

**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**

REFERENCE:  
AL SAU 7/2021

7 June 2021

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on the human rights of migrants; and Special Rapporteur on trafficking in persons, especially women and children, pursuant to Human Rights Council resolutions 42/10, 43/6 and 44/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of abuse and exploitation of migrant workers in the Kingdom of Saudi Arabia which reportedly continue to take place despite recent labour reforms.

According to the information received:

There are an estimated 13 million migrants, who came mostly from India (about 4 million), Bangladesh, Pakistan, Ethiopia, Kenya and Yemen in the Kingdom of Saudi Arabia. Most of them left their home country to look for opportunities abroad to cover their families' needs. Many recruitment agencies, acting as liaisons to employers in Saudi Arabia, promise stable jobs and good working conditions in exchange of heavy fees. Most migrant workers are employed in the services sector.

*Allegations of abuse and labour exploitation of migrant workers*

Reportedly, before migrant workers arrive in Saudi Arabia, most of them sign a contract promising an acceptable wage. However, the provisions of the contract are often not implemented. For example, migrant workers often receive only half of the salary which had been agreed upon, even if the salary is stipulated in the contract. Also, Saudi Arabia has not established a minimum wage which creates a risk of significantly under-paying and exploiting migrant workers.

Furthermore, by law contracts in Saudi Arabia must be issued in Arabic. However, many migrant workers do not speak or fully understand Arabic but usually there is no translation of their contracts into a language they use which limits their understanding of the provisions contained therein and hence, an understanding of their rights. Also, the language gap increases the risk of deception and exploitation of migrant workers.

Moreover, it has been reported that women are among the most marginalized of the migrants in Saudi Arabia. They are often paid a wage of 1000 riyals a month or less and in some cases, they do not receive a salary at all. As a consequence, women migrant workers often have no or very little money left to send remittances home. Male migrant workers, in contrast, generally earn a wage of

around 1,500 riyals. In addition to the discriminatory pay gap faced, many women migrants, particularly domestic workers, are frequently subjected to sexual harassment and abuse. However, such incidences are rarely reported out of fear, amongst other reasons.

An additional, disproportionate burden on migrant workers is the fact that the Government of Saudi Arabia imposes a variety of taxes which must be paid by migrant workers and their family members despite their low income: Taxes are imposed on services, housing and accompanying individuals. Fees for the latter were increased in July 2017 and as a result, some 1,6 million migrant workers reportedly left Saudi Arabia.

Since 2017, the Government of Saudi Arabia has increased the annual fees charged for each person accompanying a migrant worker by 100 riyals every year. As a result, as of 2020 each worker had to pay 4,800 riyals (approximately \$1,200) annually for each accompanying person which is an exorbitant amount in consideration of the low wages of most migrant workers. Many migrants take out loans to pay the fees and as a consequence, they become indebted to the employers or have to leave the country. Some migrants are thus trapped in debt bondage which is a contemporary form of slavery. Beyond government taxes, most migrant workers have to pay fees as high as \$3,500 to agents which help them secure a job in the Kingdom of Saudi Arabia. Sometimes, employers can withhold or reduce workers' wages to pay off recruiters or sometimes as punishment. Some migrants alleged that they cannot afford a return ticket to their home countries as they are indebted.

The workers themselves also need to pay a fee of between 700 and 800 riyals which is in addition to the fee workers pay to their sponsors. The total fees which migrant workers need to pay often exceed the wages they earn and as a consequence, the only option for them is to leave the country.

Migrant workers in Saudi Arabia are employed under the kafala sponsorship system, which ties work permits to a single sponsor (Kafeel), often the employer. Migrant workers need their sponsor's permission to transfer jobs, end employment, and enter or leave the host country. Furthermore, migrant workers must obtain their employers' permission and assistance to open a bank account and to access a loan. Given that sponsors can restrict their financial independence, it is often difficult for migrant workers to open a bank account. Migrant workers could also be arrested, detained and even deported by the Police if their Kafeel reports an irregularity to the Ministry of Interior.

The kafala sponsorship system underpins and perpetuates migrant workers' vulnerability to a wide range of abuses and exploitation, as it strips them off any agency. Many migrant workers live in constant fear of losing their job and as a consequence, their residence permit. In restaurants and the food service industry, for example, most workers are migrants from Pakistan, India and Bangladesh. Reportedly, they experience frequent discrimination by restaurant

clients but the affected workers feel that they are unable to report the abuse without facing protection risks themselves.

A migrant worker from Pakistan who lived in Saudi Arabia from 2015 to 2019, Mr. ██████████, used to work in a restaurant in Jeddah. According to information received, he washed dishes for hours without a break, which negatively affected his health. He was working between 12 and 14 hours a day, seven days a week, without proper breaks. He was earning between \$293 and \$326 a month, significantly below the minimum requirement for a Saudi worker to be taken into account in the Nitaqat (Saudi employment nationalization programme) points system, which is a monthly wage of no less than 3,000 riyals (around US\$800). He did not approach any law enforcement agency because of the exploitative nature of work because he was afraid to lose his employment. He developed strong shoulder and back pain and eventually was unable to continue on his job, so he quit and returned to Pakistan.

Mr. ██████████ worked as a personal driver for a Saudi family from 2015 to 2019. He was working between 12 and 16 hours a day, seven days a week, without any weekly rest or paid holidays. Mr. ██████████ was reportedly required to be on standby 24 hours a day. He was subjected to oral abuses for minor mistakes and allegedly, his working conditions amounted to slavery-like practices. Mr. ██████████ earned between \$326 and \$358 per month, out of which he had to pay for the residency and food. In order to be able to send remittances to his family in Pakistan, he could only afford two meals per day. The payment of Mr. ██████████ salary was sometimes delayed for at least two months, so he had to borrow money in order to send remittances home. Mr. ██████████ did not report his situation to law enforcement authorities, as he felt that complaints filed by migrant workers are often not taken into consideration.

Another migrant worker from Pakistan, Mr. ██████████, worked in the Kingdom of Saudi Arabia from 2016 to 2018. He found his job through a recruitment agency which promised him a salary of between \$456 and \$521, approximately, due to which he took up a loan to pay the agency. However, when he arrived in Saudi Arabia, a different reality awaited him. The members of the recruitment agency did not respond to his messages and calls. When he eventually started working in a restaurant, Mr. ██████████ received a monthly pay of between \$258 and \$322, out of which he had to pay for food, accommodation and Iqama (residency). He also had to repay the loan amount along with the interest charges, so he worked extra hours to earn more. Additionally, he had to send money to his family back home and was left with very little money while suffering from exploitative working conditions.

We take positive note that Saudi Arabia initiated a reform of the kafala sponsorship system in November 2020<sup>1</sup> which came into effect on March 14, 2021<sup>2</sup>. Under the Labour Reforms Initiative (LRI), migrant workers in the private sector, covered by the Labour Law, will be able to change jobs without the permission of their current employer under certain conditions. Indeed, they

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<sup>1</sup> Ministry of Human Resources and Social Development, Resolution No. 51848 of 1442 (2020).

<sup>2</sup> Ministry of Human Resources and Social Development, *Labour Reform Initiative (LRI) Services Guidebook*, 2020 [<https://hrsd.gov.sa/sites/default/files/1112020.pdf>].

will be allowed to change employer after completing a year of work with their current employer, or once their contract expires, and only if the new job is obtained through a specific platform (“Qiwa portal”) and the notice period is observed<sup>3</sup>. Also, if a worker is not paid for three consecutive months or if a labor dispute arises and the employer fails to attend two litigation hearings a worker can change job without the consent of the employer.

Thus, migrant workers will still need their employer’s permission to change jobs if they worked less than a year. The transfer is not subject to conditions in seven situations listed in the LRI such as “if the current employer approves the expatriate worker’s transfer”, or if the migrant worker does not receive “[...] a salary for three consecutive months”<sup>4</sup>. Furthermore, the LRI will allow migrant workers to travel out the country without their employer’s authorization<sup>5</sup>. Nevertheless, workers will have to submit an online request to the Ministry of Human Resources and Social Development (MHRSD) for an exit, a re-entry visa or a final exit visa (on the “Absher” platform). According to the LRI, the migrant worker must have a valid passport, a valid residency permit and a duly attested employment contract. Following this request, the MHRSD will electronically notify the employer of their workers’ departure. The exit can be denied if the migrant worker has debts or fines. In short, even if workers are allowed to request an exit permit without the employer’s permission, the exit permit is not abolished.

In two instances, migrant workers are banned from working in Saudi Arabia:

a) if the exit and re-entry visa lasts 30 days, and a migrant worker cannot independently request multiple-use visas. In this regard, it shall be noted that only the employer can extend the duration of a visa, and a migrant worker who does not return within 30 days is permanently banned from working in Saudi Arabia.

b) if a migrant worker leaves Saudi Arabia using a final exit visa before the end of his/her contract, the worker is also permanently banned.

In December 2020, the Ministry of Human Resources and Social Development (MHRSD) announced the implementation of the final phase of the Wage Protection System introduced in 2013, by which all businesses, regardless of their size, are bound to deposit the workers’ wages in their bank accounts. In order to ensure compliance with the WPS, businesses that fail to pay workers’ wages for two months are penalized with a fine of 10,000 riyals (\$2,666) each month until due wages are paid. MHRSD also blocks the business from all government services except issuing and renewing work permits. If the WPS detects three months of non-payment, the MHRSD blocks the business from all services and allow employees to transfer jobs without the consent of the employer, even if their work permit has not expired. In addition to penalties for failure to comply with the WPS, the latest amendments to the Saudi Labour Law penalizes employers who fail to pay workers’ wages on time, pay in unofficial

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<sup>3</sup> Ministry of Human Resources and Social Development, *Labor Reform Initiative (LRI) Services Guidebook*, 2020, p. 4 [<https://hrsd.gov.sa/sites/default/files/1112020.pdf>].

<sup>4</sup> Ministry of Human Resources and Social Development, *Labor Reform Initiative (LRI) Services Guidebook*, 2020, p. 5 [<https://hrsd.gov.sa/sites/default/files/1112020.pdf>].

<sup>5</sup> Ministry of Human Resources and Social Development, *Labor Reform Initiative (LRI) Services Guidebook*, 2020, pp. 9-14.

currency, fully or partially withhold wages without legal permission with a fine of 3,000 riyals (\$800) per worker.

Notwithstanding the current regulations, cases of non-payment of wages persist. Further, the WPS does not cover the 3.7 million migrant domestic workers. Furthermore, despite the fact that migrant workers possess the right to file complaints or claim judicial remedies regarding unpaid wages before Labour Offices and Courts, many workers are not acquainted with their rights, or face obstacles to justice, including language barriers and difficulties in accessing online portals.

These amendments may contribute to ending exploitation, trafficking and many other abuses. However, the previously applicable provisions of the kafala system remain effective for private drivers, personal security, domestic workers herders and farmers. Thus, more than 3.7 million migrant workers are excluded from the recent labour reforms. As long as the kafala system as a whole is not effectively abolished, a risk of migrant workers being exposed to human rights abuses, including labour exploitation which may amount to contemporary forms of slavery persists.

Moreover, it has been brought to our attention that many migrant workers have allegedly suffered from poor living conditions and that since the outbreak of the COVID-19 pandemic in 2020, their situation has worsened. For instance, many Pakistani workers have been forced to live in overcrowded, inadequate accommodation which increased their risk of contracting the COVID-19 virus. According to information received, one worker shared a small room with seven other workers although only two mattresses were available.

We would like to express our deep concern about the working and living conditions of migrant workers in Saudi Arabia and about the insufficient dismantling of the kafala sponsorship system as a whole. This continues to lead to multiple human rights violations as it puts migrants at the mercy of their employers.

Despite the ratification by Saudi Arabia of the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29) and other international human rights standards which are applicable in the country, migrant workers are still subject to abuse and exploitation in Saudi Arabia<sup>6</sup>. According to the Indicators of Forced Labour established by the International Labour Organization (ILO)<sup>7</sup>, the exploitation experienced by many migrant workers may amount to forced labour which is a contemporary form of slavery.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

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<sup>6</sup> [https://www.ilo.org/beirut/areasofwork/labour-migration/WCMS\\_514910/lang--en/index.htm](https://www.ilo.org/beirut/areasofwork/labour-migration/WCMS_514910/lang--en/index.htm).

<sup>7</sup> [wcms\\_203832.pdf \(ilo.org\)](#).

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please highlight the steps that your Excellency's Government has taken, or is considering to take, to protect all migrant workers against human rights abuses including forced labour and trafficking by employers and/or recruitment agencies. Please state if the protective measures refer to law or practice and if they include domestic workers, private drivers, personal security, herders and farmers.
3. Please indicate what measures your Excellency's Government has undertaken, or is considering to take, to identify, assist and protect migrant workers who are victims of labour exploitation, including forced labour. In that connection, please also provide information on measures your Excellency's Government has taken to ensure migrant workers' effective access to justice. Please also elaborate on measures taken to ensure access to effective remedies for victims of trafficking for the purpose of labour exploitation, including domestic servitude
4. Please indicate through which measures in law and practice your Excellency's Government is addressing discrimination against women and migrant women, for example with regard to their currently lower salaries.
5. Please indicate if any employers have been penalized for the non-payment of wages and if so, please specify what sanctions have been applied to how many employers.
6. Please indicate the steps that your Excellency's Government has taken, or is considering to take, to end forced or compulsory labour in line with ILO Convention No.29 of 1930.
7. Please provide information about the measures your Excellency's Government has taken, or is considering to take, to abolish the kafala sponsorship system as a whole and within which timeframe.
8. Please provide information on the measures being taken to ensure compliance with the State's obligation of due diligence to prevent trafficking of migrant workers, including, in particular, migrant domestic workers, and to ensure early identification and effective access to protection.
9. Please indicate and elaborate on any further efforts to facilitate access to long term social protection for survivors of trafficking, other forms of contemporary slavery or labour exploitation that is provided unconditionally, regardless of the victims' participation in the criminal proceedings.
10. Please elaborate on measures taken to ensure the application of the non-punishment principle for victims of trafficking in persons for any

unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation.

11. Please elaborate on the measures being taken to strengthen the welfare services and assistance provided to women migrant domestic workers who are victims of abuse and exploitation, including legal assistance, medical and psychosocial care and adequate shelters, and ensure that such services and assistance are gender-responsive and accessible to all women migrant domestic workers, including those who are undocumented.
12. Please indicate what measures have been taken to ensure the protection of all migrant workers in the context of the COVID-19 pandemic.

We would appreciate receiving a response within 60 days. Passed this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Tomoya Obokata  
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Felipe González Morales  
Special Rapporteur on the human rights of migrants

Siobhán Mullally  
Special Rapporteur on trafficking in persons, especially women and children

## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your Excellency Government attention to its international obligations, relevant for this case.

The Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the United Nations on December 10, 1948, further contributes to international standards regarding the elimination of all forms of slavery. Article 4 states that "no one shall be subjected to slavery or servitude, slavery and slave trade are prohibited in all its forms."

Forced or compulsory labour is defined in the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), ratified by the Kingdom of Saudi Arabia on 12 January 1976. As per Article 2, paragraph 1, 'term forced or compulsory labour shall mean 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'.

We would also like to refer to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, ratified by your Excellency's Government in 2007, in particular articles 6 and 9 which state obligations to protect and prevent.

We would also like to bring to the attention of your Excellency's Government article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons. We would also like to refer to Article 6 which states that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." In this context, we recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 19 (1992), updated by General Recommendation No. 35 (2017), defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women whether perpetrated by a State official or a private citizen, in public or private life. We would also like to refer to CEDAW General Recommendation General No. 38 on trafficking in women and girls in the context of global migration. We would also like to refer to CEDAW General Recommendation N.26 on women migrant workers.

We wish to refer to Articles 1, 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and Article 3 of Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) both acceded by your Excellency's Government in 1997, and CERD General Recommendation XXX on discrimination against non-citizens.



In 2018, the former Special Rapporteur on the contemporary forms of slavery expressed her concerns about the kafala system in her thematic report to the Human Rights Council dedicated to the impact of slavery and servitude on marginalized migrant women workers in the global domestic economy<sup>8</sup>. Furthermore, many human rights bodies, including the Committee on the Rights of the Child, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of all forms of Discrimination against Women, and the Special Rapporteur on the human rights of migrants, have also highlighted their concern that the kafala system increases the vulnerability of migrant workers to the risk of exploitation and abuse<sup>9</sup>.

The Committee against Torture has expressed concern at reports of widespread torture or ill-treatment and trafficking in migrant workers, particularly female domestic workers, under the sponsorship (kafala) system, and noted that the kafala system increases the risks of trafficking, rape and other forms of torture and ill treatment, owing to the extraordinary power that the employer exerts and the reported impact on female workers. The Committee has also called for the adoption or amendment of labour legislation that governs domestic work and provides legal protection to migrant domestic workers against exploitation, torture, ill-treatment and trafficking.<sup>10</sup>

The CEDAW Committee in particular has highlighted its concerns in relation to:<sup>11</sup>

- (c ) The obstacles impeding access to justice for women migrant domestic workers, including the fear of detention and deportation while legal proceedings are pending;
- (d) The lack of regular labour inspections to monitor the working conditions of women migrant domestic workers in their workplaces;
- (e) The absence of an enforcement mechanism for the work contracts of women migrant domestic workers;
- (f) The inadequate conditions in State-run shelters for women migrant domestic workers who are victims of abuse and exploitation, as the shelters are often overcrowded, provide insufficient support services and restrict freedom of movement.

We would also like to bring to your attention the report by the Special Rapporteur on trafficking in persons, especially women and children to the Human Rights Council in 2019 A/HRC/41/46 on Innovative and transformative models of social inclusion of survivors of trafficking in persons into societies. We would like to highlight recommendations made by the Special Rapporteur to States on areas such as considering the revision of any legislation or policies hampering social inclusion,

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<sup>8</sup> A/HRC/36/43.

<sup>9</sup> CEDAW/C/SAU/CO/3-4 (CEDAW, 2018), Report of the Special Rapporteur on the human rights of migrants, A/HRC/26/35, paragraphs 38-39; Committee on Economic, Social and Cultural Rights, General comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), E/C.12/GC/23, para. 47(e); Concluding observations on the combined third and fourth periodic reports of Saudi Arabia (CRC/C/SAU/CO/3-4), para. 40

<sup>10</sup> Committee against Torture, Concluding observations on the second periodic report of Saudi Arabia (8 June 2016) UN Doc CAT/C/SAU/CO/2, para.38-39, 41

<sup>11</sup> Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined third and fourth periodic reports of Saudi Arabia (12 March 2018) UN Doc CEDAW/C/SAU/CO/3-4 (para.37)

including policies tying workers to a single employer, or preventing equal access to long-term empowerment measures (para 66), in addition to other measures with regard to trafficked persons' access to empowerment measures in the long term (para 68). Furthermore, we would also like to draw your attention to the Report of the Special Rapporteur on trafficking in persons, especially women and children to the General Assembly in 2015 on due diligence.

We would like to recall the Principles and Guidelines on the human rights protection of migrants in vulnerable situations. Particularly, we would like to draw your attention to Principle 3 on access to justice, which calls upon States to 'take measures that will enable migrants, including migrants at particular risk of marginalization and exclusion, to enjoy effective and equal access to justice' and to "ensure that migration status that depends on a single employer or a partner is not a barrier to seeking or obtaining protection, support, or justice". This principle further guides States to "strengthen or establish official mechanisms and procedures to receive, investigate and monitor allegations of human rights violations and abuse of migrants", as well as to "consider granting legal status to migrant victims or witnesses of crimes during the process of accessing justice".

Further, Principle 7 on the protection from violence and exploitation establishes to take measures to prevent and respond all forms of exploitation and violence against migrants, and guides States to "ensure that the measures taken will prevent the recurrence of abuse and are accessible to all migrants"; to "ensure that legislation and policy, as well as practice, reduce the risk that migrants will be exploited by those who offer them services or work in the formal or informal sectors, including the risk of being subject to forced labour or trafficking in persons"; and to "establish accessible and confidential services for migrants who are survivors of violence and exploitation", further establishing that migrant's experiences of violence "should be addressed without causing further victimization".

We would also like to refer your Excellency's Government to the 2014 Human Rights Council report of the Special Rapporteur on the human rights of migrants, regarding labour exploitation of migrants, in which he recommends States to "refrain from using sponsorship systems that make immigration status conditional on one given employer, as this creates a precarious status, restricts freedom of movement, increases vulnerability to exploitation and abuse, and leads to forced labour."

Furthermore, we would like to refer your Excellency's Government to the proposed 2035 Agenda for facilitating human mobility (A/72/173) of the Special Rapporteur on the human rights of migrants, and specifically to Target 1.5: "Abolish all temporary migration schemes, such as those based on single-employer sponsorship mechanisms or *kafalah* systems, in favour of open work visas".

We would also like to recall General Assembly resolution 62/156 on the protection of migrants and specifically paragraph 14 which "requests all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association".

Furthermore, we would also like to refer your Excellency's Government to the thematic report of the Special Rapporteur on the human rights of migrants on labour exploitation of migrants (A/HRC/26/35), in which the Special Rapporteur recommends States to:

83. Guarantee that all migrants have the right to accept and to leave employment voluntarily, without the threat of a penalty. Migrants who choose to leave an abusive employer should not lose their residence permit. Instead, they should receive adequate support, for example by providing them with a long enough grace period in order to find a new job. Allowing migrants to change employers when they wish would render them far less vulnerable to exploitation.

91. Ensure that migrants are free to terminate their employment contract, without fear of retribution, and find another employer or leave the country when they so wish. Protect migrants against unfair dismissals, and refrain from tying visas to the employer, so that migrants can find a new job in case their employment is terminated.

The Special Rapporteur also underlined in his report on gender-responsive migration legislation and policies (A/74/191) that "migrant domestic workers, many of whom are women, may be confronted with a hostile network of regulations and find themselves in a situation where their dependency on their "sponsor" makes them particularly vulnerable to arrest and deportation."

In this respect, we would like to draw up your Excellency's Government's attention to the General Assembly Resolution 62/132 which in paragraph 6 "calls upon Governments to adopt or strengthen measures to protect the human rights of women migrant workers, regardless of their immigration status, including in policies that regulate the recruitment and deployment of women migrant workers". We would also like to refer to paragraph 11, which "calls upon Governments [...] to provide women migrant workers who are victims of violence with the full range of immediate assistance and protection, such as access in counselling, legal and consular assistance and temporary shelter, as well as mechanisms to allow the views and concerns of victims to be presented and considered at appropriate stages of proceedings, including other measures that will allow victims to be present during the judicial process, to the extent possible, as well as establish reintegration and rehabilitation schemes for returning women migrant workers".

We would also like to highlight the United Nations Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in resolution A/HRC/RES/17/31 in 2011. These Guiding Principles are grounded in recognition of:

- a) "States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms;
- b) "The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and
- c) "The need for rights and obligations to be matched to appropriate and effective remedies when breached."

It is a recognized principle that States must protect against human rights abuses by business enterprises within their territory. As part of their duty to protect against business-related human rights abuse, States are required to take appropriate steps to “prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication” (Guiding Principle 1). In addition, States should “enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights...” (Guiding Principle 3). The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities occur.

The duty applies to all internationally recognized human rights as set out in the International Bill of Human Rights and the fundamental labour rights as set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work. The Guiding Principles also require States to ensure that victims have access to effective remedy in instances where adverse human rights impacts linked to business activities do occur.

The Guiding Principles also clarify that business enterprises have an independent responsibility to respect human rights. However, States may be considered to have breached their international human law obligations where they fail to take appropriate steps to prevent, investigate and redress human rights violations committed by private actors. While States generally have discretion in deciding upon these steps, they should consider the full range of permissible preventative and remedial measures.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.