



Ref: Al SAU 7/2020

No. 221

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations and other International Organizations in Geneva presents its compliments to the Special Procedures Branch (OHCHR), and has the honour, referring to the secretariat's Verbal Note dated 19 June 2020 (Ref. Al SAU 7/2020), concerning the Join communication from Special Procedures.

The Permanent Mission of the Kingdom of Saudi Arabia has the honour to enclose to this Verbal Note the reply of the Government of Saudi Arabia concerning the Above-Mention Join communication from Special Procedures. Please acknowledge receipt of this Verbal Note at the earliest convenience.

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch (OHCHR), the assurance of its highest consecration.

Geneva 17, September, 2020



Office of the United Nations High Commissioner of Human Rights
Special Procedures Branch



Response by the Kingdom of Saudi Arabia to allegations of facilitation of enslavement, trafficking and forced labor of migrant domestic workers in the Kingdom by online applications

1. Concerning the request to provide any additional information and/or comments on the allegations:

The Kingdom of Saudi Arabia has an Anti-Trafficking Law¹ and is continuously making efforts to promote human rights and combat trafficking in persons. Our efforts to combat trafficking in persons are spearheaded by the National Committee to Combat Human Trafficking and are guided by the National Strategy to Combat Human Trafficking. This strategy was developed in cooperation with the Office of the UN High Commissioner for Human Rights (OHCHR), in the scope of our technical cooperation project, which ensures it is in line with the highest standards of human rights.

The Human Rights Commission (HRC) has also established human rights liaison offices in all relevant government entities. The liaison officers' tasks include coordinating with HRC on all human-rights-related issues. The HRC, in the scope of the technical cooperation project with the OHCHR, conducts several workshops with private sector entities and NGOs on business and human rights, as well as Sustainable Development Goals and other relevant issues.

Saudi Arabia made great strides in the fight against trafficking in persons in the last year, in no small part due to the launch of the National Referral Mechanism. This and many other steps have been taken in close cooperation with international partners such as IOM and UNODC.

The execution of the Kingdom's strategy to combat human trafficking involves a comprehensive array of Ministries and governmental entities. The National Committee to Combat Human Trafficking is chaired by the Human Rights Commission (HRC), and includes representatives from the Ministry of Justice (MoJ), Ministry of Interior (MoI), Ministry of Foreign Affairs (MoFA), Ministry of Human Resources and Social Development (MoHRSD), Ministry of Media (MoM), and the Public Prosecution Office (PPO). There are currently 14 members of the Committee. In addition, a national team of representatives nominated by the entities on the Committee compose an executive arm, which oversees the implementation of the newly launched National Referral Mechanism. This executive arm has representatives in all regions in the Kingdom, with Riyadh being the central team.

¹ The Saudi Anti-Trafficking Law is available on [this link](#).



2. Concerning the request to highlight the steps that the Kingdom's Government has taken, or is considering to take, to protect against human rights abuses by business enterprises, including Haraj, and ensure that business enterprises domiciled in its territory respect human rights throughout their operations, including by carrying out human rights due diligence in line with the UN Guiding Principles on Business and Human Rights:

The Kingdom of Saudi Arabia has taken several measures to protect individuals against human rights abuses by businesses, including specifically by Haraj.

The Government notified the company of unlawful activity taking place through the platform and ensured, among other guarantees, the removal of all content that suggested trade in labor contracts and the update of the user agreement to explicitly forbid any such activity and include potential sanctions to users that violate the rules. The Saudi Public Prosecution is also taking the appropriate steps for the investigation and prosecution of any form of criminal liability applicable to Haraj's owners and managers.

The Ministry of Human Resources and Social Development (MoHRSD) drafted the Standard Compliance Document for Websites and Applications. The document was signed between the MoHRSD and Haraj in December 2019. It clarifies the obligations of business enterprises and facilitates monitoring the compliance of websites and the labor market in combatting all forms of human trafficking.

In March 2018, the Ministry of Media sent out a circular to all local media, newspapers and magazines, printed and electronic, that fall under the licensing of the Ministry of Media. The circular ordered the removal of all ads that would in any way imply a commercial transaction over a migrant worker's contract or infringe on the dignity of any person, since those ads would violate the Saudi Law of Printed Materials and Publications, and prohibiting any such ads to be published in the future, in any of their platforms.

In addition to this, the Human Rights Commission's agreements with the International Organization for Migration (IOM) and United Nations Office on Drugs and Crime (UNODC) cover comprehensive training programs on victim identification, protection and referral, prosecution of trafficking cases, SOP development, and roll-out of training activities. All actions are harmonized with the newly launched National Referral Mechanism, which addresses all aspects of trafficking in persons.

The National Committee to Combat Human Trafficking works to coordinate all national efforts to combat trafficking in persons in the Kingdom. It is also working with the regional



government authorities to create similar sub-structures that bring together all the relevant government and non-government actors in the fight against human trafficking.

These structures include actors that can contribute to the prevention of trafficking, identification and referral to services for victims, as well as those that contribute to law-enforcement, investigation, and prosecution, and create a mechanism by which stakeholders can further collaborate, share information and coordinate their efforts. The Human Rights Commission, through its complaints department, also receives cases and refers them to relevant government entities and works with the Committee to follow up on them.

The awareness strategy involves partnerships with key stakeholders in Saudi society. The National Committee to Combat Human Trafficking has promoted training and engagement activities to supporting partners, such as the Saudi Bar Association, the Red Crescent, and the Saudi Committee of Labor Committees and various NGOs.

3. With respect to the request to indicate the steps the Government has taken, or is considering to take, to ensure effective access to domestic judicial mechanisms for victims of business-related human rights abuses:

There are a number of grievance mechanisms available for workers in Saudi Arabia. The most prominent are:

- Courts (labor, criminal);
- Committees to adjudicate the violations and disputes of domestic workers and equivalents;
- Launch of the "Woodde" system ("Amicable"), which aims to automate the procedures for amicable settlement of financial disputes. The system also includes many services, such as submitting case requests electronically, reviewing case requests -referring to labor and executive courts in the Ministry of Justice – allowing customer service employees to search for cases - providing the possibility for individuals and the business sector to view the cases, through the e-services portal and others).

The Public Prosecution Office has established specialized investigative units to prosecute trafficking cases, and the Police has a specialized Anti-Cybercrime Department. In addition, a decision was issued by the Ministry of Justice concerning the establishment of specialized circuits within the competent courts and the court of appeal to be given the exclusive jurisdiction to prosecute the cases of human trafficking, and calling upon the appropriate departments of the Ministry to ensure their excellencies the Judges of such designated courts receive all needed information. This decision covers the 16 competent courts where specialized



circuits are designated (one court in each region of the country, except for Makkah which has three, and the Eastern province which has two), as well as 14 courts of Appeal (one in each region, except for Makkah which has two).

Also, the online recruitment system (Musaned) allows for an electronic and secure confirmation of an employee's consent to change contracts and switch employers. The employee is required to manifest their consent through a secure, biometric login. This also allows the MoHRSD to monitor compliance with the requirement of the worker's consent. The use of Musaned has been made mandatory since July 2019 for the recruitment of workers from the eight countries with which KSA has existing bilateral agreements: Bangladesh, Cambodia, Ethiopia, Kenya, Philippines, Sri Lanka, Vietnam, and Uganda.

Migrant workers coming from such countries enjoy an added layer of labor protection. The bilateral agreements include detailed labor contract standards and strict rules of operation for recruiting agencies in labor-sending countries. They also ensure that recruiting agencies will not be operated by anyone who has ever been convicted of a crime, including but not limited to violations to anti-trafficking and child protection regulations.

In 2017, MoHRSD established the Department of Recruitment Compliance and Oversight. The purpose of the department is to exercise control and administrative monitoring over recruitment offices and companies to ascertain whether service providers comply with rules and regulations. There are 37 recruitment companies and more than 1000 recruitment agencies in the Kingdom. The Rules and Regulations on the Activity of Recruitment and Provision of Labor Services stresses combatting trafficking in persons in several articles (3, 6, 18, 31, 48, and 62). MoHRSD also set up an inspection unit that specializes in monitoring the level of compliance of companies and recruitment offices with recruitment regulations.

4. Concerning the request to indicate the steps the Government has taken, or is considering to take, to ensure that business enterprises such as Haraj provide effective operational-level grievance mechanisms, or cooperate in the provision of effective remedies through legitimate processes to the affected victims if they have contributed to adverse human rights impact:

The Standard Compliance Document for Websites and Applications bounds online technology companies. According to the document, the companies shall:

1. Include an outline of the violations stipulated by the Ministry of Human Resources and Social Development in the user agreement;



2. Provide a means of communication to receive the Ministry's correspondence and notices, and commit to respond and take appropriate action against violators;
3. Provide proof of the measures taken to address the Ministry's notices;
4. Inform the Ministry via official e-mail of the related violations committed by any of the platform's online store owners or users.

The MoHRSD monitors the implementation of regulations and decisions that protect migrant workers' rights through its various mechanisms. the most prominent of which are:

- Workplace inspection:

Specialists conduct field visits to workplaces to determine compliance with the Labor Law and its executive regulations, such as the requirements for working hours and related issues, wages, prevention of accidents, occupational diseases, and social services.

In addition, the Ministry prepared an inspection guide to ensure the application of ministerial decisions issued in the implementation of the Labor Law. The guide clarifies what businesses must do to adhere to the labor regulations, raise awareness among the establishments and workers, and establish an operations room to support labor inspectors to improve law enforcement.

- Migrant Worker Welfare Department:

This department oversees migrant workers' labor relations and takes measures to overcome any obstacles arising from such relations. It takes strict measures against employers that do not respond to solve the problems of their workers, and the most important of these measures is to stop services, and the transfer of workers' services at their request without going back to the employers, providing workers with access to remedies, and establishing a mechanism for receiving complaints.

Both the Labor Law and the Domestic Workers Bylaw prohibit forced labor, changes to the contract without the employee's consent, or withholding wages.

The Domestic Workers' Bylaw is a legal framework that governs the relationship between the employer and the domestic worker, and the rights and obligations of both parties. One of the most important aspects of it is the prohibition of assigning the domestic worker different tasks than those agreed upon in the contract, tasks that pose a threat to the worker's health or harms their dignity, or to work for others.

It also obligates the employer to pay the worker the agreed wage at the end of each month without delay, documenting the worker's receipt of his monthly salary in writing. In addition, the regulation imposes the obligation to provide adequate housing for the domestic worker, as well as daily rest and weekly leave according to the contract.



In case of illness, domestic workers can obtain paid sick leave for a month if they have worked for the same employer for at least two years. They are also entitled to an end-of-service reward when ending a contract after four years of working for the same employer.

The bylaw also includes several penalties that apply to whichever party violates the provisions contained therein. Every person has the right to engage the judiciary system to complain against any violation of his or her rights.

In implementing the regulation, thirty-six (36) committees were formed to settle the disputes of domestic workers and those of similar status in the various regions and governorates of the Kingdom. The Ministry of Human Resources and Social Development provides a unified number for receiving complaints (19911). The call center is available in the languages most often spoken by foreign workers.

The Human Rights Commission and the National Committee to Combat Human Trafficking also have dedicated email addresses available for trafficking in persons or labor-related complaints 24/7, in addition to the 999 and 911 police emergency numbers.

The "Together We Identify" mobile applications², launched by the Public Security Department, enable citizens and residents to directly raise incidents, including multimedia resources such as video, photo or audio notes. In addition, citizens directly receive updates on the status of their incidents.

The concerned authorities continuously promote awareness of workers' rights, including the publication of booklets in several languages explaining the Kingdom's work regulations and the concepts of human trafficking and forced labor. Such materials are distributed to the Kingdom's embassies and the embassies of concerned countries.

The National Committee to Combat Human Trafficking, led by the Human Rights Commission, launched awareness campaigns in traditional and social media to spread the culture of human rights. Among the awareness-raising tactics, the NCCHT has reached millions of people through a massive campaign on social media platforms.

Other government entities also promote awareness raising campaigns. Competent authorities in the Kingdom also conclude bilateral agreements with the concerned countries, stipulating that all workers are subjected to educational and training courses to learn about their rights and duties.

5. Regarding the request to provide information on the plans or steps undertaken to fundamentally reform the sponsorship system, so that the worker's residence status is no longer tied to the employer and the worker has the freedom to resign or terminate his/her employment or transfer to another employer without the consent of the existing employer:

² The applications are available through the following links: [MLSD](#); [Public Security Department](#).



The Kingdom of Saudi Arabia is constantly working to improve the relationships between employers and employees. The Cabinet Resolution No. (166) of 1421 AH (2001 AD) abolished the terms "sponsor" and "sponsored" and replaced them with the terms "employer" and "worker". It also reorganized the employer's relationship with a foreign worker and eased many of the restrictions that governed that relationship. The Labor Law, adopted later, followed the same line.

Regarding workers' freedom, the Labor Law opens several possibilities to rescind the work contract without the employer's consent, while maintaining all the workers' statutory rights. This applies to cases where the employer does not fulfill one of the essential obligations towards the worker, in cases of ill-treatment, abuse or assault, and in cases where the employer or a representative unfairly forces the worker to leave.

In such cases, a work permit is granted for the purpose of completing the final exit process. The Ministry of Human Resources and Social Development issues a letter to the Passport Office in the relevant region authorizing a final exit visa for the worker who submits the application, and the former employer bears any fees.

Saudi Arabia is committed to Vision 2030 and is implementing a robust and comprehensive agenda of reforms that will keep improving the Kingdom's systemic responses to the needs of those who become exploited and minimizing the gaps that let them become vulnerable in the first place.