



Ref: 413/ 153

Date: 26 August 2021

The Permanent Mission of the Kingdom of Saudi Arabia to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, the Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on trafficking in persons, especially women and children, and would like to refer to the latter's joint communication ref: AL SAU 7/2021 dated 7 June 2021. The Permanent Mission has the honor to attach herewith the reply of the Saudi Government on the aforementioned communication.

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 Office of the High Commissioner for Human Rights, the Mandates of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the human rights of migrants; and the Special Rapporteur on trafficking in persons, especially women and children the assurance of its highest consecration.



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Response to Allegations and Queries Contained in the Joint Letter Reference (AL SAU 7/2021) of June 7, 2021 from the Human Rights Council Special Procedures Mandate Holders

No.	Allegation/Query	Response
1	<p>A. Reports indicate that most foreign workers sign contracts for employment opportunities with acceptable wages prior to their arrival in the Kingdom of Saudi Arabia. Despite that, the terms of the contract are often not honored. For example, foreign workers usually receive half the agreed wage, even if the wages are stipulated in the contract. Saudi Arabia has not passed a minimum wage law, which makes foreign workers vulnerable to exploitation and pay cuts.</p> <p>B. By law, contracts in the Kingdom of Saudi Arabia must be issued in Arabic. Despite the fact that many foreign workers do not fully speak or understand Arabic, which affects their ability to understand the provisions of their contracts and, by extension, their rights. This linguistic barrier may elevate the risk of foreign workers being tricked or subjected to exploitation.</p>	<ul style="list-style-type: none"> • During the third quarter of 2020, the Ministry of Human Resources and Social Development (MHRSD) launched a unified electronic contract form that complies with the Saudi Labor Law. The form includes basic provisions including contract data such as type of work, wage details, contract duration, trial period, working hours and vacations. The electronic contract specifies the obligations of the contracting parties and is available in both Arabic and English. • Several measures were taken to protect foreign workers' rights in the Kingdom. These measures combined to create an ideal work environment in the Kingdom that respects human rights, which include the following: <ul style="list-style-type: none"> • MHRSD designated a hotline (19911) to receive complaints from foreign workers in several languages. This is considered a development in the process of seeking justice, addressing foreign workers' problems, receiving and processing their complaints, and offering advice through "Your Labor Counselor", a program launched through MHRSD's Labor Education Portal. MHRSD also launched several programs designed to protect workers' rights, including the following: <ol style="list-style-type: none"> 1. Wage Protection Program (WPP): WPP was launched in 2013. It aims to create a safe work environment in the private sector and detect wage payments violations against men and women in the private sector, both Saudis and foreign. In 2020, WPP was expanded. By the December 2020, 100% of all private sector companies and corporations were brought into compliance. A new iteration of the program was also launched through the MUDAD portal. 2. MUDAD Online Portal: MUDAD is the new face of WPP. It aims to provide multiple services to protect workers' rights, improve and facilitate employers' experiences, and

	<p>expedite the payment of wages. Wages are paid through the platform and through local banks operating in the Kingdom. The company's representative provides information on wages and payments to WPP which, in turn, directs banks to deposit the wages in employees' accounts. The company registers with MUDAD through a unified implementation mechanism. The system processes file data by linking to the General Organization for Social Insurance's (GOSI) systems. An SMS message is also sent to the employee soliciting confirmation that the wages deposited in the employee's account match what is agreed upon with the employer, per employment contract. If the employee files a complaint, the employer is considered in violation of contract and is referred to the pertinent authorities for appropriate legal action. In such cases, the employer is subject to inspection procedures, including verification to ensure there are no TIP indicators. Companies that fail to achieve at least an 80% monthly compliance rate with MUDAD and WPP will see their services suspended and will be subject to disciplinary action, per the law.</p>
<p>2</p> <p>Women are among the most marginalized groups of foreign workers in Saudi Arabia. They generally get paid 1,000 SAR/month or less. In some cases, they don't get paid at all. As a result, foreign female workers often have no or little money to send back home. In contrast, male foreign workers generally receive 1,500 SAR in wages. In addition to this wage disparity, many foreign women, especially domestic workers, often experience sexual harassment and abuse and rarely report such incidents out of fear among other reasons.</p>	<ul style="list-style-type: none"> • The Kingdom of Saudi Arabia, through MHRSD, signed several bilateral agreements setting minimum wages with labor exporting countries. The contracting process is managed in accordance with the procedures of the unified electronic contract, through the electronic MUSANED program. All parties to the contractual relationship are informed of the process in a manner that ensures compliance with the terms of the agreements. • In the matter of wage discrepancies raised in the letter, the criterion for determining a wage discrepancy between male and female foreign workers is the nature of the work. If the work is of equal value, there is no discrimination between males and females. It is

	<p>should be noted that the Kingdom is party to ILO Convention (100) on equal remuneration for male and female workers for work of equal value, and Convention (111) on discrimination in employment and occupation.</p> <ul style="list-style-type: none"> • MHRSD receives communications and complaints in this matter from individuals, embassies, and recruitment offices. Complaints are processed, verified, and appropriate legal action is taken where necessary. • Saudi Arabia is currently working on launching WPP for domestic workers. This will obligate employers to pay domestic workers' wages through bank accounts, by the times and values that agreed upon in electronically registered contracts. • In the matter of violence and harassment, the 2013 Law on Protection from Abuse criminalizes abuse and addresses behavioral patterns that may be indicative of social environments that encourage abuse. Considering that abuse is the kind of crime that requires urgent intervention due to the resultant physical, psychological and social damage; and considering that abuse may occur out of sight thereby evading punishment, the law requires anyone who witnesses abuse to report it immediately. obligating all public or private bodies to immediately inform the MHRSD or the police of any cases of abuse that come to their knowledge. • The Anti-Harassment Law was promulgated on May 31, 2018. It aims to combat and prevent harassment, punish the perpetrators and protect the victim to preserve the individual's privacy, dignity and personal freedom. Per Article (6) of the law, if the offender has direct or indirect authority over the victim, harassment is considered an aggravating circumstance in which case the penalty shall be a jail sentence of no more than (5) years and a fine of up to 300,000 Saudi Riyals or either one of these two penalties.
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3	<p>An additional and disproportionate burden is placed on foreign workers with the Saudi government imposing a variety of taxes on them and their families despite their low wages. The government imposes taxes on services, housing, and dependents. Dependents' fees were hiked in July 2017. As a result, 1.6 million foreign workers left the Kingdom of Saudi Arabia.</p> <p>The government of the Kingdom of Saudi Arabia raised the annual fees on each person residing in the Kingdom as a dependent of an foreign worker by (100) riyals per year. This has been ongoing since 2017. As a result, and since 2020, every foreign worker must pay 4800 SAR (approximately \$1200) per dependent per year. This is a huge sum of money given the low wages foreign workers receive. Many foreign workers find themselves forced to borrow money to buy these fees. As a result, foreign workers become indebted to their employers and live in slavery because of their debts. This is a modern version of enslavement. In addition to government taxes, foreign workers are required to pay SR3500 to the agents who help them find a job in Saudi Arabia. In some cases, employers may withhold or reduce wages to pay the recruitment companies or as a form of punishment. Some foreigners have alleged they could not afford a homeward passage ticket because of the amount of debt they owe.</p>	<ul style="list-style-type: none"> In an effort to achieve sustainable development for citizens and residents in the Kingdom, the Financial Offset Program was approved as a Vision 2030 program in December 2016. Paragraph (3) (1) states: "A fee shall be imposed on each person residing as a dependent of a foreign worker in the private sector. The fees shall be collected in advance on an annual basis upon issuing or renewing the dependent's residence document. Dependents of foreign workers in the government sector and those exempt from paying residency fees are the only categories exempt from these fees. There are no fees imposed on housing. Council of Ministers Resolution (400) of (4/2/2020) reiterates in Article (1) the provisions of paragraph (1) of Article (3) of Council of Ministers Resolution (197) on (22/12/2016) regarding the imposition of fees on the dependents of foreign workers in the private sector. The article notes the exemption of the following categories: (registered dependents of foreigners working in the government sector, a registered foreign relative of a citizen, and the spouse of a citizen of a GCC country). The Kingdom of Saudi Arabia adopted an insurance policy on the rights of workers in case of bankruptcy (insurance plan for foreign workers against financial insolvency with private sector establishments and financing the insurance premiums by the government). Work is underway to adopt this policy which covers payments that go toward employee wages and homeward passage tickets. The Labor Law promulgated under Royal Decree (M/15) on (27/12/2005) stipulates that the employer shall be responsible for any fees associated with recruiting a non-Saudi worker, issuing and renewing their residency and work permits, any overdue fines, profession change fees, exit and re-entry fees, and the employee's homeward passage ticket at the end of contractual relationship. Agreements to the contrary are not permissible under the law. In
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	<p>the event of violations, the employee retains the right to sue the employer and the employer shall be forced to pay the employee whatever (s)he paid in fees.</p> <ul style="list-style-type: none"> At the same time, taxes and fees are applied against citizens for certain services to achieve the goals of "Vision 2030". Despite the fact that preferential treatment for citizens is permitted under International Human Rights Law, in cases where the worker is unable to fulfill their obligations, or enjoy any of their rights, the concerned authorities shall look into the matter to ensure they are treated without prejudice. The Kingdom of Saudi Arabia has made special concessions for certain nationals living in the Kingdom whose countries are facing difficult situations such as the Yemenis and the Syrians. Nationals of both countries have been granted (visitor visas, and visitor identity cards). These statuses are being extended until the situation in both countries is resolved. Other illegal residents have been exempted from paying residency fees such as members of displaced tribes. Work is currently underway to exempt some other groups. <p>Article (2) of the Anti-Trafficking in Persons Law states the following: "It is prohibited to commit any act of trafficking in persons. Including coercion, threat, fraud, deceit or abduction of a person, abuse of position or power or any authority thereon, taking advantage of the person's vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another person for sexual assault, forced labor or services, mendicancy, slavery or slavery-like practices, servitude or the removal or organs or for conducting medical experiments thereon."</p>
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4	<p>The police arrests, detains or even departs foreign workers if the sponsor notifies the Ministry of Interior of any violation by the worker.</p>	<p>Article (36) of the Basic Law of Governance prohibit the confinement, arrest, or detention of anyone without legal basis. Article (35) of the Criminal Procedure Law states that "no person shall be detained or imprisoned except in the places designated for that purpose by Law. The administration of any prison or detention center shall not receive any person except pursuant to an order specifying the reasons and period for such imprisonment duly signed by the competent authority. The accused shall not remain in custody following the expiry of the period specified in that order." Imprisonment in designated places shall be conducted in accordance with Article (37) of the Law of Criminal Procedure. Article (40) of the same law also states that "whoever has any information that a person is unlawfully or improperly imprisoned or detained, or is imprisoned or detained in a place not intended for imprisonment or detention, shall notify the Public Prosecution." As such, no one may be arrested, detained, or imprisoned without being charged or convicted of an act criminalized by law.</p> <p>The basis for the arrest, detention, or deportation of illegal foreign workers is their violation of the law, not the reports filed by their employers. The law protects the foreign worker against the abuse of the employer or any violation the worker may be exposed to. In all cases, there are mechanisms through which the authenticity of the report filed by the employer is verified. The concerned authorities follow legal procedures in this matter and contractual disputes are handled by the competent authority at MHRSD and the labor courts.</p>
5	<p>Foreign workers are prohibited from working in the Kingdom in two cases:</p>	<p>A) Workers are granted exit-re-entry visas based on specific leave requests approved by the employer. Leave is subject to the provisions of Article (109) of the Labor Law. Renewing the visa is done at the discretion of the employer and depends on work</p>

<p>6</p>	<p>A) If the duration of the exit-re-entry visa is 30 days given that the worker may not independently acquire a multiple exit-re-entry visa. It is should be noted that only the employer may extend this visa. Foreign workers who do not return to the Kingdom within the 30 days are permanently barred from working in the Kingdom.</p> <p>B) Employees who exit the country on a final exit visa prior to the end of their contracts are permanently barred from entering the Kingdom.</p>	<p>Please explain the steps the Kingdom's government has taken or is considering to protect foreigners from human rights abuses such as forced labor and trafficking in persons by employers and/or recruitment agencies. Please specify whether or not protection measures are based on law or practice, and whether they include domestic workers, private drivers, personal security guards, or herders and farmers.</p>	<p>demands and the employee's situation and interests. Article (16) of the Residency Law contains provisions in the event an employee is experiencing extenuating circumstance provided their residency permit remains valid.</p> <p>With regards to the point that the worker cannot return to the Kingdom after failing to return prior to the expiration of the exit re-entry visa, the issue is currently under study by the concerned authorities in the Kingdom. Measures will be taken to ensure equitable treatment for both parties (the worker and the employer).</p> <p>B) Foreign workers issued a final exit visa prior to the expiration of their contracts are not barred from re-entering the country.</p> <p>The Anti-Trafficking in Persons Law is considered one of the most important legislative measures taken by the Kingdom of Saudi Arabia criminalizes all forms of trafficking in persons, including forced labor.</p> <p>The law defines the criminality for the various forms of trafficking in persons. It also specifies penalties of up to 15 years in prison, or fines of up to 1 million riyals, or both. Article (2) of the Law stipulates that "it is prohibited to commit any act of trafficking in persons, including coercion, threat, fraud, deceit or abduction of a person, abuse of position or power or any authority thereon, taking advantage of the person's vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another person for sexual assault, <u>forced labor or services</u>, mendicancy, slavery or slave-like practices, <u>servitude</u> or the removal of organs or for conducting medical experiments thereon."</p> <p>The HRC's Anti-TIP Committee, which includes all the pertinent authorities, constitutes the national mechanism for implementing this law.</p>
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	<p>Saudi Arabia's government has taken a variety of measures to ensure the protection of foreigners working in the Kingdom, including the following:</p> <p>The National Referral Mechanism for Victims of Trafficking in Persons in the Kingdom (TIP/NRM), issued under Resolution (66) of the Chairman of the Anti-Trafficking in Persons Committee on 31/3/2020), is a national reference that sets the basis of handling TIP crimes. NRM also clarifies the roles and responsibilities of the pertinent authorities to ensure comprehensive services that guarantee the protection and reintegration of TIP victims into society. NRM also plays an important role in determining how judicial authorities, law enforcement, and other stakeholders deal with trafficking issues. It further defines means of cooperation with civil society organizations. The process includes (6) stages:</p> <ol style="list-style-type: none"> 1. Identifying the TIP victim 2. Rescue and shelter 3. Investigation and prosecution 4. Protection and assistance 5. Victim's voluntary repatriation 6. Re-integration <p>In March 2021, MHRSD launched Contractual Relationship Improvement Initiative which aims to improve working conditions and effectively attract appropriate global talent in accordance with the Kingdom's Vision 2030. The initiative aims to increase competitiveness and job mobility services for foreigners while protecting employers and safeguarding the rights of the parties to the contract. The initiative allows foreign workers to switch jobs.</p> <p><u>Creating TIP Complaints Team:</u></p>
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<p>7</p> <p>Please list the measures the Kingdom's government has taken or is considering to detect, assist and protect foreign victims of exploitation, including victims of forced labor. In this regard, please also provide information on the measures taken by the Government of the Kingdom to ensure effective access to justice for foreign workers. Please also provide details of the measures taken to ensure access to effective remedies for TIP victims of human trafficking subjected to labor exploitation, including domestic servitude.</p>	<ul style="list-style-type: none"> ▪ Create a team under the Anti-TIP Committee to receive and process TIP complaints. The team began receiving cases through its tip email: Info@ncct.gov.sa. Each case was studied by the pertinent HRC department. The HRC worked with the agencies represented on the Anti-TIP Committee to implement the procedures proposed in each case. ▪ The HRC create a team to follow-up on TIP cases with the pertinent government agencies. <p>The Kingdom increased reporting channels and the pertinent authorities verify whether TIP indicators are present in any of the cases it receives. They also launch awareness campaigns to raise the awareness of foreign workers about their rights and means of reporting violations.</p> <p>MHRSD also issued an internal circular instructing labor inspectors to verify, through field inspection tours, violations that indicate the presence or suspicion of trafficking in persons. Inspectors must fill out the following forms and send them to the competent department:</p> <ul style="list-style-type: none"> • Violation: "The employer withholds the worker's passport, worker's residence permit, or the worker or their family's medical insurance cards," even if the employer produces a document indicating the worker's consent to hand his passport or documents over to the employer. • Violation: "The employer employs the worker under open sunlight, or in bad climatic conditions, without taking the necessary precautions in the cases, times and periods specified in the Minister's decision." • Projects and programs designed to protect workers from falling victim to trafficking in persons crimes in general and to protect forced labor in particular: In addition to the above mentioned, the government is also taking the following measures:
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<p>8</p>	<p>Please indicate the legal measures and practices through which the Kingdom's government addresses discrimination against women and foreign workers, for example, in the matter of low salaries.</p>	<p>Conducting Regular Shelter Visits: The HRC periodically visits shelters in various regions of the Kingdom to ensure victims receive the necessary care. It monitors potential victims, coordinates with the competent authorities in this regard, and submits reports to the Anti-TIP Committee.</p> <p>There is no gender-based discrimination in wages in Saudi Arabia. Employment in all sectors is based on competency and pre-qualification for employment.</p> <p>There is also no job discrimination based on gender in the private sector or among domestic workers.</p> <p>In the event there is discrimination in pay, workers may seek compensation at various levels. MHRSD Decision (1/2370) of 28/8/2010 "prohibits any discrimination in pay between men and women for work of equal value." MHRSD also recently issued Decision 84447 on January 14, 2018. Article (34) of the Standard Model Labor Regulations contains general guidelines, including refraining from discriminating in wages between men and women for work of equal value.</p> <p>It is should be noted that the Kingdom is party to ILO Convention (100) on equal remuneration for male and female workers for work of equal</p>	<p>1. Pre-emptive checking on foreigners working in the private sector and domestic workers through the NRM's First Responders. 13 TIP pertinent authorities are represented in the NRM.</p> <p>2. Making legal redress mechanisms available to foreign workers, including:</p> <ul style="list-style-type: none"> ▪ The courts (labor and criminal) ▪ Labor Violations and Dispute Resolution Committees for Domestic and Similar Status Workers
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<p>9</p> <p>Please indicate whether any employers have been penalized for non-payment of wages, and if so, please specify the penalties applied and the number of employers.</p>	<p>value, and Convention (111) on discrimination in employment and occupation. With Saudi Arabia's ratification, these conventions are considered part of Saudi national law.</p> <p>WPP is one of the programs designed to create a safe and suitable private sector work environment. The program monitors payment of wages to male and female private sector workers (both Saudis and non-Saudis) and assesses the commitment of businesses to the payment of wages on time and at the value agreed upon between the contractual parties.</p> <p>In collaboration with GOSI, MHRSD launched the Contract Electronic Authentication Program in early 2019. The program allows employers to submit and update contract information for private sector workers (both Saudis and non-Saudis). It also allows workers to verify the accuracy of the information in their contracts.</p> <p>By the end of the third quarter of 2020, a Labor Law compliant unified electronic contract was created. It includes basic provisions, the most important of which are the contract data such as [type of work, wages and benefit package details, contract term and probation period, working hours and weekly leave, annual leave] The contract lays out the obligations of both parties to the contractual relationship to raise awareness about rights and responsibilities, mitigate labor disputes and prevent the existence of any condition that violates the Labor Law.</p> <p>The following measures were taken against companies in violation of the WPP:</p> <ul style="list-style-type: none"> ● Verify there are no TIP indicators among workers who have not received their wages. ● Verify whether companies are paying their employees in cash rather than electronically through the WPP.
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	<ul style="list-style-type: none"> ● Paragraph (29) of the Table of Violations and Penalties issued under Ministerial Decision 178743 of (June 1, 2019) states it is illegal to “refrain from payment of employee wages on time, paying wages in currencies other than the official currency, or the withholding wages by the employer without legal basis.” In the event the employer commits any of the violations above, (s)he shall pay SR 3,000. The fine shall be multiplied by the number of employees. <p>In addition, MHRSD received 2536 complaints from domestic service workers from 2019-2020. Legal measures were taken, either by imposing penalties that include fines on violating employers, or by referring the complaint to the Public Prosecution to initiate criminal proceedings against the perpetrators.</p> <p>Data is being collected on the number of employers that have been penalized for non-payment of wages and the types of penalties applied on them.</p>
<p>10</p> <p>Please indicate the steps the Kingdom’s government has taken, or is considering, to end forced or compulsory labor in accordance with the 1930 Forced Labor Convention No. 29 of the International Labor Organization (ILO).</p>	<p>The Anti-Trafficking in Persons Law is considered one of the most important legislative measures taken by the Kingdom of Saudi Arabia criminalizes all forms of trafficking in persons, including forced labor.</p> <p>The law defines the criminality for the various forms of trafficking in persons. It also specifies penalties of up to 15 years in prison, or fines of up to 1 million riyals, or both. Article (2) of the Law stipulates that “it is prohibited to commit any act of trafficking in persons, including coercion, threat, fraud, deceit or abduction of a person, abuse of position or power or any authority thereon, taking advantage of the person’s vulnerability, giving or receiving payments or benefits to achieve the consent of a person having control over another person for sexual assault, <u>forced labor</u> or services, mendicancy, slavery or slave-like practices, servitude or the removal of organs or for conducting medical experiments thereon.”</p>

	<p>The HRC's Anti-TIP Committee, which includes all the pertinent authorities, constitutes the national mechanism for implementing this law.</p> <p>Saudi Arabia's government has taken a variety of measures to ensure the protection of foreigners working in the Kingdom, including the following:</p> <p>The National Referral Mechanism for Victims of Trafficking in Persons in the Kingdom (TIP/NRM), issued under Resolution (66) of the Chairman of the Anti-Trafficking in Persons Committee on 31/3/2020), is a national reference that sets the basis of handling TIP crimes. NRM also clarifies the roles and responsibilities of the pertinent authorities to ensure comprehensive services that guarantee the protection and reintegration of TIP victims into society. NRM also plays an important role in determining how judicial authorities, law enforcement, and other stakeholders deal with trafficking issues. It further defines means of cooperation with civil society organizations. The process includes (6) stages:</p> <ol style="list-style-type: none"> 7. Identifying the TIP victim 8. Rescue and shelter 9. Investigation and prosecution 10. Protection and assistance 11. Victim's voluntary repatriation 12. Re-integration <p>In March 2021, MHRSD launched Contractual Relationship Improvement Initiative which aims to improve working conditions and effectively attract appropriate global talent in accordance with the Kingdom's Vision 2030. The initiative aims to increase competitiveness and job mobility services for foreigners while protecting employers and</p>
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	<p>safeguarding the rights of the parties to the contract. The initiative allows foreign workers to switch jobs.</p> <p>Creating TIP Complaints Team:</p> <ul style="list-style-type: none"> ▪ Create a team under the Anti-TIP Committee to receive and process TIP complaints. The team began receiving cases through its tip email: Info@ncct.gov.sa. Each case was studied by the pertinent HRC department. The HRC worked with the agencies represented on the Anti-TIP Committee to implement the procedures proposed in each case. <p>The HRC create a team to follow-up on TIP cases with the pertinent government agencies.</p> <p>The Kingdom increased reporting channels and the pertinent authorities verify whether TIP indicators are present in any of the cases it receives. They also launch awareness campaigns to raise the awareness of foreign workers about their rights and means of reporting violations.</p> <p>MHRSD also issued an internal circular instructing labor inspectors to verify, through field inspection tours, violations that indicate the presence or suspicion of trafficking in persons. Inspectors must fill out the following forms and send them to the competent department:</p> <ul style="list-style-type: none"> • Violation: "The employer withholds the worker's passport, worker's residence permit, or the worker or their family's medical insurance cards," even if the employer produces a document indicating the worker's consent to hand his passport or documents over to the employer. • Violation: "The employer employs the worker under open sunlight, or in bad climatic conditions, without taking the necessary precautions in the cases, times and periods specified in the Minister's decision."
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<p>11 Please provide information about the measures the Kingdom's government has taken or is considering to completely abolish the sponsorship system. Please clarify the Kingdom's timeframe for achieving this.</p>	<ul style="list-style-type: none"> • Projects and programs designed to protect workers from falling victim to trafficking in persons crimes in general and to protect forced labor in particular: In addition to the above mentioned, the government is also taking the following measures: <ol style="list-style-type: none"> 3. Pre-emptive checking on foreigners working in the private sector and domestic workers through the NRM's First Responders. 13 TIP pertinent authorities are represented in the NRM. 4. Making legal redress mechanisms available to foreign workers, including: <ul style="list-style-type: none"> ▪ The courts (labor and criminal) ▪ Labor Violations and Dispute Resolution Committees for Domestic and Similar Status Workers <p>Conducting Regular Shelter Visits: The HRC periodically visits shelters in various regions of the Kingdom to ensure victims receive the necessary care. It monitors potential victims, coordinates with the competent authorities in this regard, and submits reports to the Anti-TIP Committee.</p> <p>In addition to the afore-mentioned mechanisms and, Saudi Arabia ratified the Protocol of 2014 to the Forced Labor Convention 1930, and being ratified by the Kingdom pursuant to the Royal Decree No. (M/73) on (April 8, 2021), the protocol became part of its national law.</p> <ul style="list-style-type: none"> • Council of Ministers Resolution No. 166 of October 9, 2000 on the rules regulating the relationship of the employer with the foreign worker abolished the term "sponsor" replacing it with the term "employer." The Contractual Relationship Improvement Initiative was also launched as a Vision 2030 initiative. It aims to improve the labor market, raise the rate of employment, increase productivity,
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<p>12</p>	<p>Please provide information on measures currently under way to ensure the state's commitment to due diligence in preventing trafficking in foreign workers, including and in particular, foreign domestic workers. Please provide information on what the state is doing to ensure early detection and effective access to protection.</p>	<p>attract global talent, and promote human rights. The initiative also makes the following services available:</p> <ul style="list-style-type: none"> • Job transference Services: This service allows foreign workers to move to other employers after completing 12 months from the date of their initial entry into the country without requiring a release from the original employer. This is done in accordance with the rules that protect the parties to the contractual relationship. • Final Exit Services: This service allows foreign workers to submit final exit requests while the employment contract is valid or after its automatic termination in the Absher system. • Exit-Re-entry Services: This service allows foreign workers to automatically file for exit re-entry visas in Absher while the employment contract remains valid. Employees have the right to leave the Kingdom without securing their employers' approval. This is done in accordance with the rules that protect the parties to the contractual relationship agreed upon with the work team. 	<p>In addition to the afore-mentioned responses, the Saudi TIP/NRM contains special indicators to identify TIP victims and separate them from domestic and illegal workers. It also contains indicators to identify other vulnerable groups through transactions processed by government agencies and non-government organizations. According to the TIP/NRM, violations committed by any person as a result of their exploitation or their status as a TIP victim shall be disregarded. Instead, the victim's case is referred through the (6) stages of the NRM until (s)he is reintegrated as an active member of society. The NRM also works to ensure the same persons does not fall victim to another trafficking crime.</p> <p>On June 7, 2020, the Public Prosecutor's Office (PPO) issued Circular 63677 directing Public Prosecution departments and circuits to stress to law enforcement the importance of refraining from deporting anyone who exhibits TIP signs without the PPO's prior approval.</p>
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<p>13</p> <p>Please indicate and explain other efforts under way to facilitate access to long-term social protection for TIP survivors, victims of other modern forms of slavery, or labor exploitation provided unconditionally by the government, irrespective of victims' participation in criminal proceedings.</p>	<p>In addition to the variety of specialized training programs focused on preventing trafficking in persons held in 2020, more than (10) specialized training programs were organized in cooperation with the International Organization for Migration (IOM). Training targeted over (620) participants from agencies concerned with the identification and referral of TIP victims. It included employees from MHRSD's General Department of Inspection, Support and Protection Department; Anti-Begging Department; Anti-Trafficking Department, shelters employees; call center employees from various agencies, civil society organizations; and recruitment companies and offices. The training focused on strengthening the workers' capabilities to identify TIP victim among those most vulnerable to trafficking in persons, including domestic workers.</p> <p>Phase (6) of the NRM entitled "Reintegration" contains numerous measures to facilitate TIP victims' access to social protection and ensure they are not put in harm's way again. This phase aims to enable the victim to resume his/her life as an active social, economic, civil, and cultural member of society. This phase also comes with a package of services, including health care, assistance with vocational education and training, and suitable housing. This is coordinated with several agencies, including: The Ministry of Interior, the Ministry of Human Resources and Social Development, the Ministry of Education, and the Ministry of Health. This phase imposed no restrictions or conditions on the victim in order to provide these services.</p> <p>The Kingdom's laws, including the 2009 Anti-Trafficking in Persons Law, and the measures taken to combat these crimes combine to apply the principle of non-punishment of trafficked persons. Following is a brief review of these laws and measures:</p> <ul style="list-style-type: none"> ● The 2009 Anti-Trafficking in Persons Law: Article (15) of the Anti-TIP Law contains measures that must be taken during the investigation and prosecution of a TIP case. Most notably, the law stipulates that the victim be informed of their legal rights in a language [s]he can understand; the victim must be given the
<p>14</p> <p>Please provide details on measures taken to ensure the enforcement of the principle that TIP victims are not punished for any illegal activity they engage in as a direct result of being trafficked.</p>	<p>The Kingdom's laws, including the 2009 Anti-Trafficking in Persons Law, and the measures taken to combat these crimes combine to apply the principle of non-punishment of trafficked persons. Following is a brief review of these laws and measures:</p> <ul style="list-style-type: none"> ● The 2009 Anti-Trafficking in Persons Law: Article (15) of the Anti-TIP Law contains measures that must be taken during the investigation and prosecution of a TIP case. Most notably, the law stipulates that the victim be informed of their legal rights in a language [s]he can understand; the victim must be given the

	<p>opportunity to present his/her status as a trafficking victim; and they must be allowed to present their legal, physical, psychological and social status. The law further requires that the victim receive police protection, if necessary as well as other legal provisions that combine to protect TIP victims. Article (5) of the law also states that the victim's consent to any of the crimes stipulated in the law shall be deemed irrelevant.</p> <ul style="list-style-type: none"> ● The 2013 Criminal Procedure Law: Article (3) of the law prohibits the imposition of punishment on any person except in connection with a forbidden or punishable act. Article (16) of the law states that "the victim or his/her representative and heirs may initiate criminal action with respect to all cases involving a private right of action, and shall follow-up any such case before the competent court. Article of (63) of the same law states the following: "If the investigator concludes there is no ground to proceed with the case, (s)he shall recommend that the case be filed. An order to this effect may be issued by the head of the department in which the investigator works." Article (124) of the law states the following: "If the Investigator is of the opinion, following completion of the investigation, that there is insufficient evidence to proceed with the case, (s)he shall recommend to the director of the relevant department that the case be filed and the detainee released- unless (s)he is detained for another reason. An order by the director of the relevant department in support thereof shall be effective - except in major crimes where the order shall not be effective unless endorsed by the Public Prosecutor or his delegate." ● TIP/NRM: The National Referral Mechanism for Victims of Trafficking in Persons in the Kingdom (TIP/NRM), issued under Resolution (66) of the Chairman of the Anti-Trafficking in Persons Committee on 31/3/2020), is a national reference that sets the basis of handling TIP crimes. NRM also clarifies the
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	<p>roles and responsibilities of the pertinent authorities to ensure comprehensive services that guarantee the protection and reintegration of TIP victims into society. NRM also plays an important role in determining how judicial authorities, law enforcement, and other stakeholders deal with trafficking issues. It further defines means of cooperation with civil society organizations. The process includes (6) stages:</p> <ul style="list-style-type: none"> ● Identifying the TIP victim ● Rescue and shelter ● Investigation and prosecution ● Protection and assistance ● Victim's voluntary repatriation ● Re-integration <p>The following (15) government and non-government agencies participate in the TIP/NRM in a variety of roles both executive and organizational:</p> <ul style="list-style-type: none"> ▪ The National Trafficking in Persons Committee General Secretariat and its work teams. ▪ Ministry of Human Resources and Social Development Regional shelters ▪ Ministry of Interior ▪ Public Prosecution ▪ Ministry of Justice ▪ Ministry of Health ▪ Ministry of Foreign Affairs ▪ General Organization of Technical and Vocational Training ▪ Saudi Bar Association ▪ Ministry of Education
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<p>15</p> <p>Please indicate what measures are being taken to enhance care and assistance services for foreign domestic workers who fall victim to abuse and exploitation. Response should include legal assistance, medical care, psychological care and adequate shelter that ensures such services are gender-responsive and available to all female workers, including those who do not have official documents.</p>	<ul style="list-style-type: none"> ▪ Saudi Red Crescent ▪ Ministry of Information ▪ Victim's embassy ▪ Human Rights Commission <p>The HRC and other relevant agencies coordinate with multiple international organizations under the TIP/NRM. This includes: The International Organization for Migration (IOM), the UN High Commissioner for Refugees (UNHCR), and the UN Office on Drugs and Crime (UNODC).</p> <p>In addition to the afore-mentioned information, the HRC signed a memorandum of understanding with Aoun Society for the Care of Victims of Crime. The agreement is designed to provide a package of services - in addition to what is already provided by MHRSD - including:</p> <ol style="list-style-type: none"> 1. Shelter, housing, and financial assistance services 2. Psychological and social assistance services 3. Healthcare services in cooperation with the appropriate entities 4. Legal aid and counseling services <p>It is not required that domestic workers or other victims of abuse or exploitation hold official documents or meet other conditions to access these services.</p> <p>Other measures have been put in place to promote the rights of domestic workers. Most notably, the Saudi government established "Musaned," an electronic platform and integrated system that facilitates the process of recruiting domestic workers and promoting the rights of all parties. Musaned further contributes to raising the awareness of employers and domestic workers by clarifying their rights and their responsibilities. The program links the pertinent authorities and parties to everything related to domestic labor under one umbrella, including recruitment agencies and companies. Agencies</p>
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	<p>and companies are evaluated based on a range of determinants, including the degree of the agency or company's response to complaints and the degree of customer satisfaction that reaches approval. There are 1492 agencies and companies registered in this program. 328,714 workers have availed of the program, which also keeps a roster of domestic workers' resumes.</p> <p>Other measures were put in place to create a more conducive work environment and guarantee foreign workers' rights in the Kingdom. Following is an overview of these measures:</p> <ul style="list-style-type: none"> ▪ Developing Recruitment Mechanisms: This is being done through the rehabilitation of recruitment agencies and companies by providing TIP training and raising awareness about service criteria. Ensuring that companies meet the required licensing criteria and that they work with embassies of countries with which cooperation agreements have been signed. These efforts have resulted in a decline in the rate of domestic workers exploitation and other forms of trafficking. ▪ Developing Control and Supervision over Recruitment Practitioners: The recruitment sector is governed by the rules of the recruitment profession enshrined in the Labor Services Bylaw of the Labor Law. MHRSD uses the bylaw to determine penalties in the event there is a violation of any provision or regulation. MHRSD has a multi-track approach: 1) The Technical Track: This is managed through Musaned where documented procedures for the recruitment of domestic workers are automated from the moment the worker enters the country until the end of the contract. Violations are monitored through TAMAM, an inspection system run by the Deputy Minister's Office for Inspection. All violations are logged in TAMAM. The inspector can detect any violation directly in the system 2) The Supervisory Track: This is managed through
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office supervision which entails following up on the sector's performance through electronic systems and performance indicators. Field visits to various sites serve to ensure business is managed in accordance with relevant instructions and regulations. **3) The Legal Track:** This track protects workers' rights. All employers are required to register with WPP and issue their employees wage cards. Payment of wages is monitored, contracts documented, and salaries recorded. This protects employee rights. Employees can also seek support and protection through MHRSD Deputy Minister's Office for Customer Service. This measure has had a strong impact on preventing encroachment on the rights of domestic workers as well as violations of other relevant laws and regulations.

- **Developing Support and Protection Mechanisms:** The Protection Hotline (19911) was launched in eight languages. Brochures and booklets are also available to educate female domestic workers on the legal process to pursue when rights are violated. They are informed of the mechanism for receiving complaints and means of obtaining legal assistance and translation. The hotline receives complaints from persons, offices, companies and embassies regarding violations to the laws in force. In the event a violation is recorded, field teams are sent to handle the case according to specific mechanisms. These mechanisms have resulted in improving domestic workers' understanding of their rights and being able to seek legal redress when a violation occurs.

In the matter of the abuse of foreign workers, including domestic workers, it is should be noted that the 2013 Law on the Protection against Abuse prohibits and criminalizes all forms of abuse against any person, including the foreign workers. The law did not stop there; but rather moved to address behavioral phenomena, which signal the

	<p>presence of environments conducive for social abuse. Given that abuse is a crime which requires swift intervention due to the resultant physical, psychological, and social damage; and given that abuse may occur out of sight, the law obligates anyone who becomes aware of abuse to report it immediately. It further requires employees with knowledge of abuse having occurred to inform their employer of the case as soon as they are made aware of it. The employer must, in turn, inform the competent authority or the police of the abuse as soon as they are made aware of it. In an effort to bolster the violence hotline, a call center was launched on March 20, 2016. The call center works 24/7. It receives tips and reports of abuse through a unified number (1919) and undertakes to complete the necessary procedures, assist victims, and refer those against whom sufficient incriminating evidence is available to the Public Prosecutor's Office to initiate legal proceedings against them in accordance with the provisions of the Law on the Protection from Abuse. The call center received 108,590 tips from October 2016-October 2020. There were allegations of various forms of abuse including neglect, psychological, physical, verbal and other types of abuse. The number of reports submitted by non-Saudis reached 12,571.</p>
<p>16 Please refer to measures taken to ensure the protection of foreign workers during the COVID-19 pandemic.</p>	<p>On March 30, 2020, the Custodian of the Two Holy Mosques issued a directive to treat people with COVID19 or those at risk of infection, be they citizens, residents, or violators of the residency law free of charge. Non-Saudis were given access to health services. By October 2020, the number of beneficiaries had reached (7.5) million individuals who received one or more forms of health care, including laboratory examinations, medical evaluations, and hospitalization. Critical cases were treated in emergency departments in government and private hospitals, irrespective of considerations beyond the case.</p> <p>In December 2020, the Kingdom announced the start of its free COVID19 vaccination program. The program is open to citizens and foreigners alike. Multiple sites were designated for this service in various</p>

	<p>regions of the Kingdom. At-home vaccination services were also initiated through the Home Health Care Program in various regions. These public health efforts are designed to preserve the health and safety of all members of society and limit the spread of COVID19.</p> <p>Foreign workers faced difficulties during the pandemic, including the suspension of foreign trips and the closing of border crossings. The Kingdom moved to address these issues by taking numerous urgent measures, including: providing shelters designated for foreign workers, working with embassies to facilitate the repatriation of foreign nationals, and providing health services to all those in the Kingdom, free of charge. Border security violators were also exempt from all fines. Medical screening included PCR tests at the government's expense. The Kingdom also repatriated foreign workers to their home countries at the government's expense. Concerned agencies adapted their procedures to mitigating the impact of the pandemic by providing additional shelter options in a number of cases, providing the necessary conditions for health verification and screening of workers. Government agencies also intensified inspection rounds and monitoring compliance. There has been ongoing coordination with hospitals and health centers to provide the necessary support.</p> <p>Concerned agencies provided a variety of online services to their beneficiaries thereby facilitating urgent processes and procedures. Efforts to combat trafficking in persons have also continued. Concerned agencies facilitated the procedures for receiving communications through email and telephone. They expanded their monitoring of social media and the field for potential violations. Authorities also subjected labor gatherings to inspections. The Kingdom continued its efforts in this field by launching a range of initiatives during COVID19. Initiatives include:</p> <ul style="list-style-type: none"> ▪ Article (41) was added to the Labor Bylaw under Ministerial Resolution (70273) of (7/7/2019). The resolution adds the
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	<p>phrase: "In implementing the provisions of Paragraph (5), of Article 74 of the Law:</p> <ol style="list-style-type: none"> 1. In the event the state, of its own volition or based on a recommendation by a competent international organization, takes measures toward a situation or circumstance that calls for reducing working hours; or takes precautionary measures that limit the aggravation of said situation or circumstance as covered by the description of force majeure in the Paragraph (5), Article (74), of the law, the employer shall agree with the worker - within the six months following the start of these measures - to any of the following: <ul style="list-style-type: none"> - Reducing the worker's wages in proportion to the actual number of hours worked. - Granting the worker leave to be deducted from the days of his/her accrued annual leave. - Granting the worker an exceptional leave, as stipulated in Article (116) of the law. 2. Termination of the employment contract shall not be legitimate if the employer benefits from any subsidy from the state to face that situation. 3. This does not prejudice the worker's right to terminate the employment contract. The government launched the Remote Amicable Settlement Initiative in collaboration between MHRSD and MOJ to ensure workers and employers are able to complete the procedures quickly and easily. <p>- In cooperation with the Ministry of Municipal and Rural Affairs and Housing, MHRSD adopted standard requirements for group housing. These standards have been linked to the electronic platform.</p>
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	<ul style="list-style-type: none"> - By launching its Remote Litigation Service (electronic litigation), MOJ enabled those seeking services to complete judicial procedures without interruption under the slogan "Remote Justice" - MOJ also inaugurated Najiz Judicial Services Center to facilitate approximately 100 services under one roof for individuals, business owners, and Najiz partners. The service has morning and evening flexible working hours. Over 750,000 beneficiaries received services from the comfort of their homes via Najiz portal and the Unified Communication Center (1950). 30,000+ applications were audited remotely in just one month. - The Public Prosecution also expanded services by dividing the work into two shifts. Investigators were present outside official business hours to keep pace with the public's needs during the pandemic.
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