



Saudi Arabia

JOINT SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION

114TH SESSION (25 November - 13 December 2024)

ISSUES RELATED TO THE HUMAN RIGHTS OF MIGRANTS INCLUDING
DISCRIMINATORY LABOUR POLICIES, GENDER-BASED VIOLENCE, AND
ARBITRARY DETENTION AND DEPORTATION MEASURES

Submitted on October 2024

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ABOUT THE GLOBAL DETENTION PROJECT

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

ABOUT MIGRANT-RIGHTS.ORG

Migrant-Rights.org is an advocacy organisation based in the Gulf Cooperation Council (GCC) region that aims to advance the rights of migrant workers. For over 15 years, we have documented and spotlighted emerging migrant rights issues and abuses across the GCC; worked closely with key stakeholders across the ecosystem, supporting them to implement our recommendations in their unique contexts; and nurtured interregional networks of migrant rights organisations, to strengthen solidarity, knowledge sharing and community support. Migrant-Rights.org works closely with migrant workers, non-governmental organisations, activists, and civil society organisations across the region. The information and analysis provided in this report are based on our reporting on the country and our engagement with the above stakeholders.

SAUDI ARABIA

JOINT SUBMISSION TO THE UNITED NATIONS COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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1. INTRODUCTION

This submission has been prepared by Migrant-Rights.org and the Global Detention Project (GDP) for consideration by the Committee on the Elimination of all Forms of Racial Discrimination (CERD) at its 114th session where it will consider Saudi Arabia's state report as part of its combined tenth and eleventh periodic reports under the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD).¹

This submission focuses on human rights concerns relating to Saudi Arabia's treatment of its migrant population, their overall welfare, and the existence and implementation of the state's legislative protections. It also examines the discriminatory treatment and detention of non-citizens on the basis of their race, colour, nationality, and/or ethnic origin in the context of Saudi Arabia's obligations under the ICERD and the General Recommendations of the CERD.

2. RELEVANT ICERD OBLIGATIONS

Saudi Arabia acceded to the ICERD in September 1997, more than three decades after the Convention was adopted by the UN General Assembly.² Pursuant to Article 5 of the ICERD, State Parties to the ICERD undertake to "prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law" in order to enjoy the rights listed therein, including the "right to freedom of movement and residence within the border of the State"³ and "the right to leave any country, including one's own, and to return to one's country."⁴

CERD "General Recommendation No. 22: Article 5 and refugees and displaced persons,"⁵ emphasises that in respect of State Parties' obligations in terms of Article 5:

"(a) All such refugees and displaced persons have the right freely to return to their homes of origin under conditions of safety;

¹ UN General Assembly, "International Convention on the Elimination of All Forms of Racial Discrimination," 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, (ICERD), <https://www.refworld.org/docid/3ae6b3940.html>

² ICERD (note 1).

³ Article 5(d)(i).

⁴ Article 5(d)(ii).

⁵ UN Committee on the Elimination of Racial Discrimination (CERD), "General Recommendation No. 22: Article 5 and refugees and displaced persons," 24 August 1996, Available from: <https://www.refworld.org/docid/4a54bc340.html>

(b) State parties are obliged to ensure that the return of such refugees and displaced persons is voluntary and to observe the principle of non-refoulement and non-expulsion of refugees.”⁶

CERD General Recommendation No. 30 on Discrimination Against Non-Citizens⁷ also makes certain recommendations to State Parties as they relate to non-citizens, including a recommendation to “ensure the security of non-citizens, in particular with regard to arbitrary detention, as well as ensure that conditions in centres for refugees and asylum seekers meet international standards.”⁸

Finally, this submission is made in light of the recent initiative by CERD and the UN Committee on Migrant Workers (CMW) to draft a joint general comment on xenophobia⁹. As the CERD-CMW concept note concerning the joint general comment makes clear, there are important complementary provisions in their respective treaties that converge around the impact that xenophobia has on non-citizens in countries across the globe. Among the shared concerns of both Committees are how surging xenophobia is leading to increased use of arbitrary detention in numerous countries, economic and social marginalisation, as well as, *inter alia*, lack of access to schooling, healthcare, and legal protections.

3. CONTEXT

Non-citizens in Saudi Arabia make up approximately 41.6% of the population and 76.7% of the total workforce.¹⁰ Women domestic workers make up nearly 37% of the female workforce in Saudi Arabia. Nearly all migrant workers in Saudi Arabia are subject to the Kafala (sponsorship) system, which ties their residency to a specific employer and job.

Employers have significant control over various aspects of the migrants' living and working conditions. For instance, workers cannot change employers without permission unless they complete one year of their contract, and they still require exit permits to leave the country—permits that employers largely control and often abuse. Employers also control workers' ability to bring family members to the country and have the authority to unilaterally cancel a worker's residency and contract, leaving them undocumented and subject to deportation if they cannot secure another sponsor in time. In the absence of minimum wages, current wages are suppressed for the majority of migrant workers, so they not only cannot afford the various fees levied to sponsor families, they can barely sustain themselves without the support of their employers.

Though Saudi Arabia has implemented important labour market reforms, significant protection gaps and barriers to justice remain. Additionally, the majority of these reforms exclude

⁶ Paragraph 2 of General Recommendation No. 22.

⁷ UN Committee on the Elimination of Racial Discrimination (2004), “CERD General Recommendation on Discrimination Against Non Citizens, United Nations, Available from:

<https://www.refworld.org/docid/45139e084.html>

⁸ Article 19 of CERD General Recommendation 30.

⁹ OHCHR (2024) Call for submissions on concept paper for the CERD-CMW Joint General Comment/Recommendation on Obligations of State Parties on public policies for addressing and eradicating xenophobia and its impact on the rights of migrants, their families, and other non-citizens affected by racial discrimination, United Nations, Available from: <https://www.ohchr.org/en/calls-for-input/2024/call-submissions-concept-paper-cerd-cmw-joint-general-commentrecommendation>

¹⁰ General Authority for Statistics (2024) Labor Force Survey, Register-Based Labour Market Statistics Q2/2024. <https://www.stats.gov.sa/en/814>

domestic workers, and by extension most female migrants in the country, as well as agricultural workers.

Among the important impacts that stem from the myriad legal and social challenges facing migrant workers in Saudi Arabia are the widespread use of arrest, detention, and deportation in the country, which both Migrant-Rights.org and the Global Detention Project have repeatedly raised concerns about in recent years.¹¹

3. DETENTION AND DEPORTATION

Migrant workers, undocumented migrants, refugees, and trafficking victims are all vulnerable to Saudi Arabia's detention and deportation policies. During periods of migrant crackdowns, including after the launching of its policy of "Saudisation" in the 2010s, the country has experienced sharp spikes in the numbers of non-citizens arrested and detained, which have made Saudi Arabia one of the more prolific migrant detainers in the world. According to statistics compiled by the Global Detention Project, in 2018, Saudi Arabia reported arresting more than a million non-citizens during its "Homeland Without Illegals Campaign."¹² The country may have detained more migrants than any other country in the world during that period.¹³

Those most vulnerable to detention are undocumented migrant workers. Although this population has fluctuated over the years due to periodic amnesties and mass deportations, in 2019 the country employed an estimated four million irregular migrant workers.¹⁴ From the start of 2023 until July 2024, Saudi Arabia detained over one million migrants with irregular immigration status, including those with expired work permits, those who escaped exploitative working conditions that could amount to trafficking and forced labour, and those who entered the country irregularly.¹⁵

Saudi Arabia regularly detains migrants, including women and children, in inhumane conditions. Recent human rights and media reports have documented instances of torture and physical abuse, along with inadequate access to food, water, and bedding.¹⁶ Detainees,

¹¹ See, for example, Migrant-Rights.org (2022), "Nepali migrants behind bars in GCC plead for help," Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2022/03/nepali-migrants-behind-bars-in-gcc-plead-for-help/>;

GDP (2023), "Migrants and Asylum Seekers Face Violent Attacks, Then Detention, At Saudi Border," Global Detention Project, Available from: <https://www.globaldetentionproject.org/migrants-and-asylum-seekers-face-violent-attacks-then-detention-at-saudi-border>; Global Detention Project, "Immigration Detention in Saudi Arabia," website, <https://www.globaldetentionproject.org/countries/middle-east/saudi-arabia>.

¹² MOI Saudi Arabia (2018), "The 86th Update Regarding Homeland Without Illegals Campaign," [Twitter/X], 21 December 2018, Available from: <https://twitter.com/MOISaudiArabia/status/1076135855033630720>

¹³ Global Detention Project, "Immigration Detention in Saudi Arabia," [website], Available from: <https://www.globaldetentionproject.org/countries/middle-east/saudi-arabia>.

¹⁴ Saudi Arabia's Ministry of Human Resources and Social Development (2020) "Initiative to improve contractual relations". https://drive.google.com/file/d/1oTaKmT_WjCT62U-LuY-sliYwZnpN90rS/view

¹⁵ This figure is based on the cumulative weekly detention and deportation data published by Saudi Arabia's Ministry of Interior from January 2023 to July 2024. MOISaudiArabia (2024) [Twitter/X] 10 August, Available from: <https://x.com/MOISaudiArabia/status/1822211290192060445/photo/1>

¹⁶ Addis Standard (2024) In-depth: Trapped and Forgotten: Ethiopian migrants share plight from Saudi detention centers, yearning for swift response, Addis Standard, Available from: <https://addisstandard.com/in-depth-trapped-and-forgotten-ethiopian-migrants-share-plight-from-saudi-detention-centers-yearning-for-swift-response/>

including children, pregnant women, and those with medical needs, are often denied access to proper healthcare.¹⁷

Saudi authorities fail to consistently and systematically screen the large number of migrants it deports, likely resulting in the arrest and deportation of unidentified trafficking victims solely for immigration violations that were a direct consequence of their exploitation.¹⁸ The lack of protective status for migrants escaping conflict and persecution also puts them at greater risk of trafficking and forced labour. According to Fortify Rights and Young Power in Social Action (YPSA), Rohingya women have been trafficked for housework in Saudi Arabia due to their precarious legal status.¹⁹

Refugees and asylum seekers

The administrative detention and deportation of migrants without review also heightens the risks of violations of the principle of non-refoulement. The Kingdom is neither a State Party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, nor to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Though the country hosts the largest population of displaced persons in the Gulf Cooperation Council (GCC) region, there are currently no procedures through which a person in need of international protection can seek asylum.

In general, all migrants, including asylum seekers, are subject only to labour and immigration laws. The country's sponsorship, or *kafala* system regulates the entry and stay of all non-Saudis. Most migrants come into Saudi Arabia on labour visas, while others may come in on pilgrimage (Hajj)²⁰ or visit visas. Though the Kingdom very selectively extended special status to small groups in the past, often via Royal Decrees and High Orders, this process is not rooted in any comprehensive asylum policy nor grounded in international refugee law.²¹ This "de-facto" refugee status is, however, extremely precarious; as the recent deportations of Rohingyas and pushbacks of Yemeni migrants exemplify, the principle of non-refoulement is not upheld.²² In 2019, roughly 650 Rohingya migrants, some of whom were detained for upwards of seven years due to their immigration status staged a hunger strike in a Saudi detention centre.²³ Furthermore, the vast majority of those with this status can never obtain

¹⁷ Amnesty International (2022) Saudi Arabia: Ethiopian migrants forcibly returned after detention in abhorrent conditions, Amnesty International, Available from: <https://www.amnesty.org/en/latest/news/2022/12/saudi-arabia-ethiopian-migrants-forcibly-returned-after-detention-in-abhorrent-conditions/>

¹⁸ United States' State Department (2024) 2024 Trafficking in Persons Report: Saudi Arabia, Available from: <https://www.state.gov/reports/2024-trafficking-in-persons-report/saudi-arabia/>

¹⁹ Al Jazeera (2019), 'We're broken': Rohingya on hunger strike in Saudi detention, Al Jazeera, Available from: <https://www.aljazeera.com/news/2019/4/17/were-broken-rohingya-on-hunger-strike-in-saudi-detention>

²⁰ Migrant-Rights.org (2020). Mecca's migrants face economic uncertainty as religious tourism continues to be suspended, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2020/06/meccas-migrants-face-economic-uncertainty-as-religious-tourism-continues-to-be-suspended/>

²¹ For example, in 2005 Saudi authorities, for the first time, issued refugee identification cards and residence permits to several hundred Iraqi refugees and allowed them to settle in urban areas, following negotiations with the UNHCR.

²² Thousands of Rohingya refugees were accepted into Saudi Arabia nearly 40 years ago. They and their descendents remain stateless, as the Kingdom [only provided a few dozen with citizenship](#). Other Rohingya have entered Saudi with 'false' Bangladeshi passports or overstayed pilgrimage (Hajj) visas. While many were [regularised in 2005](#) (but not given refugee status), the Kingdom is now seeking to deport 54,000 of them. Rohingya have been [subjected to indefinite detention](#) in conditions akin to torture since the Kingdom's decision to deport those who reportedly entered the country irregularly or overstayed their visas.

²³ Al Jazeera (2019) 'We're broken': Rohingya on hunger strike in Saudi detention, Al Jazeera, Available from: <https://www.aljazeera.com/news/2019/4/17/were-broken-rohingya-on-hunger-strike-in-saudi-detention>

citizenship or permanent residency, and nor can their children or successive generations, putting children especially at risk of statelessness.

The risks of refoulement are exemplified by the case of Uyghur men, Nurmemet Rozi and Hemdullah Abduweli, who were arrested in Saudi Arabia in November 2020 following a request by Chinese authorities. Both men, at imminent risk of persecution if returned to China, were detained without trial and have since disappeared after being transferred between prisons. Despite appeals from human rights groups, their fate remains unknown.²⁴

International law holds that detention of asylum-seekers should only be used as a last resort, and where necessary, for as short a period as possible and apply alternatives to detention. Practices in Saudi contravene this norm, as irregular migrants, including asylum seekers, are indefinitely detained without recourse for any individual assessment.²⁵ There is no maximum period of administrative detention for migration violations.

According to international law, if detained, asylum-seekers should be entitled to minimum procedural guarantees, including the possibility to contact and be contacted by UNHCR. However, the UNHCR does not have access to workers in detention, including those who are detained near the Saudi-Yemen border. There is no mechanism by which the government individually examines asylum seekers' cases.

At land borders, the country frequently pushes back migrants who may also be victims of trafficking or asylum seekers. Migrants primarily from Yemen, Eritrea, and Ethiopia who try to cross the border between Saudi Arabia and Yemen may be subject to immediate and violent pushbacks by border guards or they may be captured and indefinitely detained until they are deported. Human rights groups have also documented cases of border guards shooting at refugees and migrants as they attempted to cross into the country, Saudi security forces often send migrants whom they pick up near the border to a deportation centre near Jizan to await deportation to Yemen, or bring them to more centralised deportation centres where they then await deportation to their home country.

According to Human Rights Watch, Houthi forces in Yemen expelled at least 14,500 Ethiopian workers to the Saudi border in April 2020.²⁶ Saudi border guards then fired on the migrants, killing more, before allowing some of them to enter the country. These migrants were then detained in unsanitary conditions, stripped of their personal possessions, separated from their families, and then sent to other detention facilities in the country. An investigative report in September 2020 revealed the extent of squalid, abusive conditions that have pushed some detainees to suicide.²⁷ These particular centres mostly held migrant men, but there are other

²⁴ MENA Rights (2022), Two Uyghur men disappeared while at imminent risk of being forcibly returned from Saudi Arabia to China, MENA Rights, Available from: <https://menarights.org/en/case/nurmemet-rozi-and-hemdullah-abduweli>

²⁵ Some Rohingya refugees, for example, have been detained in Saudi detention centres for seven years.

²⁶ Human Rights Watch (2020), Yemen: Houthis Kill, Expel Ethiopian Migrants, Human Rights Watch, Available from: <https://www.hrw.org/news/2020/08/13/yemen-houthis-kill-expel-ethiopian-migrants>

²⁷ Zelalem, Z., Brown, W. (2020) About 16,000 migrants being held in just one Saudi centre, Ethiopian official reveals, The Sunday Telegraph, Available from: <https://www.telegraph.co.uk/global-health/science-and-disease/16000-migrants-held-saudi-centres-ethiopian-official-reveals/>

centres for women as well. According to the Saudi embassy in London, there were at least 20,000 Ethiopians in these border detention centres.²⁸

Four years after the investigative report, no improvements have been made to the conditions for migrants in detention. Workers are forced to sleep beside corpses, lack access to adequate food, healthcare or sanitation facilities.²⁹

4. MIGRANT WORKERS

Lack of Job Mobility and Exit Permits

Since Saudi Arabia's last review, KSA has introduced some reforms to the sponsorship system under the umbrella of the "Labour Reforms Initiative," notably with respect to job mobility and exit permits. However, migrants' mobility remains heavily controlled by the employer and the state.

Migrant workers under the labour law can more easily change jobs without their employer's permission if they have worked more than one year for their current employer or if they report specific violations such as wage theft and non-renewal of residency and work permits. Migrant domestic workers can only change jobs without their employers' permission if they report a limited set of violations.³⁰ Unlike private sector workers, regulations on domestic workers' mobility, even when changing employers due to non-payment, are rarely enforced.³¹

Reforms have also been made to Saudi Arabia's onerous exit-permit policy, r. However, workers must still submit a request and pay a fee to the Ministry of Human Resources and Social Development (MHRSD) to exit the Kingdom. The MHRSD will, in turn, notify the employer electronically of their workers' departure, after which employers have 10 days to lodge an inquiry.³² Migrants' freedom of mobility remains restricted as they have to pay significant fees, submit extensive paperwork, and obtain permission from the state in order to leave the country in contravention of Article 12 of the International Covenant on Civil and Political Rights.

²⁸ Zelalem, Z., Brown, W. (2020), Exclusive: Ethiopia tried to silence its own citizens stuck in hellish Saudi detention centres, The Sunday Telegraph, Available from: <https://www.telegraph.co.uk/global-health/science-and-disease/exclusive-ethiopia-tried-silence-citizens-stuck-hellish-saudi/>

²⁹ Mitchell, S. (2024), Tens of thousands suffer in Saudi detention centres despite promise of reform, The Sunday Telegraph, Available from: <https://www.telegraph.co.uk/global-health/climate-and-people/tens-of-thousands-suffer-in-saudi-detention-centres/>

³⁰ Migrant-Rights.org (2022) Saudi amends regulations that allow domestic workers to change employers, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2022/07/saudi-amends-regulations-that-allow-domestic-workers-to-change-employers/>; Migrant-Rights.org (2024) Saudi Arabia revises its regulations for absconding domestic workers, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/04/saudi-arabia-revises-its-regulations-for-absconding-domestic-workers/>

³¹ Migrant-Rights.Org (2024) "Saudi Arabia Extends Wage Protection System to Domestic Workers." Migrant-Rights.Org. Available from: <https://www.migrant-rights.org/2024/05/saudi-arabia-extends-wage-protection-system-to-domestic-workers/#:~:text=Saudi%20Arabia%20will%20include%20migrant,increasing%20transparency%20of%20salary%20payments.>

³² Migrant-Rights.org (2021), Saudi labour reforms to come into force, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2021/03/saudi-labour-reforms-to-come-into-force-tomorrow/>

Employer Penalties

Saudi Arabia has significantly decreased the penalties for employers who violate the labour law. A ministerial decision in December 2023 reduced fines to businesses for wage theft, overwork, occupational health and safety (OSH) violations, and passport confiscation.³³ The Saudi government has gradually lowered fines and penalties for employers violating labour laws in recent years. In 2019, penalties were imposed on businesses regardless of their size. A subsequent amendment in 2021 introduced size-based disparities, with smaller companies incurring significantly lower penalties.³⁴ In the latest amendment to the law, fines have been slashed by up to 80% while expanding the size categories eligible for lower penalties.³⁵

Wages and Social & Economic Rights

Saudi Arabia's minimum wage only applies to nationals. The government does not have a minimum wage for any migrant workers. Minimum wages for domestic workers are established through bilateral agreements with countries of origin, which reinforces a racialised hierarchy as certain nationalities are paid more than others, regardless of skill level. These wages are kept deliberately low, ensuring the dependence of workers on their employer for sustenance, which works as a deterrent to challenging exploitative working conditions.

In 2023, Saudi Arabia's MHRSD stated that "discrimination between nationals and citizens of other countries" is "not considered discrimination."³⁶ According to labour force data from the first quarter of 2024, non-national women work an average of 9 hours more per week than national women (48 versus 39 hours); this number likely underestimates the working hours of migrant domestic workers, who report working upwards of 10 to 12 hours a day.³⁷

Lower-income migrant workers are denied family unification. Saudi Arabia's basic wage requirement to be able to sponsor a family (SAR3500 per month) together with the yearly dependent tax makes it untenable for many workers to live with their families.³⁸ Women migrants in particular, since they are concentrated in the domestic work sector, are always separated from their families and leave the care of their children to others while playing the role of a paid caregiver at the destination.

Workplace Discrimination

Saudi Arabia's amended labour law addresses discrimination but applies only to citizens, overlooking the rights of migrant workers to work free from discrimination. Article 3 of the labour law states that "All citizens are equal in the right to work without discrimination on the

³³ Migrant-Rights.org (2024), Saudi Arabia reduces penalties for employers' labour law violations, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/02/saudi-arabia-reduces-penalties-for-employers-labour-law-violations/>

³⁴ Migrant-Rights.org (2019) Saudi Arabia introduces new amendments to Labour Law regulations, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2019/08/saudi-arabia-introduces-new-amendments-to-labour-law-regulations/>

³⁵ Migrant-Rights.org (2024) Saudi Arabia reduces penalties for employers' labour law violations, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/02/saudi-arabia-reduces-penalties-for-employers-labour-law-violations/>

³⁶ Saudi Ministry of Labour Ministry of Human Resources and Social Development (2023) [Twitter/X], 16 January 2023, Available from: https://x.com/HRSD_SA/status/1614889309403840513/photo/1

³⁷ General Authority for Statistics (2024) Labor Force Survey, Register-Based Labour Market Statistics Q1/2024. <https://www.stats.gov.sa/en/814>

³⁸ Migrant-Rights.org (2021), Saudi private schools exploit migrant women on dependent visas, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2021/12/saudi-private-schools-exploit-migrant-women-on-dependent-visas/>

basis of gender, disability, age, or any other form of discrimination, whether during their performance of work, at the time of employment, or at the time of advertising.”³⁹

The state party report (para 40) notes that Article 38 of the Social Insurance Act has been amended to achieve equality between men and women in relation to the retirement age, set at 60 years for both sexes. However, the retirement provisions of this law exclude migrant workers. As of the second quarter of 2024, Saudi Arabia's private sector employed 358,183 migrant workers aged 60 and above.⁴⁰ Furthermore, its occupational hazards provisions do not apply to migrant domestic workers. This is particularly concerning for migrant women domestic workers, who face significant risks from occupational hazards.⁴¹ With no inspection mechanisms in place for the domestic sector, there is no assurance that their work environment is safe and free from hazards.

Freedom of association

The state report (para 99) indicates that the Civil Society Association and Institutions Act allowed for freedom of association without discrimination through the formation of civil society organisations (CSOs). However, this right is highly restricted due to the caveat of 10 citizens being required to make the association. Due to the imbalance in societal standing, particularly for low-income migrant workers, there is little opportunity to effectively form associations and unions.

While no workers have the right to establish trade unions or strike, migrant workers’ associative rights are even further constrained. Under the Labour Law, only Saudi nationals are allowed to join and form labour committees. The absence of collective bargaining rights leaves the majority migrant workforce vulnerable to forced labour and wage theft. The Building and Wood Workers’ International (BWI) union has filed two complaints against KSA with the ILO for its complicity in forced labour and severe human rights abuses of over 20,000 migrant workers.⁴²

5. DOMESTIC WORKERS AND SITUATION OF MIGRANT WOMEN

Lack of legal protections and inspection mechanisms

All domestic workers in the country are migrant workers. Despite making up over 20% of the total labour force, domestic workers remain excluded from the labour law and are employed under conditions far inferior to those of private sector workers. By law, they work longer hours, receive lower end-of-service gratuity, face greater restrictions on changing employers, and must still obtain an exit permit from the employer to leave the country. Though Saudi Arabia claims to adhere to international standards, including the International Labour Organisation's C189, which sets international labour standards for domestic workers, its laws fall short of compliance.

³⁹ Saudi Arabia’s Labour Law “Royal Decree No. M/51” of 2005. Available from: <https://laboreducation.mlsd.gov.sa/sites/default/files/2022-01/Labor.pdf>

⁴⁰ General Authority for Statistics (2024) Labor Force Survey, Register-Based Labour Market Statistics Q2/2024, Available from: <https://www.stats.gov.sa/en/814>

⁴¹ Saraswathi, V. (2022), “If my husband touches you I will kill you”, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2022/08/if-my-husband-touches-you-i-will-kill-you/>

⁴² Migrant-Rights.org (2024), Global union files complaints against Saudi with the ILO; accuses the Kingdom of complicity in forced labour, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/06/global-union-files-complaints-against-saudi-with-the-ilo-accuses-the-kingdom-of-complicity-in-forced-labour/>

While Saudi Arabia's new domestic workers' law, which came into force in October 2024,⁴³ introduces protections against passport confiscation and overworking, among other things, it lacks enforcement mechanisms. As a result, many migrant domestic workers continue to have their documents confiscated and face abuse in the workplace.⁴⁴ There is also no regulation of household size or the number of workers employed, resulting in many less affluent households with large families relying on a single worker to manage all tasks. Workers have reported working over 16 hours a day.⁴⁵

While the wage protection system has very recently been extended to domestic workers, requiring the electronic payment of their salaries, they still face obstacles to accessing financial institutions, in contradiction to Articles (3) and (13) of the convention. Employer permission is required to open a fully operational bank account, and employers may opt instead to pay workers via "household salary cards," which can be easily manipulated by employers. Employers can make deposits to the cards to satisfy WPS requirements and then make withdrawals to reduce wages. They can also restrict workers' access to ATMs and banking institutions since workers are not guaranteed the right to freedom of mobility outside their home/workplace.⁴⁶

Saudi Arabia's anti-harassment law (Ministerial Resolution Number 20912 of 2019) applies only to private sector workers covered by the labour law. The resolution defines inappropriate behaviour, outlines procedures for investigating complaints, and establishes policies to prevent such behaviour in the workplace. In contrast, migrant domestic workers have far less protection, with their safeguards against workplace harassment limited to a single line in Article 15 of the new domestic workers law, which requires employers to "refrain from sexually harassing the domestic worker, whether verbally or physically." Unlike the private sector's anti-harassment law, the domestic workers law does not specify procedures for filing complaints or penalties for such acts. Many female migrant domestic workers in Saudi Arabia, who are confined to their employer's homes, fall victim to harassment and abuse, with inadequate laws and enforcement to protect them. Furthermore, Saudi Arabia has not ratified the International Labour Organisation's (ILO) 2019 Convention on Violence and Harassment in the Workplace (C190).

Since 3 October 2024, Saudi Arabia has required individuals to submit domestic labour dispute claims online through the MHRSDs website. However, many domestic workers face major obstacles, such as restricted access to communication devices, as most employers do not allow them to freely use mobile phones. Even those with devices face limited internet access, language barriers, and difficulty navigating websites available only in Arabic and English. Filing

⁴³ Migrant-Rights.org (2023), An overview of Saudi's new Domestic Workers Law, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

⁴⁴ Migrant-Rights.Org (2023) An overview of Saudi's new Domestic Workers Law, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

⁴⁵ Migrant-Rights.Org (2023) "If my husband touches you I will kill you", Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2022/08/if-my-husband-touches-you-i-will-kill-you/&sa=D&source=docs&ust=1689239029934576&usq=AOvVaw0V68BTK-XAghOqGnTUqz94>.

⁴⁶ Migrant-Rights.Org (2024) Saudi Arabia Extends Wage Protection System to Domestic Workers, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/05/saudi-arabia-extends-wage-protection-system-to-domestic-workers/#:~:text=Saudi%20Arabia%20will%20include%20migrant,increasing%20transparency%20of%20salary%20payments> .

a complaint while still living with the employer risks retaliation, and leaving the household to do so could result in being reported as absconding.⁴⁷

Absconding Laws

While Saudi Arabia has reformed some aspects of its absconding regime, the reforms apply to workers under the labour law and domestic worker law differently. For all workers, the lack of adequate notification from the Ministry about absconding cases filed against workers can unknowingly push them into irregular worker status; workers face challenges using the Absher app, a digital platform that centralises government services for all residents, including absconding notifications. The app is only available in English and Arabic and its performance is unreliable. Female migrant domestic workers, in particular, do not always have access to communication devices.⁴⁸

The new absconding regulations also make no mention of penalties for sponsors who file false charges, including restrictions on applying for new visas for those with a history of reporting 'absconded workers.' This omission raises concerns as employers may resort, as they have in the past, to filing absconding cases as a means to evade obligations, such as paying end-of-service benefits to workers.

Domestic workers face greater restrictions in changing employers than workers under the labour law, which puts them at greater risk of forced labour and of being charged with absconding. Recent regulations have tightened restrictions on changing sponsors without employer consent, with the removal of two key protections for domestic workers. Previously, workers had the right, at least on paper, to transfer if their employer filed a false absconding report or if assigned hazardous work endangering their health.⁴⁹ Additional requirements for sponsorship transfers with employers' consent have also been established.⁵⁰

Despite the Saudi government's claims that it would monitor websites and prosecute individuals involved in the 'sale, rental, and auction' of domestic workers, many online listings have simply replaced terms like 'sale' or 'auction' with 'transfer' or 'concession.' Nevertheless, the underlying practice largely persists, leaving domestic workers with little agency over their employment and working conditions. Recently, Saudi Arabia introduced the online transfer of sponsorship through its 'Musaned' platform, raising concerns about the level of regulation and the assurance of genuine consent from domestic workers.⁵¹

Maternity and Migrant Women Rights

⁴⁷ Migrant-Rights.Org (2024) Saudi Arabia Requires Online Submission of Domestic Work Complaints Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/10/saudi-arabia-requires-online-submission-of-domestic-work-complaints/>

⁴⁸ Migrant-Rights.Org (2024) Saudi Arabia revises its regulations for absconding domestic workers, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/04/saudi-arabia-revises-its-regulations-for-absconding-domestic-workers/>

⁴⁹ Migrant-Rights.org. (2022). Saudi amends regulations that allow domestic workers to change employers, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

⁵⁰ Migrant-Rights.org (2024) Saudi Arabia revises its regulations for absconding domestic workers, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/04/saudi-arabia-revises-its-regulations-for-absconding-domestic-workers/>

⁵¹ Migrant-rights.org (2023) Saudi's new process for transferring domestic workers' sponsorship is rife with problems, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2023/08/saudis-new-process-for-transferring-domestic-workers-sponsorship-is-rife-with-problems/>

The State party's report (para 40) highlights specific provisions on maternity rights in employment. However, these protections do not apply to migrant domestic workers who become pregnant. In such cases, these workers are often repatriated by their employers or deported by authorities. As a result, pregnant domestic workers face heightened vulnerability to health risks and abuse due to these gaps in protection.

Under the Saudi nationality law, Saudi women married to non-Saudi nationals can only pass on their nationality to their children in extremely rare cases, while children of Saudi men automatically acquire Saudi nationality at birth. In early 2023, authorities announced a minor technical amendment to Article 8 of the law, shifting the authority to grant citizenship to children of Saudi mothers and non-Saudi fathers from the Minister of Interior to the Prime Minister. However, the stringent conditions for this to happen remain unchanged.⁵²

The State party's report (para 40) notes amendments made to the labour law to prohibit dismissal or threat of dismissal against any employee during pregnancy or maternity leave, including during any illness arising from pregnancy or childbirth. However, many migrant women—particularly those in lower-income brackets—are either unaware of these rights or lack the resources to challenge unfair dismissals. This issue is further complicated by the fact that their residency status is tied to their employment. Additionally, protections against unfair dismissal may not extend to unwed women, as pregnancy outside of wedlock is criminalised in Saudi Arabia, which allows employers to dismiss workers if they are found guilty of a crime.⁵³ Furthermore, as part of its standard medical testing for all arriving migrant workers, Saudi Arabia mandates that every female migrant undergo a pregnancy test. Those who test positive for pregnancy are denied work permits.⁵⁴

Social or cultural spaces for migrant women are not accessible, and are limited to when they are chaperoning their minor or elderly wards. In contexts where socio-cultural public spaces are already restricted for women, migrant women face the increased intersectional challenge of their class, race, nationality, and ethnicity, in contradiction to Article 13 (c) of the CEDAW Convention.

5. ACCESS TO JUSTICE FOR MIGRANT WORKERS

Complaints mechanisms

While Saudi Arabia has introduced several reforms addressing migrant workers' rights in recent years, weak implementation and poor access to justice significantly undermine their impact.

Access to justice is rife with obstacles against migrant workers. Rights-awareness campaigns are limited, and language barriers persist as all government proceedings are conducted in Arabic. The MHRSD website provides little information on sponsorship transfers or filing labour

⁵² ALQST (2024) The Soaring Fantasy, The Harsh Reality: Human Rights in Saudi Arabia in 2023. Annual Report, Available from: <https://alqst.org/uploads/the-soaring-fantasy-the-harsh-reality-human-rights-in-saudi-arabia-en.pdf>

⁵³ Migrant-rights.org (2020) Born into uncertainty: Pandemic aggravates the woes of migrant mothers and their newborns, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2020/08/born-into-uncertainty-pandemic-aggravates-the-woes-of-migrant-mothers-and-their-newborns/>

⁵⁴ WAFID (2021) Regulations of Medical Examination of Expatriates Coming to GCC States for Work or Residence, Gulf Health Council pp 41 [pdf], Available from: <https://wafid.com/static/pdf/Regulations%20of%20Medical%20Examination%20of%20Expatriates%20Coming%20to%20GCC%20States%20for%20Work%20or%20Residence.pdf>

disputes, offering only a hotline for guidance. According to Migrant-Rights.org's recent research in the Kingdom, most lower-income migrant workers are also dependent on private service providers to initiate the complaints process. Direct access to the Ministry is riddled with obstacles such as language barriers, and digitisation of services does not take into consideration the limited access domestic workers in particular have to communication devices.

While workers can access information and file cases at physical labour offices, this depends on their freedom of movement and the ability to take time off work—both of which are controlled by their employers. Women domestic workers in particular may have to exit their households to file a complaint. Given the size of the country and the unclear mechanisms for accessing the government's authorised shelters, they are likely to become homeless or dependent on friends, which would attract penalties for both the worker and the person sheltering them if the worker is reported as absconding.

Furthermore, workers are often left uninformed about the case's timeline or how to follow up. MR has documented several cases of migrant workers facing obstacles in filing disputes, finding it difficult to articulate complaints, lacking rights awareness, facing language barriers, receiving outdated information from human resources departments and labour office staff, and lacking access to communication devices.⁵⁵ There are also not enough diplomatic missions across the Kingdom for all nationalities, which makes it difficult for workers in distress to access support.

In 2018, Saudi Labour Courts began taking on cases from migrant workers previously under the jurisdiction of MHRSD within labour offices. Cases related to absconding reports and sponsorship transfer are still handled with MHRSD. Despite the new labour court system, obstacles to seeing through cases and to the enforcement of rulings remain.

Employees of Alumco, a construction conglomerate, who experienced widespread wage theft were terminated after protesting. According to the workers, their employer made them irregular before firing them, leaving them without any information about their legal status or repatriation options, effectively stranding them. They filed a case in the Labour Court, and the judge ruled they were entitled to the wages for the months they had worked and could stay in the country if they found a new sponsor and regularised their status. However, this ruling has not been enforced, and the workers remain unpaid while their sponsor faces no consequences. Instead, the workers have been burdened with high overstay fines in their efforts to find a new sponsor.⁵⁶

Saudi Oger, a construction company and large government contractor, has faced litigation for its non-payment of wages and contracts worth 2.6bn SAR (US\$ 692 million). In 2016, the firm did not pay its employees for seven months due to the government delaying payments. Workers were left stranded without food and some cited having their ID documents confiscated by their employer or not renewed leaving them with irregular status. Authorities

⁵⁵ Shaker, A. (2020) New reforms and ongoing challenges in Saudi's labour justice system, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2020/08/new-reforms-and-ongoing-challenges-in-saudis-labour-justice-system/>

⁵⁶ Migrant-Rights.org (2020), Alumco immune to strikes, court ruling, and continuing angst of workers, Migrant-rights.org, Available from: <https://www.migrant-rights.org/2020/10/alumco-immune-to-strikes-court-ruling-and-continuing-angst-of-workers/>

repatriated workers who were protesting their conditions, not allowing them to pursue their unpaid wages.

In 2024, Human Rights Watch's follow up on the case found that Saudi Oger had liquidated and that their former employees who registered for repayments were facing several issues with the process. Only 2 of the 27 people interviewed had received their dues, with others either unable to cash the checks received or not receiving any follow up on their case.⁵⁷ The state has consistently denied responsibility for Saudi Oger workers.⁵⁸

The State party's report (para 122 and 123) states that mechanisms have been developed to support and protect female domestic workers specifically, including avenues to file complaints, access legal aid, and obtain translation services. However, these mechanisms are virtually inaccessible for most domestic workers, especially those living in remote areas of the country. Migrant-Rights.org has documented several cases where domestic workers who attempted to file complaints about contract violations and abuse were either returned to their employers, detained, or eventually deported, with employers not held accountable in any instance.⁵⁹ Migrants who are farm workers (herding livestock) are also excluded from the labour law and typically live in remote, isolated areas of Saudi Arabia are particularly vulnerable to abuse and human trafficking, with limited access to redress mechanisms.⁶⁰

Criminalisation of Abuse

The state report (para 123) indicates that abuses against migrant workers are criminalised under the 2013 Protection against Abuse Act. It further states that any individual or government official who is aware of the abuse has an obligation to report it to the relevant authorities. Nonetheless, abuse often goes unpunished due to a severe lack of enforcement and labour inspections, particularly in the domestic sector.

However, the state continues to criminalise migrants by forcing them into irregular status, even when they are victims of trafficking or forced labour. Regular raids lead to mass detention and deportation without offering migrants the chance for an individual case review or an easy way to regularise their status. Migrant workers who suffer abuse from their sponsors face significant barriers to reporting the crime safely. These include the lack of anonymity in the complaints process, limited awareness and accessibility, and the risk of retaliation from sponsors through passport confiscation, eviction from company housing, or false absconding reports.

The Special Procedure report on the Vietnam-Saudi trafficking corridor stated that 205 individuals (including minors) were repatriated to Vietnam after being subject to sexual abuse,

⁵⁷ Human Rights Watch (2024) Saudi Arabia: Migrant Workers' Long Overdue Wages at Risk, Human Rights Watch, Available from: <https://www.hrw.org/news/2024/02/29/saudi-arabia-migrant-workers-long-overdue-wages-risk#:~:text=The%20extent%20of%20unpaid%20wages,and%20other%20benefits%20to%20workers>.

⁵⁸ Migrant-Rights.org (2016), "Going back empty handed is beyond our imagination": Stranded Indian workers' cry for help, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2016/08/going-back-empty-handed-is-beyond-our-imagination-stranded-indian-workers-cry-for-help/>;

Migrant-Rights.org (2016), Thousands still stranded in Saudi; apathy prevails, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2016/09/thousands-still-stranded-in-saudi-apaty-prevails/>

⁵⁹ Migrant-Rights.Org (2023) "If my husband touches you I will kill you". Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2022/08/if-my-husband-touches-you-i-will-kill-you/&sa=D&source=docs&ust=1689239029934576&usg=AOvVaw0V68BTK-XAghOqGnTUqz94>.

⁶⁰ Migrant-Rights.Org (2018) Death and Desolation: Shepherds and Farmworkers in Saudi Arabia. <https://www.migrant-rights.org/2018/05/death-and-desolation-shepherds-and-farmworkers-in-saudi-arabia/>

wage theft, passport confiscation, denial of food and healthcare, and torture.⁶¹ This indicates a clear pattern where sponsors and employers can operate with impunity while workers are simply repatriated without receiving their dues.

MR has documented several cases of Kenyan domestic workers who were detained after escaping abusive employers. Vinne, a 24-year-old domestic worker, was detained in Jeddah Migrant Detention Center in Al Rehab. She reported being sexually abused and harassed by security personnel. She was only repatriated once she became pregnant as a result of rape, receiving no access to legal aid or visits from the Kenyan embassy.

“I can’t forget that centre. People were dying. Fighting for food. Being raped. And no one to help us.”

Lydia, a domestic worker, encapsulated the precarious situation of migrant domestic workers as “If there is rape, you can’t complain. No one can share. No action is taken. If your boss impregnates you they try to send you back quickly. Once you have a child in the detention centre you are stuck. Can’t go back. No one is imprisoned for rape. Even when there is evidence of children. If you are beaten, no action against the abuser. When you are not paid, no action against the employer. End of the day, you have no rights. Be it at home, immigration, labour office, police station, office or embassy. They are all in collaboration to force people to work and not help them.”

The state established a centre for women to report cases of domestic violence in 2016, which operated a 24-hour hotline to receive complaints of domestic violence. This mechanism was extended to apply to migrant and domestic workers.

The report stated that 12,571 complaints of abuse were filed by non-Saudis during the 2016 to October 2020 period (para 123). The report does not mention the number of complaints that were followed through or settled and does not divulge any information on the gender, nationality breakdown, investigations conducted, or remedies provided to the victims beyond the number of complaints filed.

7. ACCESS TO HEALTH & COVID-19

Article 27 of the Basic Law reserves rights related to emergency assistance, illness, disability, and old age for only citizens and their families. Similarly, Article 31 of the labour law states that the State shall care for public health and provide health care for every citizen, with no mention of non-citizens.

The State party’s report (CERD/C/SAU/10-11 para 131) claims that the government protects the rights of individuals living with HIV infection, ensuring they receive proper care, rehabilitation, and can continue to exercise their rights to education and work. However, these protections apply only to Saudi nationals; migrants found to be HIV positive are immediately detained and deported.⁶²

⁶¹ Migrant-Rights.org (2021), UN draws attention to trafficking of Vietnamese women to Saudi, Migrant-rights.org, Available from: <https://www.migrant-rights.org/2021/11/un-draws-attention-to-trafficking-of-vietnamese-women-to-saudi/>

⁶² Qureshi, A. (2013). Structural violence and the state: HIV and labour migration from Pakistan to the Persian Gulf. *Anthropology & Medicine*, 20(3), pp.209–220. doi:10.1080/13648470.2013.828274.

As previously noted, Saudi Arabia has significantly reduced penalties for employers who violate safety and occupational health regulations.⁶³ Since migrant workers make up the majority of the workforce in hazardous jobs, these weakened protections disproportionately impact them. Saudi authorities fail to adequately protect migrant workers from health risks or thoroughly investigate suspicious deaths. An average of 365 Nepali migrant workers die annually in Saudi Arabia, with causes ranging from workplace accidents to unexplained deaths categorised as "natural causes" by authorities.⁶⁴ Harsh working environments, extreme heat, and poor living conditions are contributing factors to the high mortality rate, especially among low-income workers. Many deaths are labelled as natural without thorough medical examination or autopsy, leaving families with little clarity or justice regarding the cause of death.⁶⁵

Migrant workers also faced discriminatory policies throughout the COVID-19 pandemic. A Royal Decree provided for a 60% salary guarantee for citizens working in the private sector, but no such support was provided for migrant workers who were left jobless and often abandoned by their sponsors en masse.⁶⁶

Additionally, the Ministry of Health's misleading reporting of COVID-19 infections supported a xenophobic narrative against migrants. In the early months of the pandemic, the government reported COVID-19 infection rates among migrant workers separately from national infections but did not reveal that fewer citizens than migrants had been tested. The government focused on infections in overcrowded migrant housing, framing migrants as primary carriers of the virus while downplaying infections among Saudi nationals. This approach obscured the broader issue of unsafe working and living conditions for migrants and deflected attention from the state's responsibility to protect all residents equally. Once citizens began to be tested at a higher rate, the ministry ceased releasing data broken down by demographics.⁶⁷

During the COVID-19 pandemic. More than 3,000 Ethiopian workers were deported in April 2020, without appropriate procedures, and the Ethiopian government was ill-prepared to receive them. Many of these workers, some of whom were rounded up from their homes, languished in detention centres for months. In August 2020, the IOM expressed alarm at the conditions and ongoing use of detention. Amnesty International (AI) corroborated this information in an October 2020 report; migrants recounted shootings at the border and confiscation of their personal belongings by Saudi authorities, who then transferred them to detention centres in Jizan, Mecca, and Jeddah. Interviewees reported cramped and squalid conditions that AI was able to confirm through video. Despite the clear risks of COVID-19

⁶³ Migrant-Rights.org (2024), Saudi Arabia reduces penalties for employers' labour law violations, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2024/02/saudi-arabia-reduces-penalties-for-employers-labour-law-violations/>

⁶⁴ Acharya, P. (2022), A death a day: Nepali workers in Saudi, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2022/02/a-death-a-day-nepali-workers-in-saudi/>

⁶⁵ Migrant-Rights.org (2016), "Going back empty handed is beyond our imagination": Stranded Indian workers' cry for help, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2016/08/going-back-empty-handed-is-beyond-our-imagination-stranded-indian-workers-cry-for-help/>;

Migrant-Rights.org (2016), Thousands still stranded in Saudi; apathy prevails, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2016/09/thousands-still-stranded-in-saudi-apaty-prevails/>

⁶⁶ Shaker, A. (2020), Decades of migration mismanagement has Saudi scampering to contain the spread, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2020/04/decades-of-migration-mismanagement-has-saudi-scampering-to-contain-the-spread/>

⁶⁷ Shaker, A. (2020), The truth that Saudi's statistics hide, Migrant-Rights.org, Available from: <https://www.migrant-rights.org/2020/08/the-truth-that-saudis-statistics-hide/>

exposure, the prisons lacked basic sanitation; at least two did not have showers, and soap was reportedly scarce. COVID-19 precautions were not in place, with up to 350 people sharing one cell. AI also notes that “detainees reported that gunshot wounds sustained at the border were the most pressing health issue at Al-Dayer, and said Saudi authorities refused to provide adequate treatment, leading to potentially life-threatening infections.” Torture and abuse in the prisons were also reported.⁶⁸

8. RECOMMENDATIONS

1. **End the Kafala System:** Abolish the sponsorship system and allow migrant workers to freely change employers and manage their own residency without employer control.
2. **Include Domestic Workers in Labour Protections:** Incorporate domestic workers into the labour law, expand the Wage Protection System (WPS) to cover them, and ratify the ILO Domestic Workers Convention (C189).
3. **End arbitrary administrative detention of migrants based on their immigration status as well as mass deportations.** Ensure all detained workers are provided with due process, in particular screening for trafficking and risk of refoulement. Ensure all detained and deported workers receive due wages and all financial entitlements.
4. **End the detention and criminalisation of migrant women who become pregnant** and ensure they are provided with the same level of maternity care extended to national women.
5. **End ill-treatment of migrants and refugees at borders, including ceasing use of firearms against non-violent border crossers, collective expulsions, and de facto detention:** Saudi Arabia must undertake thorough investigations of reports of violence, killings, torture and ill-treatment by border guards and other security personnel and ensure that perpetrators are held accountable.
6. **Provide Safe, Open Shelters:** Offer accessible shelters for all workers, including men. End the use of migrant shelters, like those operated by Sakanm, as de facto detention sites.
7. **Ensure Equal Access to Social Protections:** Extend healthcare, social security, and housing access to all migrant workers, eliminating discriminatory policies that restrict their access.
8. **Enhance Complaint Mechanisms and Access to Justice:** Remove barriers to justice by improving complaint platforms, providing language support, and protecting workers from employer retaliation.
9. **Improve Labour Monitoring and Enforcement:** Strengthen inspections in all workplaces, including homes and recruitment agencies, and enforce strict penalties for labour law violations.
10. **Address Workplace Discrimination and Wage Gaps:** Implement non-discriminatory minimum wage policies and enforce equal job opportunities and wages for all workers, regardless of nationality or gender.
11. **Include Migrant Workers in Climate Adaptation Plans:** Integrate migrant workers into national climate strategies by enforcing heat safety protocols, providing affordable healthcare, and ensuring their participation in policy design to address climate-related risks and promote equitable resilience.

⁶⁸ Amnesty International (2020) Ethiopian migrants describe “hell” of detention. Amnesty International, available from: <https://www.amnesty.org/en/latest/news/2020/10/ethiopian-migrants-hellish-detention-in-saudi-arabia/>.

12. **Improve Protections Against Gender-Based Violence:** Amend the Family Protection Act to cover domestic workers, implement ILO Convention C190, and safeguard pregnant workers from deportation.
13. **Promote Freedom of Association:** Allow migrant workers to form unions and participate in collective bargaining, eliminating legal barriers to organising.
14. **Guarantee Equal Healthcare Access:** Provide free or affordable healthcare to all migrants, end discriminatory health testing and deportations, and ensure access for low-income workers.
15. **Reform dependency taxes that make it difficult for family unification.**