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**NV. GEN/PMI/353/10/2019**

**19 August 2019**

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the Communication No. UA IND 14/2019 dated 12 July 2019 from the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; and the Special Rapporteur on trafficking in persons, especially women and children, regarding human rights abuses suffered by [REDACTED] an Indian national in Saudi Arabia.

The Permanent Mission of India would request the Special Procedures Branch of the Human Rights Council to bring the following to the kind attention of the above-mentioned Special Rapporteurs:

The matter of [REDACTED] came to the notice of the Embassy of India in Saudi Arabia on 18 June 2019 and was subsequently taken up with the Saudi authorities and recruiting agent in India. On the intervention of Saudi authorities, the sponsor handed over [REDACTED] to the Saudi recruiting agency, who in turn admitted her in the Ladies Deportation Center of Saudi Government located in Riyadh. The Indian Embassy officials visited [REDACTED] on 31 July 2019 in Ladies Deportation Center to ascertain her welfare. Following which [REDACTED] has been deported to India by the Saudi authorities and was received by her brother at the airport in India.

The Permanent Mission of India also encloses (i) detailed information on the measures taken by India - in law and in practice- to ensure the effective protection of migrant worker, including women domestic worker from exploitation and abuse; (ii) current measures taken to regulate private recruitment agencies and to criminalize domestic servitude; (iii) complaint mechanism for reducing complaints along with this NV as Annexures.

The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council, the assurances of its highest consideration.

***The Secretariat of the Human Rights Council,  
Palais des Nations, (Kind attn : Chief of the Special Procedures Branch)  
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**Detailed information on the measures taken by India - in law and in practice- to ensure the effective protection of migrant worker, including women domestic worker from exploitation and abuse**

The Government has taken several steps to safeguard the interests of Indian emigrants to the Gulf and other Emigration check required (ECR) countries. These include:

- (i) The on-line MADAD portal enables the emigrant workers and their family members to register their consular grievances on-line and track their redressal.
- (ii) Grievances related to Overseas Employment in notified Emigration Check Required (ECR) countries can also be lodged directly by emigrants/relatives or through the Pravasi Bharatiya Sahayata Kendra (PBSK) on e-Migrate portal. These grievances are settled by respective jurisdictional Protectors of Emigrants (PoEs) as per laid down procedures.
- (iii) Indian Missions conduct Open Houses on a regular basis where workers can speak on their working conditions and seek redressal of their grievances.
- (iv) A multi-lingual 24X7 Helpline of Pravasi Bharatiya Sahayata Kendra (PBSK) in New Delhi provides information, guidance and grievance redressal on all issues and problems pertaining to overseas employment of Indian nationals.
- (v) Missions have also established 24x7 Helplines and Toll Free Helplines for the benefit of Indian workers to seek help.
- (vi) Pravasi Bharatiya Sahayata Kendras (PBSK) have been set up at Dubai (UAE), Sharjah (UAE), Riyadh, Jeddah (Kingdom of Saudi Arabia) and Kuala Lumpur (Malaysia), to provide guidance and counseling on all matters pertaining to overseas Indian workers.
- (vii) Kshetriya Pravasi Sahayata Kendras (KPSK) have also been setup in Kochi, Hyderabad, Chennai and Lucknow to assist emigrants or their relatives to redress their problems/complaints regarding overseas employment.
- (viii) Grievances brought to the notice of the Ministry and the Missions through social media, including twitter, are also promptly addressed.
- (ix) The Missions utilise the Indian Community Welfare Fund (ICWF) to provide assistance to overseas Indian nationals in times of distress. The guidelines of the Indian community welfare fund have been revised to expand the scope of welfare measures and to cover three key areas, namely, assisting overseas Indian nationals in distress situations, community welfare activities and improvement in consular services.
- (x) Labour and Manpower Cooperation MoUs/Agreements are in place with the six Gulf Cooperation Council (GCC) countries that provide the institutional framework to comprehensively discuss and review labour related issues. In accordance with the Labour and Manpower Cooperation/Agreement, Joint Working Group (JWG) meetings are held on regular basis to discuss various labour related issues.

Apart from the above initiatives, the Government has taken several steps to safeguard the interests of Indian female emigrants to the Gulf countries, these are:

- (i) Age restriction of 30 years has been made mandatory in respect of all women emigrants (Except Nurses) emigrating on ECR passports to ECR countries irrespective of nature/category of employment;
- (ii) Every Foreign Employer desirous of directly recruiting a female ECR worker is required to deposit a Bank Guarantee equivalent to US \$2500 in the respective Indian Missions.
- (iii) Embassy attestation has been made mandatory in respect of direct recruitment of all ECR passport holder women workers in respect of all ECR countries;
- (iv) For the safety, security and welfare of Indian Domestic Service Workers (DSWs), the Government of India has signed Domestic Service Workers (DSWs) Agreement with Kingdom of Saudi Arabia, January 2014, on Labour Cooperation for Domestic Workers Recruitment.

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## **Current measures taken to regulate private recruitment agencies and to criminalize domestic servitude**

The operational matters relating to emigration, the provision of emigration services to emigrants and the enforcement of Emigration Act, 1983 are under the Protector General of Emigrants (PGE). The PGE is a statutory authority under the Emigration Act who is responsible for the welfare and protection of emigrant workers. The Act provides a regulatory framework in respect of emigration of Indian workers for overseas employment and seeks to safeguard their interests, and ensure their protection and welfare through various provisions which inter alia includes the followings:

1. Duties of Protectors of Emigrants.
2. Regulation of Recruiting Agents
3. Direct recruitment by employers.
4. Mandatory emigration clearance –
5. Emigration offences and penalties
6. Power to exempt certain countries or employers –

Procedural safeguards have been provided under the law for protection of emigrants. The Act regulates recruitment for overseas employment and departure of the intending emigrants from India. It provides for penalties against offences.

The Emigration Act, 1983 requires that those who wish to recruit Indian citizens for employment abroad shall register themselves with the registering authority, i.e., the Protector General of Emigrants (PGE).

The form for applying for registration as recruiting agent may be obtained, free of charge which may also be downloaded from the website. The applicant is required to deposit Bank Guarantee for an amount fixed on being found eligible for grant of Registration Certificate or RC. There are laid down criteria for grant of RC, which the applicant needs to fulfill.

The registration of Recruiting Agents under the Emigration Act, 1983, commenced from January, 1984.

The Recruiting agent are involved in settlement of grievances of those workers who are sent by them. In case violations all discovered or come to notice in the recruitment done vis a vis laid down norms, suitable action is taken against the concerned RA.

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## **Complaint mechanism:**

### **The following measures are in place for reducing complaints:-**

- a) **Attestation by the Missions/Posts abroad:** As a precautionary measure, MEA has advised all Indian Missions/Posts abroad not to attest any Work Agreement of Indian women workers holding Emigration Check Required (ECR) category of Passports below the age of 30 years who seeks any kind of employment in Gulf countries to prevent them from emigrating.
- b) **Bank Guarantee:** In case of direct recruitment, the Foreign Employer is required to deposit a Bank Guarantee equivalent to US \$2500 for recruiting each woman worker holding ECR category Passport, in the respective Indian Mission. This is to safeguard female emigrant's welfare and to protect their interests.
- c) **Verification of Foreign Employers (Fes) :** The FEs are registered in the e-Migrate system. This enables the Indian Missions/Posts to verify their antecedents and monitor their activities.
- d) **Minimum Referral Wage (MRW):** All Missions/Posts abroad situated in the ECR countries have been asked to recommend the MRW for different job categories prevalent in their countries so as to avoid any complaints of lower wages being offered by the FEs, before issuance of emigration clearance.
- e) **Job Contract:** The e-Migrate system has ensured that a well laid down job Contract between the employer and the employee is signed.

On receipt of complaints from or on behalf of the emigrants, the same are addressed urgently by the Indian Missions by taking them up with the concerned local government authorities for resolution. Complaints pertaining to employment related issues are taken up by the Indian Missions with the concerned foreign employer/ Labour Department and other concerned officials in that country for prompt redressal.

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