriculum, and all trainers received the same kind of training from the FEB (as discussed in Section 2.4.1). Moreover, there was little incentive for PDOT centres to distinguish themselves in terms of quality since aspirant migrants would choose PDOT centres based on referrals from the PRAs through which they applied for foreign jobs and not based on perceived quality.

The dependency of PDOT centres on PRAs for clients has created a kind of relationship in which PDOT centres must remain loyal to the PRAs in return for favours to make sure that the PRAs keep sending clients to them. Consequently, the focus of PDOT centres is naturally more on maintaining good relations with recruitment agencies than pointing out PRAs' unethical practices to workers and/or making workers aware of potential fraud and deception by PRAs in the recruitment process. A respondent from a PDOT centre acknowledged that the conflict of interest that often arises due to PDOT centres' dependency on PRAs to send them clients is likely to compromise the quality of the training provided to migrant workers. The manager of PDOT10 stated:

The problem is that the orientation centre has to approach the recruitment agency to send workers to them so that they can survive in the competitive business. Now, if the orientation centre badmouths the recruitment agency while warning against possible fraud, then the recruitment agency will not send workers later for taking classes in that particular orientation centre. The orientation centre will then not be able to sustain itself in the market.

Financial constraints PDOT centres face

PDOT centres are required to make a deposit of NPR 500,000 (US\$4,212) to be allowed to operate by the DoFE (GoN 2019), a substantial increase from NPR 300,000 (US\$2,528) in 2019 (*ibid.*). While the amount of the deposit that PRAs are required to make has increased, the NPR 700 (US\$6) fee that PDOT

centres are allowed to charge each migrant worker for the two-day training has remained the same since 2003 (Ministry of Labour, Employment and Social Security 2019). Respondents from most of the PDOT centres (eight out of ten) complained that it was financially difficult to sustain their business, especially at a time when the number of migrant workers had significantly reduced due to travel restrictions imposed by labour-importing countries during the Covid-19 pandemic. One respondent from a PDOT centre operating outside the Kathmandu valley reported that some PDOT centres in their cities had already stopped operating due to financial constraints exacerbated by the pandemic situation. Some of the respondents from PDOT centres outside the Kathmandu valley (two out of seven) stated that PRAs refer most migrant workers to PDOT centres in Kathmandu valley as other labour migration processes following the training, such as getting final labour approval, are centralised in the capital city. As a result, PDOT centres outside the Kathmandu valley face an increased struggle due to fewer trainees attending their classes.

Summary of problems in the PDOT sector

It can be inferred from the analysis of data obtained from interviews with the owners and managers of PDOT centres that PDOT has not been effective in meeting its stated objective of disseminating useful information to migrant workers for their welfare at different stages in the migration cycle. First, the scheduling of PDOT classes towards the end of the application process defeats the purpose of making potential migrants aware of possible misinformation or enticement or fraud, which can begin at the very beginning of the migration process when potential migrant workers begin to seek information about the labour migration process and available jobs abroad. Second, while it is expected that the existence of over 100 PDOT centres in the country should provide an opportunity for migrant workers to choose one based on quality of service delivery, it does not appear to be the case since, as the analysis of ten PDOT centres sampled for the study shows, the PDOT centres operate such similar teaching-learning activities and get almost all their clients from PRA referrals. Third, although the government has made some attempts to improve the quality of the content of the training by replacing the curriculum with a new syllabus, which has differentiated country-specific content, none of the PDOT centres in the sample had implemented it, citing financial constraints, which have been exacerbated by the Covid-19 pandemic. The new GoN rule that increased the amount of the deposit PDOT centres are required to make without increasing the amount that they can charge workers has added to the financial burden on PDOT centres. Finally, many vulnerable migrants who go to work abroad on visit visas and via illegal routes (using airports in neighbouring countries) are not covered by PDOT since the training is only mandatory for migrants travelling on work visas.

3. Conclusion and recommendations

Dubious business practices by labour intermediaries, such as PRAs, have often been reported in the media and some agencies have been penalised by the DoFE for the same reason. However, the tendency to consider labour intermediaries as a homogeneous body and ignore the differences in their business practices does not help improve the migration experience of Nepali workers. There are differences between PRAs in terms of their business practices and the activities of the same agencies do not always fall strictly under 'migration' or 'human trafficking', but often somewhere in between, along a continuum from migration to human trafficking (Khadka 2021a).

Findings from this research show that state policies and regulations, although well-intentioned, can be counterproductive and have unintended consequences, sometimes providing less motivation for PRAs to prevent TIP and at times even implicitly causing them to resort to shady recruitment practices. Almost all the respondents from PRAs and PDOT centres said that recently enacted state provisions had adversely affected their profitability and cast doubt on the survival of many of them. Newly introduced rules, such as the mandatory requirement for PRAs to send at least 100 workers for two consecutive fiscal years for their licence renewal and the increase in the amount of the deposit PRAs are required to make, at a time when the pandemic has slowed the demand for workers, could have implications which encourage PRAs to procure labour demand from employers abroad without proper due diligence to meet the threshold number of workers. PRAs in Nepal find it difficult to follow the rules as well as secure labour demands from companies abroad and sustain their business at the same time, especially when migration-related policies are drafted without considering the policies and practices of destination countries and employer companies, as in the case of minimum referral wages and labour demand procurement. Any policies and programmes aimed at improving the migration experience of workers should include stakeholders from both the source and destination countries. It should also be acknowledged that the PRAs in labour source countries work in an environment of unequal power relations, where employer companies and destination-based PRAs hold the upper hand as they have the freedom to recruit workers from multiple countries in the South Asia region that have labour surpluses.

The legal provisions aimed at controlling the activities of PRAs only – with less regard paid to other important aspects such as encouraging competition among PRAs and PDOT centres to increase quality of service delivery, and workers' skill levels and awareness about safe migration and human trafficking – are often ineffective and instead might result in grave problems such as sending workers abroad through enticement, inducement, misinformation, or fraud.

Publication of advertisements in national dailies (in print format) is the main means of outreach for PRAs, as mandated by legislation. However, the study finds that such advertisements are published only to fulfil a statutory requirement and that they are largely ineffective in disseminating employment- and awareness-related information to potential clients as newspapers in print form are not accessible to most potential migrants, a large proportion of whom live in remote villages. Use of ICT and social media is still at a nascent stage as only a few large PRAs and 'non-conventional' PRAs (that practise ethical recruitment) use media other than the newspaper advertisements to reach out to prospective clients.

As formal outreach and engagement activities of PRAs are largely ineffective in recruiting sufficient numbers of aspirant migrant workers and providing information to them, this study finds that the information vacuum between potential migrant workers and the PRAs is filled mainly by informal labour intermediaries (agents or brokers) who take advantage of their proximity and personal relations with people in villages to communicate job-related information from PRAs to potential migrant workers and facilitate the migration process. However, the state views the role of informal intermediaries as non-beneficial to the labour migration process and is determined to remove them formally from the recruitment sector. The agents or brokers are accordingly considered illegal by the state. However, this study finds that informal labour intermediaries are still widely used by recruitment agencies to bring in prospective workers for foreign jobs. The state's disapproval of the service offered by informal labour intermediaries has further complicated the process of providing safe migration services to workers since, on the one hand, the agents and brokers are not going to leave the labour migration scene any time soon, and on the other, they cannot be made accountable for their service in the labour migration process given their illegal status.

Finally, the study finds that all PDOT centres get their clients through their links with PRAs. There is little incentive for the PDOT centres to improve their quality of service delivery since the migrant workers' choice of PDOT centre is not based on quality. There is little difference in quality among the PDOT centres as all centres are required to teach the same syllabus developed by the FEB through trainers who all receive uniform training from the FEB. The migrant workers are also not interested in learning, mainly because the classes are scheduled towards the end of the recruitment process, by which time they will already have made most of their migration-related decisions. The PDOT classes have simply become a customary requirement in the process of getting a labour permit.

3.1 Recommendations

Based on these findings, this study recommends the following courses of action for concerned stakeholders in the labour migration process.

3.1.1 For the government

- Policies and regulations directly affecting PRAs and PDOT centres, such as provisions related to minimum deposits and bank guarantees, minimum numbers of workers to be sent abroad by PRAs every year, and minimum referral wages should be amended in consultation with relevant stakeholders, accompanied by a prior study on their possible impacts; otherwise, they could have unintended consequences. Recognising the important role played by PRAs in connecting people to jobs abroad, implementation of provisions that would add financial burdens to PRAs should be halted at this time – the recruitment industry having suffered significant losses due to the Covid-19 pandemic – and implemented later after consulting with the stakeholders concerned.
- Many respondents from the sampled PRAs and PDOT centres stated that most PRAs have not implemented the ‘free visa, free ticket’ policy, the main reasons being financial unviability for PRAs and difficulty in bringing job demands from employers abroad in a cost-competitive foreign job market. The viability and impact of the ‘free visa, free ticket’ policy should be properly studied on a country-by-country basis. Employer companies and destination countries should also be brought on board for the effective implementation of the policy; the first thing they could do would be to stop the unauthorised ‘trading’ of labour demands by employer companies and their officials in return for a commission.
- The frequent use of informal labour intermediaries (such as agents or brokers) in the recruitment process shows that the government’s consideration of all agents as illegal is counterproductive and not realistic. Some form of regulation should be introduced to manage agents, such as licensing or introducing provisions to hold them accountable for workers who have gone abroad through them, with workers’ welfare being a priority.
- Orientation training should take place at an earlier stage in the labour migration process as placing it towards the end defeats the purpose of helping migrants take informed decisions. The government should properly oversee the running of orientation classes so that malpractice such as allowing fake biometric attendance records and issuing fake certificates can be minimised.
- The government should revise fees for orientation training, which could be partially subsidised through the Foreign Employment Welfare Fund to lessen the financial burden on workers and at the same time maintain the financial viability of PDOT centres.

3.1.2 For NGOs and INGOs

- National NGOs and INGOs – such as Maiti Nepal, RBA, and IRIS – could assist PRAs in expanding and strengthening outreach and engagement activities with potential workers. Such activities should be accompanied with awareness-related information on safe migration, forced labour, and trafficking.
- NGOs and INGOs, working with the government and PRAs, could run awareness-raising programmes targeting potential migrant workers, so that they are equipped with safe migration information before they embark on the process of foreign employment; however, it is important that such awareness programmes on safe migration are not based on untested assumptions and that programmes are followed up with evaluations of their effectiveness.
- NGOs and INGOs should run advocacy campaigns and provide policy support to the government to implement plans and programmes aimed at preparing a well-functioning labour migration system, which could contribute to control human trafficking and forced labour.

3.1.3 For PRAs

- PRAs should provide full disclosure of information regarding job contracts and other safe migration-related information to potential migrant workers and collectively resist malpractice in the recruitment industry, such as providing fake contracts to workers or contract substitution as is sometimes reported in the media.
- This study finds that PRAs' use of social media platforms such as Facebook and Twitter have been largely ineffective. PRAs should consider approaches such as boosting their Facebook pages to target groups of potential workers and having a separate social media strategy, to make their online engagement with potential workers more active and effective.
- PRAs should abide by the state's rules and regulations and provide services that prioritise workers' welfare.
- PRAs should work with the government to formulate policies that achieve the dual objectives of ensuring migrant workers' welfare and the sustainability of their businesses.

3.1.4 For PDOT centres

- PDOT centres need to strictly monitor and control malpractice in training sessions such as allowing fake biometric attendance records or issuing certificates to non-attendees.
- Centres should implement the new government curriculum, which includes country-specific information.
- Centres should increase the quality of delivery of their classes and make them more effective in preventing cases of forced labour and human trafficking.

Annexe 1: Data extraction form

Basic information
Name of recruitment agency
Title of the material/document (write subject/topic, if there is no title)
Material type (job advertisement, notice, leaflet, brochure, training manual)
Source (company website, Facebook, Twitter, hard copy)
Date of publication
URL (if applicable)
Does it provide information on human trafficking?
What other information is provided on?
Safe migration
Labour exploitation
Sexual exploitation
Migration process
Recruitment fees
Post-deployment contexts such as living and working conditions in the destination (wages, working hours)
Workers' rights in Nepal, transit and destination
Who is the target audience?
– Male migrant workers
– Female migrant workers
Remarks

Annexe 2: Verbal consent form

Hello, my name is _____, I am a researcher at the Centre for the Study of Labour and Mobility (CESLAM) based in Kathmandu. A study on the 'Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment' is being conducted in collaboration between Winrock, IDS, and CESLAM at Social Science Baha, Kathmandu in order to understand the labour recruitment process in Nepal for overseas employment and the pre-departure information provided to prospective migrants prior to departure.

I would like to ask you to be a part of this research by answering some questions for us. Any information that you provide will not be directly linked back to you. The interview data will only be accessible to the interviewer, translator, and main researchers. The information will be stored in a password-protected private file that can be accessed by the researchers involved in this study through a shared Google drive. The data will be used for research purposes.

There is no direct potential benefit to you for taking part in this study. It is hoped that the research will help gain information that can help evaluate and inform policies on human trafficking from Nepal as well as improve the experiences of migrant workers from Nepal.

Our interview will take about one hour to complete. We encourage you to choose a place that is comfortable and maintains aural privacy for you. Participation in this research is completely voluntary and you can withdraw your consent at any point if you want to do so by informing me. Do I have your consent to move ahead with this interview? Can I record it?

Yes

No

Thank you for your participation in this study, we value your response and time. Should you have any questions or concerns about the research at any time, please feel free to call the Centre for the Study of Labour and Mobility (CESLAM) at +977-1-4572807 (office hours: 10am–5pm).

Thank you again!

Annexe 3: Interview checklist for PRAs

General introduction

- Can you briefly tell us about your agency (probe: when and how it was established; employment sectors and destination countries for which workers are recruited; the number of people deployed annually)?
- Do you have an official website or other social media platforms? Can you please provide details about them? What kind of information do you provide through them? How often are they updated?

Pre-deployment outreach

Advertisement

- On securing a labour demand request from the country of destination (CoD) and getting pre-approval from the Department of Foreign Employment (DoFE), you are required to advertise the demand details in a national daily. What kind of information do you disclose in such advertisements?

(**Note:** Some work-related details to be included in the advertisement, as mandated by Rule 14 of the Foreign Employment Rules (2008), are description of the work, required minimum qualification, provisions relating to quarter and food facilities to be provided to the worker, monthly remuneration, provisions relating to insurance and medical facilities of the worker, provision relating to air ticket expenses to be incurred by the worker, total expenses including the service charge and promotional expenses to be borne by the worker.)

- Are any precautionary measures or warning signs against trafficking in persons (TIP), that could take place in the name of foreign employment, included in the advertisement (e.g. checking the authenticity of information provided or identifying enticement, inducement, misinformation, fraud, and motive to exploit)?
- Tentatively, what percentage of the prospective migrants that visit your agency for accessing migration-related services claim to have read the advertisement?

Sourcing of workers

- Can you briefly explain the process of recruiting workers?
- How do you source the workers? What actors are involved in the process? (Probe: how the agencies fix the deal with the involved actors in terms of their roles and payments; the in/formal relationship of potential workers with the actors.)
- What is your modality of work with the informal intermediaries (brokers/agents)? How do you use intermediaries to source the workers?

- Is it necessary to monitor the activities of intermediaries? Why? How can this be done?

Sourcing of workers – use of online media

- Do you also use any online media to source your workers? If so, what are the online platforms (e.g. Facebook, Twitter, WhatsApp) that you use for this purpose? Do you also recruit workers by phone? How many workers do you normally recruit this way?
- Do you post advertisements on social media platforms? If yes, would you describe the content of those advertisements? Is any information related to human trafficking and forced labour provided?
- What kind of safe migration information do you provide to the prospective migrants during your agency's engagement with them online?

Other medium of information dissemination

- What kind of materials do you use (for instance, brochures and other publications) other than print ads and online social media to engage with the prospective migrants? Could you describe the information content of such communication materials? Do you have any publications targeted at bringing awareness among the prospective migrants on the issue of human trafficking?

Awareness campaigns and training

- Has your organisation, alone or in joint collaboration with other agencies, conducted any awareness campaigns, training sessions, seminars, or any other programmes targeted at the aspiring migrants in order to train them towards making informed decision while migrating for work, checking given information for authenticity, and timely identifying cues that may be wrongfully leading them towards being trafficked?
- If such programmes have ever been organised, would you mention in detail the agenda and content of such programmes? Have you, in any way, attempted to study the post-training effectiveness?

Adherence to fair/ethical recruitment guidelines

- How do you ensure that the workers get correct information on things such as work, working conditions, salary and benefits, workers' rights at home, transit and destination? Can you provide any evidence/examples?
- In general, how does your agency ensure that workers are safe during their travel and are treated with dignity and respect, free from harassment, or any form of coercion or degrading or inhuman treatment at the workplace in the destination country?
- Besides the guidelines of the Nepal government and the framework of bi-lateral labour agreements, do you follow any other policy/guideline or Code of Conduct in the recruitment process? If yes, what is it? What are its major principles?

Understanding of trafficking in persons (TIP)

- Have you heard about ‘trafficking in persons’? If yes, what have you heard about it? Do you think Nepali migrant workers are at the risk of trafficking? Why/at what stage?

Recruitment problems and solutions

- In your experience, what are the major problems in labour recruitment in Nepal?
 - What do you think are the solutions to these problems? (Probe: workers’ issues, such as recruitment costs, contract, misleading information on jobs/pay.)
 - Do you have any issues with your clients/migrant workers? What are they?
 - How do you see the future of the recruitment industry in Nepal? What are your future plans?
-

Annexe 4: Interview checklist for PDOT centres

General introduction

- Can you briefly tell us about your organisation? (Probe: when and how it was established; destination countries for which workers are provided the training; the number of people served annually.)
- Do you have an official website or other social media platforms? Can you please provide details about them? What kind of information do you provide through them? How often are they updated?

Establishing contact with migrant workers

- How do you connect with the workers? How do they arrive at your institution?
- What methods do you use to reach out to the migrant workers? Do you use any intermediaries in this process? How are they paid?

Administering PDOT classes

- What are the issues with providing PDOT to the migrant workers? (Probe: attendance of workers, costs, delivery of classes.)
- How do you find the curricula of PDOT? Are they designed according to destination country? What are their strengths and weaknesses? Does it need any modification?
- Do the present curricula provide information on human trafficking? What kind of information is there?
- What kinds of information do you think need to be provided to the workers in order to prevent them from being trafficked during the migration process? Do you think the PDOT would be helpful in this regard? What else needs to be done?
- What kinds of training do your instructors have?

Engagement with migrant workers

- Do you provide any other migration/anti-trafficking related information to migrant workers online/offline (excluding the PDOT)? How do you do it? What kind of information is provided?

Challenges

- What challenges/issues do you have in running PDOT centres?
- What challenges/issues do you observe in the labour migration sector in Nepal?
- What are their solutions?

References

- Abrar et al. (2017) *Emic Perspectives on Brokering International Migration for Construction from Bangladesh to Qatar*, Working Paper 49, Brighton: University of Sussex (accessed 28 February 2022)
- Acharya, U. (2021) *Media Landscapes: Nepal – Print*, Maastricht: European Journalism Centre
- Acharya, U. (2020) *Nepal Twitter Users Survey 2019: Summary of the Findings*, Kathmandu: Centre for Media Research-Nepal (accessed 28 February 2022)
- Acharya, R. (2017) 'Impact of Remittance on Economic Development of Nepal', *PYC Nepal Journal of Management* 10.1: 19–30
- AFEW International (2020) *Interview with Bakhodur Khaïtov, Nakukor NGO* (accessed 22 October 2021)
- American Civil Liberties Union (n.d.) *Trapped in the Home: Global Trafficking and Exploitation of Migrant Domestic Workers* (accessed 8 November 2021)
- Amnesty International (2017) *Turning People into Profits: Abusive Recruitment, Trafficking and Forced Labour of Nepali Migrant Workers*, London: Amnesty International (accessed 28 February 2022)
- Amnesty International (2011) *False Promises: Exploitation and Forced Labour of Nepalese Migrant Workers*, Kathmandu: Amnesty International (accessed 18 October 2021)
- Andrees, B.; Nasri, A. and Swiniarski, P. (2015) *Regulating Labour Recruitment to Prevent Human Trafficking and to Foster Fair Migration: Models, Challenges and Opportunities*, Geneva: International Labour Organization
- Asia Foundation (2016) *Asia Foundation and Partners Launch 'Shuvayatra,' the Safe Migration App*, 18 May (accessed 28 February 2022)
- Asis, M.M.B. and Mendoza, D.R. (2012) *Strengthening Pre-Departure Orientation Programmes in Indonesia, Nepal and the Philippines*, Bangkok and Washington DC: International Organization for Migration and Migration Policy Institute
- Autor, D.H. (2009) 'Introduction to Studies of Labour Market Intermediation', in D.H. Autor (ed.), *Studies of Labour Market Intermediation*, Chicago IL: University of Chicago Press
- Baumann, G. and Dharel, M. (2014) *Modern Slavery in Nepal: Understanding the Problem and Existing Responses*, Perth: Walk Free Foundation (accessed 28 February 2022)
- Beech, S. (2021) '**Contract Substitution: A Means of Enslaving the Most Vulnerable**', Dressemer blog (accessed 30 September 2021)
- Choi-Fitzpatrick, A. (2017) *What Slaveholders Think*, New York NY: Columbia University Press
- Choi-Fitzpatrick, A. (2016) 'The Good, the Bad, the Ugly: Human Rights Violators in Comparative Perspective', *Journal of Human Trafficking* 2.1: 1–14
- DoFE (2021a) *Countrywise Labour Approval for FY 2077/78 (2020-07-16 to 2021-07-15)*, Department of Foreign Employment, Nepal
- DoFE (2021b) *Details of the Branches of Manpower Companies According to the Database of Department of Foreign Employment*, Department of Foreign Employment, Nepal (accessed 3 January 2022)
- DoFE (2020a) *Final Labour Approval Record for FY 2076/77 (2019-07-17 to 2020-06-15)*, Department of Foreign Employment, Nepal (accessed 3 August 2021)
- DoFE (2020b) *Report on Final Approved List New RA Wise from 2019-07-17 to 2020-06-15 (F/Y 2076-077)*, Department of Foreign Employment, Nepal (accessed 3 January 2021)
- DoFE (2019) *Report on Final Approved List New RA Wise from 2018-07-17 to 2019-07-16*, Department of Foreign Employment, Nepal (accessed 3 January 2022)
- DoFE (n.d.) *Recruitment Agency*, Department of Foreign Employment, Nepal (accessed 13 January 2022)
- Dharel, M. (2015) *Recruitment to Foreign Employment: Confusions, Complications and Opportunities*, study report commissioned by Solidarity Centre and Swatantra Abhiyan Nepal

- Dhungana, S. (2020) '**12 Trafficking Victims, Including Three Minors, Rescued in Past Three Months**', *The Kathmandu Post*, 24 June (accessed 28 February 2022)
- Embassy of Nepal, Qatar (2021) **Basic Salary with Effect from 22 March 2021** (accessed 30 September 2021)
- Endo, I. and Afram, G.G. (2011) **The Qatar-Nepal Remittance Corridor: Enhancing the Impact and Integrity of Remittance Flows by Reducing Inefficiencies in the Migration Process**, Washington DC: World Bank
- EPAN (2021) **Welcome to EPAN**, Ethics Practitioners Association of Nepal (accessed 3 January 2022)
- Five Corridors Project and FairSquare (2021) **Nepal to Kuwait and Qatar: Fair Recruitment in Review**, London: FairSquare (accessed 28 February 2022)
- Foreign Employment Board (2020) **Details of Orientation Training Centres** (accessed 3 August 2021)
- Ghimire, R. (2021) '**Visit Visa Misuse Amounting to Human Trafficking Leaves Nepal Officials in a Fix**', *Onlinekhabar*, 27 January (accessed 30 September 2021)
- GoN (2019) *Some Nepal Laws Amendments Act, 2075 (2019)*, Kathmandu: Government of Nepal
- GoN (2008) **Foreign Employment Rules (2008)**, Kathmandu: Government of Nepal (accessed 28 February 2022)
- GoN (2007) **Foreign Employment Act (2007)**, Kathmandu: Government of Nepal (accessed 28 February 2022)
- Hakizimana, J. (2017) 'International Labour Migration: Concepts, Definitions and Statistical Sources', Workshop on Labour Migration Statistics, 28–29 November 2017, Colombo, Sri Lanka
- Hamal, S. (2019) *CID Magazine 2076: Annual Publication*, Kathmandu: Crime Investigation Department
- Human Rights Watch (2006) **Building Towers, Cheating Workers: Exploitation of Migrant Construction Workers in the United Arab Emirates**, New York NY: Human Rights Watch (accessed 28 February 2022)
- ILO (2021a) **A Comprehensive Analysis of Policies and Frameworks Governing Foreign Employment for Nepali Women Migrant Workers and Migrant Domestic Workers**, Kathmandu: International Labour Organization
- ILO (2021b) '**Qatar's New Minimum Wage Enters into Force**', *International Labour Organization News*, 19 March (accessed 30 September 2021)
- ILO (2021c) **Rapid Assessment of the Impact of COVID-19 on Private Recruitment Agencies in Nepal**, Geneva: International Labour Organization (accessed 28 February 2022)
- ILO (2016) **Promoting Informed Policy Dialogue on Migration, Remittance and Development in Nepal**, Kathmandu: International Labour Organization (accessed 28 February 2022)
- ILO (1930) **ILO Forced Labour Convention, 1930 (No. 29)**, Geneva: International Labour Organization (accessed 10 March 2021)
- ILO (n.d.) **Integrated Programme on Fair Recruitment (FAIR): Terms of References for an EXCOL Contract**, International Labour Organization (accessed 30 September 2021)
- Indo-Asian News Service (2015) '**Two Air India Staff, Seven Nepalese Held for Human Trafficking**', *India.com*, 23 July (accessed 13 September 2021)
- IOM (2019) **Migration in Nepal: A Country Profile 2019**, Kathmandu: International Organization for Migration
- ITUC CSI IGB, Anti-slavery International and CCME (2011) **The Role of the Internet in Trafficking for Labour Exploitation** (accessed 30 September 2021)
- Jensen, C.; Pocock, N. and Oosterhoff, P. (2020) *Human Trafficking in South Asia: Assessing the Effectiveness of Interventions*, London: Foreign, Commonwealth & Development Office
- Karki, H. (2019) '**Manpower Agent Khaarej, Baideshik Rojgaari ko Maam ma Rakam Uthaye 7 Barsha Kaid**', *Kantipur*, 10 June (accessed 17 September 2021)
- Kern, A. and Müller-Böker, U. (2015) 'The Middle Space of Migration: A Case Study on Brokerage and Recruitment Agencies in Nepal', *Geoforum* 65: 158–69
- Khadka, U. (2021a) '**A Few Good Agents**', *Nepali Times*, 10 January (accessed 22 September 2021)

- Khadka, U. (2021b) **'Why are Labour Officials Transferred Frequently?'**, *Nepali Times*, 19 April (accessed 22 September 2021)
- Kharel, A. (2016) 'Female Labor Migration and the Restructuring of Migration Discourse: A Study of Female Workers from Chitwan, Nepal', PhD dissertation, Kansas State University
- Kiss, L. et al. (2019) ***The Trafficking of Girls and Young Women: Evidence for Prevention and Assistance***, London: Plan International (accessed 28 February 2022)
- Latonero, M. (2011) 'Human Trafficking Online: The Role of Social Networking Sites and Online Classifieds', *SSRN Electronic Journal*
- Mak, J.; Kiss, L. and Zimmerman, C. (2019) ***Pathways to Prevent Labour Exploitation in Nepal: Do Pre-migration Interventions Work?***, London: London School of Hygiene and Tropical Medicine (accessed 28 February 2022)
- Mak, J.; Abramsky, T.; Sijapati, B.; Kiss, L. and Zimmerman, C. (2017) **'What Is the Prevalence of and Associations with Forced Labour Experiences among Male Migrants from Dolakha, Nepal? Findings from a Cross-Sectional Study of Returnee Migrants'**, *BMJ Open* 7.8 (accessed 28 February 2022)
- Mandal, C.K. (2021a) **'For Israeli Job, a Nepali Worker Needs to Invest Around Rs165,700'**, *The Kathmandu Post*, 31 July (accessed 30 September 2021)
- Mandal, C.K. (2021b) **'Migrant Workers with Conflicting Biometric Details to Be Barred from Flying Abroad'**, *The Kathmandu Post*, 3 April (accessed 13 September 2021)
- Mandal, C.K. (2021c) **'Pre-departure Orientation Training Providers Found Not Even Conducting Training for Migrant Workers'**, *The Kathmandu Post*, 28 March (accessed 5 September 2021)
- Mandal, C.K. (2020a) **'Authorities Worried about Migrant Workers Going Abroad on Visit Visa'**, *The Kathmandu Post*, 4 December (accessed 25 September 2021)
- Mandal, C.K. (2020b) **'Nepalis Continued to Be Duped to Work Abroad on Visit Visas'**, *The Kathmandu Post*, 31 December (accessed 25 September 2021)
- McQue, K. (2020) **'How Nepal's Migration Ban Traps Female "Modern Day Slaves in the Gulf"'**, *The Guardian*, 14 February (accessed 28 February 2022)
- Ministry of Labour and Employment (2020) ***Labour Migration for Employment: A Status Report for Nepal: 2015/16 – 2016/17***, Kathmandu: Ministry of Labour and Employment (accessed 20 December 2021)
- Ministry of Labour and Employment (2016) *Labour Migration for Employment: A Status Report for Nepal 2014/15*, Kathmandu: Ministry Labour and Employment
- Ministry of Labour, Employment and Social Security (2020) ***Nepal Labour Migration Report 2020***, Kathmandu: Ministry of Labour, Employment and Social Security (accessed 28 February 2022)
- Ministry of Labour, Employment and Social Security (2019) ***Procedure for Running Pre-Departure Orientation Training 2019***, Kathmandu: Ministry of Labour, Employment and Social Security (accessed 28 February 2022)
- Ministry of Labour, Employment and Social Security and Foreign Employment Board (2020) ***Purwaprasthan Abhimukhikaran Talim Pathyakram*** [Pre-Departure Orientation Training Curriculum], Kathmandu: Ministry of Labour Employment and Social Security (accessed 2 January 2022)
- National Human Rights Commission (2019) *Manav Bechbikhan Sambandhi Rastriya Pratedan* [National Report on Trafficking in Persons], Kathmandu: National Human Rights Commission
- National Human Rights Commission (2018) *Trafficking in Persons in Nepal National Report*, Lalitpur: National Human Rights Commission
- National Planning Commission and United Nations Development Programme (2020) *Nepal Human Development Report 2020*, Kathmandu: Government of Nepal
- Nayapatrika* (2019) **'Newroad baata 38 lakh sahit samatiye dui karobari'**, 29 November (accessed 17 January 2022)
- Nepal Telecommunications Authority (2021) ***MIS Report (17 August 2021–16 September 2021)***, Kathmandu: Nepal Telecommunications Authority (accessed 28 February 2022)
- Oosterhoff, P. and Hacker, E. (2020) ***Social Norms, Labour Intermediaries, and Trajectories of Minors in Kathmandu's Adult Entertainment Industry***, CLARISSA Working Paper 1, Brighton: Institute of Development Studies (accessed 2 January 2022)

Assessment of Outreach and Engagement with Prospective Migrants by the Agencies Recruiting Labourers for Foreign Employment

- Oosterhoff, P.; Sharma, B. and Burns, D. (2020) ***Evaluation of the South-Eastern Nepal Hotspot to Reduce the Prevalence of Bonded Labour***, Brighton: Institute of Development Studies (accessed 28 February 2022)
- Oosterhoff, P.; Sharma, B.P. and Burns, D. (2017) ***Participatory Statistics to Measure Prevalence in Bonded Labour Hotspots in Nepal: Report on Findings of the Baseline Study***, Brighton: Institute of Development Studies (accessed 3 January 2022)
- Oosterhoff, P.; Yunus, R.; Jensen, C.; Somerwell, F. and Pocock, N. (2018) *Modern Slavery Prevention and Responses in South Asia: An Evidence Map*, London: Department for International Development
- Paoletti, S.; Taylor-Nicholson, E.; Sijapati, B. and Farbenblum B. (2014) ***Migrant Workers' Access to Justice at Home: Nepal***, Kathmandu: Centre for the Study of Labour and Mobility and Open Society Foundation (accessed 28 February 2022)
- Pocock, N.S.; Kiss, L.; Dash, M.; Mak, J. and Zimmerman, C. (2020) 'Challenges to Pre-migration Interventions to Prevent Human Trafficking: Results from a Before-and-after Learning Assessment of Training for Prospective Female Migrants in Odisha, India', *PLoS ONE* 15.9: 1–23
- Rai, N.; Kharel, A. and Thapa, S. (2019) ***Factsheet: South Korea***, Kathmandu: Centre for the Study of Labour and Mobility (accessed 4 January 2022)
- Rastriya Samachar Samiti (2020) **'South Korea to Take 52,000 Workers from 16 Countries including Nepal in 2021'**, *The Himalayan Times*, 25 December
- Rastriya Samachar Samiti (2021) **'Nepal's 91% of the Population Have Access to the Internet: Regulator'**, *Onlinekhabar*, 29 July (accessed 30 September 2021)
- Ratha, D.; Kim, E.J.; Plaza, S. and Seshan, G. (2021) *Migration and Development Brief 34: Resilience: COVID-19 Crisis through a Migration Lens*, Washington DC: KNOMAD-World Bank
- Regmi, P.R.; Aryal, N.; Teijlingen, E.V.; Simkhada, P. and Adhikary, P. (2020) 'Nepali Migrant Workers and the Need for Pre-departure Training on Mental Health: A Qualitative Study', *Journal of Immigrant and Minority Health* 22: 973–81
- República (2020) **'Nepal and Israel Sign Labor Agreement, 500 Nepali Migrant Laborers to Fly to Israel in First Phase'**, *República*, 1 October (accessed 14 January 2022)
- RBA (2021a) ***About the RBA***, Alexandria VA: Responsible Business Alliance (accessed 3 January 2022)
- RBA (2021b) ***Ethical Recruitment Appreciation Course for Labour Providers***, Kuala Lumpur, Malaysia: Responsible Business Alliance (accessed 3 January 2022)
- Robinson, K. (2021) **'What is the Kafala System?'**, *Council on Foreign Relations Backgrounder*, 23 March (accessed 28 December 2021)
- Rosenberg, R.; Lazaroiu, S. and Tyurukanova, E. (2004) *Best Practices for Programming to Prevent Trafficking in Human Beings in Europe and Eurasia*, Washington D.C.: United States Agency for International Development
- Sedhai, R. (2017) **'Arrests Show Extent of Corruption in Nepal's 'Most Corrupt' Govt Office'**, *República*, December 17 (accessed 22 September 2021)
- Sharma, J.R. (2013) 'Marginal but Modern: Young Nepali Labour Migrants to India', *YOUNG* 21.4: 347–62
- Sharma, S.; Pandey, S.; Pathak, D. and Sijapati-Basnett, B. (2014) ***State of Migration in Nepal***, Kathmandu: Centre for the Study of Labour and Mobility (accessed 28 February 2022)
- Shramik Sanjal (2019) ***Findings from a Survey of Nepalese Migrant Workers: Their Experiences with Recruitment Fees and the Effects on Workers' Lives***, Kathmandu: Shramik Sanjal (accessed 28 February 2022)
- Sijapati, B. and Limbu, A. (2012) *Governing Labour Migration in Nepal: An Analysis of Existing Policies and Institutional Mechanisms*, Kathmandu: Centre for the Study of Labour and Mobility and Himal Books
- Sijapati, B. et al. (2017) ***Labour Migration and the Remittance Economy: The Socio-Political Impact***, Kathmandu: Centre for the Study of Labour and Mobility (accessed 28 February 2022)
- Sijapati, B.; Ayub, M. and Kharel, H. (2017) 'An Analysis of Nepal's 'Free-Visa, Free-Ticket' Scheme', in S. Inudaya Rajan (ed.), *South Asia Migration Report 2017: Recruitment, Remittances and Reintegration*, London and New York NY: Routledge

- Sijapati, B.; Bhattarai, A. and Pathak, D. (2015) *Analysis of Labour Market and Migration Trends in Nepal*, Kathmandu: Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and International Labour Organization (accessed 28 February 2022)
- StatCounter (n.d. a) *Social Media Stats Nepal Sep. 2020–Sep. 2021* (accessed 28 October 2021)
- StatCounter (n.d. b) *Social Media Stats Nepal Oct. 2020–Oct. 2021* (accessed 17 November 2021)
- Szablewska, N. and Kubacki, K. (2018) 'Anti-Human Trafficking Campaigns', *Social Marketing Quarterly* 24.2: 104–22
- Thapa, D. (2021) '**Exiles at Home**', *The Kathmandu Post*, 7 August (accessed 23 January 2022)
- Thapa, S. and Acharya, S. (2017) 'Remittances and Household Expenditure in Nepal: Evidence from Cross-Section Data', *Economies* 5.2: 16
- The Himalayan Times* (2019) '**Errant Manpower Firms Under Govt Scanner**', 11 August (accessed 17 January 2022)
- The Himalayan Times* (2017) '**CIAA Nabs DoFE DG for Graft**', 16 November (accessed 18 January 2022)
- The Himalayan Times* (2016) '**CIAA Arrests DoFE Section Officer with Rs 1m In Bribe**', 3 October (accessed 18 January 2022)
- The Kathmandu Post* (2018) '**Foreign Jobs Data System and Phone App Launched**', 11 September (accessed 30 September 2021)
- The United Arab Emirates' Government Portal (n.d.) *Information and Services* (accessed 18 January 2022)
- UN (2000) '**The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime 2000**', *United Nations Treaty Series* 2237: 319 (accessed 10 March 2021)
- US Department of State (2020) *Trafficking in Persons Report*, 20th ed. Washington DC: US Department of State (accessed 3 January 2022)
- Verité (2012) *Labor Brokerage and Trafficking of Nepali Migrant Workers*, Kathmandu: Verité (accessed 28 February 2022)
- Verité and The Freedom Fund (2016) *An Exploratory Study on the Role of Corruption in International Labour Migration*, Amherst: Verité (accessed 28 February 2022)
- Volodko, A.; Cockbain, E. and Kleinberg, B. (2019) '“Spotting the Signs” of Trafficking Recruitment Online: Exploring the Characteristics of Advertisements Targeted at Migrant Job-Seekers', *Trends in Organized Crime* 23: 7–35
- Warnath, S. (2009) *Best Practices in Trafficking Prevention in Europe and Eurasia*, Washington DC: United States Agency for International Development
- Winrock International (2021) *Approaches to Safe Migration Activities in Counter Trafficking Projects: Learning from our Actions*, USAID Asia CTIP Learning Paper Series, Lalitpur: Winrock International (accessed 28 February 2022)
- World Trade Organization (2018) *Trade Policy Review Report by Nepal* (accessed 30 September 2021)
- Yamanaka, K. (2021) *Nepali Migration to Japan and Korea: Converging Ends, Diverging Paths, and Contrasting Effects*, Kathmandu: Centre for the Study of Labour and Mobility (accessed 14 January 2022)
- Yunus, R. (2020) *Addressing Informal Labour Intermediaries in the Context of Child Labour: Evidence Review Across Nepal, Bangladesh, and Myanmar*, CLARISSA Emerging Evidence Report 3, Brighton: Institute of Development Studies (accessed 28 February 2022)
- Zimmerman, C.; McAlpine, C. and Kiss, L. (2015) *Safer Labour Migration and Community-Based Prevention of Exploitation: The State of the Evidence for Programming*, London: The Freedom Fund and London School of Hygiene and Tropical Medicine



Delivering world-class research, learning and teaching that transforms the knowledge, action and leadership needed for more equitable and sustainable development globally.

Institute of Development Studies
Library Road
Brighton, BN1 9RE
United Kingdom
+44 (0)1273 606261
ids.ac.uk

Charity Registration Number 306371
Charitable Company Number 877338
© Institute of Development Studies 2022