

On Issues of writ petition, interim order and To identify possible strategy for future and role of the Local Government

The Migration team of Rural Enterprise and Remittance Project, Samriddhi conducted a third series of webinar with the staffs of Migration Resource Center and Migration Information Desk of 14 local levels of Province 1 & 2 in the presence of legal consultants from **People Forum for Human Rights** on 15th May, 2020. This webinar titled “**Issues of writ petition, interim order and to identify possible strategy for future and role of the Local Government**” was conducted via Zoom Application. The attendees of the meeting were as follows;

1. Senior Adv. Shom Luintel, Founder, People Forum
2. Adv. Krishna Neupane, People Forum
3. Mr. Hadendra Kumar Shrestha, Chief Administration Officer, Kohlabi Municipality
4. Adv. Sudip Devkota, People Forum
5. Ms. Chijan Syangten, Paralegal Officer, People Forum
6. Mr. Jiban Shrestha, Migration Coordinator, RERP
7. Ms. Samvidha Pathak, Economic Development Supervisor, RERP
8. Mr. Ujwal Dahal, Migration Supervisor, RERP
9. Mr. Laxman Parajuli, Employment Coordinator, Siddhicharan Municipality
10. Ms. Yamuna Dhamala, Information Assistant, MID Okhaldhunga
11. Mr. Bikash Adhikari, Spokesperson, Dhankuta Municipality
12. Ms. Manju Rai, Information Officer, MRC Dhankuta
13. Ms. Om Kumari Dhungana, Counselor, MRC Dhankuta
14. Mr. Surendra Rai, Information Assistant, MID Chaubise
15. Mr. Khagendra Khadka, Information Officer, MRC Bhojpur
16. Ms. Manisha Shakya, Counselor, MRC Bhojpur
17. Mr. Nabin Khatiwada, Employment Coordinator, Myanglung Municipality
18. Ms. Anju Khapung, Information Assistant, MID Myanglung
19. Ms. Sapana Bajgain, Employment Coordinator, Aathrai Municipality
20. Ms. Nilu Jha, Information Officer, MRC Gaur
21. Ms. Priyanka Mehta, Counselor, MRC Gaur
22. Ms. Sushila Chaudhary, Information Assistant, MID Chandrapur
23. Ms. Uma Chudhary, Information Assistant, MID Kohlabi
24. Mr. Prabhat Kumar Verma, Information Officer, MRC Kalaiya
25. Ms. Kaushila Pathak, Information Officer, MID Jeetpur Simara
26. Mr. Bhup Narayan Yadav, Spokesperson, Garuda Municipality
27. Mr. Krishna Yadav, Information Officer, MID Garuda
28. Ms. Rekha Yadav, Information Officer, MID Simraungadh

Participants Summary

RERP	People Forum	MRC/MID staffs	Employment Coordinator	Municipality Staffs	Total
3	4	14	4	3	28

Agendas:

- Highlight on objective of the meeting.
- Briefing on Writ Petition, Supreme Court's Interim order and Legal validity/Obligation of Government of Nepal.
- Discussion on possible future strategy (Roles of Federal, Provincial, Local Level Governments and Civil Societies).

Briefing of the Meeting:

The People Forum facilitated the webinar with an objective to discuss on issues of writ petition, interim order and to identify possible strategy for future, where such type of discussion would assist MRC Staffs to work on Migrant workers issues in the Local Level. As this webinar was conducted with the motivation to acknowledge the legal context in regards to Migrant workers abroad during this pandemic. RERP Migration team responded to the webinar by inviting the MRC/MID staffs and other concerned officials of the Municipality from the 14 local levels of Province 1 and 2.

The webinar was moderated by Adv. Krishna Neupane, facilitated by Adv. Shom Luintel, technically supported by Adv. Sudip Devkota and coordinated by RERP Migration Team. The webinar was addressed in lecture format by the facilitator. Later the floor was handover to the Municipality officials for further discussion. The webinar concluded with a question and answer from various respondents.

Discussions:

Adv. Shom Luintel highlighted that COVID-19 has been impacting migrant workers as they have been facing different problems in the destination countries. Problems include discrimination in treatment, inadequate quarantine facility, non-payment of salary, wage cut, layoff, job loss and being stranded. In this context the advocates associated with People Forum for Human Rights (People Forum) have filed Public Interest Litigation (PIL) in response to the massive spread of Covid-19 in destination countries. Now Supreme Court has issued an interim order to the government, which has initiated a debate at the political, migrant community, citizen and parliamentary level on how and when we can rescue, repatriate and reintegrate the stranded migrant workers abroad following the World Health Organization Standards. Adv. Luintel well-versed

about the COVID-19 response taken by the Nepalese Government for the migrant workers abroad through the concerned Department under Ministry of Labour, Employment and Social Security and Ministry of Foreign Affairs through the embassies and consular's.

The section 11(q) of the Local Government Operation Act, 2074 has set an obligation of integrating migrant workers with the local government. The federal government shall enhance coordination between the Foreign Employment Board (FEB) and local government for an effective reintegration programme. FEB shall establish the policy, procedure and programme, and the local government should implement such a programme. The local government should initiate data collection of migrant workers and returnees to effectuate the reintegration program in norms to the Local Government Authorization Directives. He updated on actions taken by other labour exporting countries in this emergency. He further suggested on how the Foreign Employment Welfare Fund could be mobilized at this time period and the use of skill certification categories to reintegrate the returnee migrant in the national economy.

Further, the officials from the 14 local levels informed about the preparation and planning done at their local level in order to reintegrate the returnee migrants. Some local levels had identified to centralize in agriculture whereas some were planning to mobilize on the basis of the skills that returnee migrant workers have. The Chief Administration Officer of Kohlabi was hopeful about the further support and guidance from the Migration Information Desk in reintegrating returnee migrants. Few MRC/MID staffs also asked questions regarding legal remedy that would come along counseling and case handling process.

Outputs:

- MRC/MIDs and Local level officials were acknowledged about the legal action taken in response to COVID-19 pandemic.
- Local Level officials were directed with possible solutions for reintegration of returnee migrants at local level.
- The MRC/MIDs would be further consulting with the People Forum for further legal remedies.

Reported By:

Samvidha Pathak

**Economic Development Supervisor
Project Management Office, RERP.**

Date: 5/19/2020

Webinar Series 3

Snapshot of the meeting.

