



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - FIFTH SESSION
DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE

**INQUIRY INTO THE MISTREATMENT OF KENYAN MIGRANT WORKERS
IN SAUDI ARABIA AND OTHER MIDDLE EAST COUNTRIES**

Mandate of the Committee

The Departmental Committee on Labour and Social Welfare is established by Standing Order 216 of the National Assembly and mandated, to amongst others, ***investigate, inquire into, and report on all matters relating to the mandate, management activities, administration, operations and estimates of the assigned Ministries and Departments***.

Problem Statement

The Departmental Committee on Labour and Social Welfare has noted with great concern the increased reports of mistreatment of domestic workers in the Middle East countries, particularly in Saudi Arabia, where the workers are subjected to human rights violations, many of which have resulted in death. During a meeting with the Committee on 29th September 2021, the Ministry of Foreign Affairs reported that ninety (90) domestic workers died in Saudi Arabia between 2019 and 2021. The reported distress calls for the same period are 1,908, with 883 in 2019/20 and 1,025 reported in 2020/21.

Despite the growing economic significance of domestic workers for destination countries, countries of origin and the women workers themselves, the labour laws of these countries fail to protect domestic workers in comparison with other cadres of workers across the employment spectrum. Moreover, these policies and practices violate the Asian Countries' obligations under human rights treaties it has ratified, including the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.

In this regard, the Committee, pursuant to the power conferred under the provisions of S.O. 216(5)(a), has resolved to conduct an **inquiry into the mistreatment of Kenyan migrant workers in the Middle East Countries, notably the Kingdom of Saudi Arabia** with the following terms of reference –

Terms of Reference

- (i) To carry out a comprehensive audit of the violations meted on domestic workers, unfair labour practices and crimes against workers in the Middle East.
- (ii) To evaluate and review the existing legislation, regulations, policies and Bilateral Agreements on employment of domestic workers in the Middle East with a view of promoting fair labour practices and protection of migrant workers.
- (iii) To carry out a comprehensive audit of all Private Employment Agencies (PEAs) in the countries that provide placement for domestic workers in the Middle East Countries to establish their role in the recruitment of migrant workers, contractual obligations, pre-departure training, legal assistance etc.
- (iv) To evaluate and map out appropriate pre-departure training of domestic workers that will prepare them for their work environment as well as cope with cultural dynamics.
- (v) To analyse and determine the operations of the KAFALA System utilized by recruitment agencies and its effect on the individual contractual agreement of domestic workers in the Middle East with a view of providing an alternative that would sustainably guarantee a 'win-win' situation for all parties involved.
- (vi) To review and recommend suitable dispute resolution mechanisms among the domestic workers, the employers and the recruitment agents.
- (vii) To determine the administrative, structural and budgetary gaps in the labour export industry, particularly in destinations that have a considerable number of Kenyans working there; and
- (viii) To make recommendations on the long term and short-term strategies to deal with the mistreatment and abuse of Kenya domestic workers in the Middle East.

Invitation to Public Participation (Submission of Memoranda)

The Committee, therefore, in compliance with the provisions of Article 118(1)(b) of the Constitution, which requires **Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees** invites members of the public and any interested stakeholders to submit any views and comments they may have on the matters under inquiry.

Further, the Committee will hold a sitting on **Monday, 29th November 2021** in the **Mini Chamber County Hall, Parliament Buildings**, to receive oral submissions from the public and sector stakeholders. The meetings will take place between 10.00 a.m. to 12.30 p.m. and 2.30 p.m. to 4.30 p.m.

Written memoranda may be addressed to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to **clerk@parliament.go.ke**; to be received **on or before Wednesday, 24th November, 2021 at 5.00 p.m.**

MICHAEL R. SIALAI, CBS
CLERK OF THE NATIONAL ASSEMBLY

16th November, 2021