



# Exposing the migrant workers' discrimination in Saudi Arabia: a joint NGO submission on Saudi Arabia's UPR 4th cycle

## *Introduction*

The Universal Periodic Review dealt with Saudi Arabia in November 2018 for its 3<sup>rd</sup> cycle. The final report issued more than 270 recommendations to the State party made by 96 delegations.<sup>1</sup> However, almost five years have passed since the last review from the United Nations, and it has been followed by numerous human rights violations and a consistent approach in refusing any improvements.

In fact, between 2018 and 2023, the Kingdom of Saudi Arabia has made only cosmetic changes to its national framework to improve the human rights situation. These superficial changes have also been followed by a series of human rights violations, with restrictions on freedom of expression, association, and belief. This has materialized in the arrests of peaceful dissidents, public intellectuals, and human rights activists like Loujain al-Hathloul.<sup>2</sup> Several non-governmental organizations (NGOs) have identified other violations in the realm of women's rights and climate change, but also through attacks by the United Arab Emirates on Yemeni soil.

This report will focus on the topic of migrant workers and their current situation in Saudi Arabia. In fact, not only have human rights violations affected Saudi citizens, but also migrant workers, especially those from countries in East Africa (Kenya, Ethiopia, Uganda...), Asia (Nepal, Pakistan...), or nearby countries like Yemen. This report will assess the implementation of the recommendations from the third cycle of the Universal Periodic Review in 2018, especially regarding the migrant workers' condition. Despite the cosmetic willingness of the Kingdom to modernize its country with reforms, migrant workers have undergone serious human rights violations on a daily basis. The sponsorship "kafala" system has been insufficiently reformed; migrant workers are regularly subjected to torture and ill-treatment through sexual abuse, forced labor, or arbitrary detention. They are also at risk of human trafficking and suffer

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<sup>1</sup> UPR Info, *Recommendations to Saudi Arabia*, November 2018, accessed on June 6th, 2023, available on [https://upr-info-database.uwazi.io/library/?q=\(allAggregations:!f,filters:\(cycle:\(values:!\(%27567ecc7b-d5ab-4c36-a712-57c38fae9124%27\)\),state\\_under\\_review:\(values:!\(im3xga6605n\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,treatAs:number,types:!\(%275d8ce04361cde0408222e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/library/?q=(allAggregations:!f,filters:(cycle:(values:!(%27567ecc7b-d5ab-4c36-a712-57c38fae9124%27)),state_under_review:(values:!(im3xga6605n))),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,treatAs:number,types:!(%275d8ce04361cde0408222e9a8%27),unpublished:!f))

<sup>2</sup> Human Rights Watch, *Saudi Arabia: Events of 2022, 2023*, accessed on June 6th, 2023, available on <https://www.hrw.org/world-report/2023/country-chapters/saudi-arabia#2c4b68>



from structural discrimination from the Saudi government.

### ***Issues of concern:***

Despite the numerous recommendations from multiple States around the world to ratify the International Covenant on Civil and Political Rights (ICCPR), the Kingdom of Saudi Arabia has made no significant progress in its willingness to ratify the latter. In fact, even though many countries, in a non-exhaustive manner France, Morocco, Ivory Coast, and Costa Rica, made this recommendation (122.3, 122.4), the State party has since shown no interest in being willing to ratify the treaty.

Moreover, as of June 2023, despite several recommendations from Afghanistan, Ghana, the Philippines, or Indonesia (122.10, 122.24, 122.26, 122.27) calling the Kingdom to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), it has made no significant progress and has not shown any desire to protect this specific segment of the population that are more at risk of human rights violations.

#### ***1) The visa sponsorship “kafala” system***

The visa sponsorship system, also known as the *kafala* system, is the relationship between employers and foreign migrant workers.<sup>3</sup> The system has been in place in Saudi Arabia but also in several other Arab Gulf states, including Kuwait, Bahrain, and Qatar. The purpose of such a system is that migrant workers must have an employer (a Saudi citizen in our case) sponsor, called *Kafeel*, if they want to work in the country. Saudi Arabia has one of the largest migrant worker populations in the world, at around 10 million.<sup>4</sup> However, the huge control of the employer over the migrants' rights has led to many abuses and human rights violations.

During its third cycle review, the United Nations already stressed the fact that the sponsorship “*kafala*” system was still in place in Saudi Arabia. In fact, migrant workers needed to be “sponsored” by a Saudi citizen to be allowed on the national territory and obtain a visa. Nevertheless, this *kafala* system has given an enormous amount of power to the employers over the migrant workers' mobility and legal status in the country. It inevitably led to many human rights violations without any consequences for their perpetrators. The employers have been taking advantage of the workers' vulnerability with some abuses: from the confiscation of their passports and delayed wages to ultimately forced labor.<sup>5</sup> This situation led the United Nations and the State parties to make recommendations to Saudi Arabia.

Indeed, the sponsorship system issue was identified by the Republic of South Korea through recommendation 122.254. We also recall that Saudi Arabia supported this recommendation following the

<sup>3</sup> Human Rights Foundation, *Is Saudi Arabia's kafala system truly reformed?* January 14th, 2021, accessed on June 12th, 2023, available on <https://hrf.org/is-saudi-arabias-kafala-system-truly-reformed/>

<sup>4</sup> FairSquare Projects, *Migrant workers in Saudi Arabia*, October 2020, accessed on June 21st, 2023, available on <https://fairsq.org/wp-content/uploads/2020/11/FS-Policy-Brief-1-Saudi-Arabia-1020.pdf>

<sup>5</sup> *Op. Cit.*, Human Rights Foundation, *Is Saudi Arabia's kafala system truly reformed?*



third cycle. Furthermore, we mentioned before the abusive control of the employer over the migrant's rights and status in the country. This concern was transformed in a recommendation (122.251) by Myanmar.

Following the third cycle until today, Saudi Arabia has engaged in different labor reforms to guarantee more rights to migrant workers. Even though we can say *strictly* sense that Saudi Arabia has implemented recommendation 122.254 concerning the review of the sponsorship system, this revision has proven to be totally insufficient regarding the fate of migrant workers in the country. In fact, in March 2021, Saudi authorities introduced labor reforms to ease restrictions and allow migrant workers to change jobs without the consent of their employers in specific cases.<sup>6</sup> There were lots of uncertainties from the human rights community concerning these reforms since the country saw the worsening of migrant workers' conditions during the COVID pandemic.<sup>7</sup>

Nevertheless, these reforms have been insufficient and did not dismantle the *kafala* system at all. Not only have they been insufficient, but these reforms also exclude migrant workers – meaning domestic workers, personal drivers, farmers, security guards, and shepherds – from the labor law, who are the least protected people in the country and the most vulnerable. According to Human Rights Watch, the reforms allow migrant workers to request an exit permit without the employer's permission but do not abolish it, which is a violation of human rights.<sup>8</sup> Saudi Arabia remains a country that has one of the most abusive *kafala* systems, as the employers possess a lot of power over the migrant workers' mobility.

Moreover, the reforms address only two of the five main elements of the *kafala* system: the need for the employer's consent to change or leave jobs and to leave the country. As these changes have only a limited impact, international human rights law violations are still persisting. Regarding the other elements of the sponsorship system that remain unchanged compared to before the reforms, they concern the dependency of migrant workers on their employers regarding their entry, residence, and employment in the country. Because of this, they still need to ask their employer's permission to change their job in case they have not finished their contract or have worked less than a year. The employers exercise their control over migrant workers' lives also through serious abuses such as unpaid and delayed wages, long working hours, passport confiscations, forced confinement, and physical abuses.

The only reforms that were announced regarding migrant workers only apply to Western nationals in the private sector, thus discriminating against migrant workers based on their socioeconomic status.<sup>9</sup> In the end, the fact that it is only these [the non-Western nationals] migrant workers, including domestic workers, who aren't concerned by these reforms can hint to us at the deliberate choice of Saudi Arabia to impact only a specific part of the population.

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<sup>6</sup> Human Rights Watch, *Saudi Arabia: Labor Reforms Insufficient. Abusive Elements remain; Changes exclude domestic workers*, March 25th, 2021, accessed on June 9th, 2023, available on <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>

<sup>7</sup> Business & Human Rights Resource Centre, *Saudi Arabia: Rights groups say kafala (sponsorship) system reforms fall short on freedom of movement*, March 15th, 2021, accessed on June 9th, 2023, available on <https://www.business-humanrights.org/en/latest-news/reforms-to-saudis-sponsorship-kafala-system-and-rights-groups-say-these-reforms-are-not-adequate/>

<sup>8</sup> *Op. Cit.*, Human Rights Watch, *Saudi Arabia: Labor Reforms Insufficient*.

<sup>9</sup> *Op. Cit.*, Human Rights Foundation, *Is Saudi Arabia's kafala system truly reformed?*



Finally, although Saudi Arabia supported recommendation 122.251, made by the country of Myanmar, regarding the enhancement of migrant workers' rights, we have reported numerous cases of human rights violations from employers and, more generally, from the Saudi government. These apply to migrant workers, especially from African countries like Kenya or Ethiopia, but also from Yemen. The specific violations will be detailed in the following issues of concern. Nevertheless, we already quoted the delayed wages, confiscation of the passport, and physical and sexual abuses. These examples constitute clear violations of human rights and a cruel failure by Saudi Arabia to meet its international commitments since the country approved the recommendations of the third cycle of the UPR.

## 2) *Torture and ill-treatment*

Migrant workers in Saudi Arabia face a systematic pattern of human rights violations, exposing them to various forms of torture and ill-treatment. Multiple reports<sup>10</sup> Reveal shocking instances of forced labor, passport confiscation, wage withholding, and arbitrary detention experienced by Yemeni workers in Saudi Arabia. These violations are exacerbated by the exploitative *Kafala* sponsorship system<sup>11</sup>, which leaves workers in a vulnerable position, subject to abuse and exploitation. By going against recommendation 122.195, "Adopt comprehensive legislation that prohibits forced labor and strictly enforces penalties for such cases," made by Botswana, despite its approval, Saudi Arabia continues to accept such abuses.

Amnesty International's<sup>12</sup> Investigations have uncovered the disturbing practice of forcibly returning Ethiopian migrants after having been subjected to abhorrent conditions during their detention in Saudi Arabia. Such practices not only contravene international human rights standards but also place migrants at heightened risk of torture, ill-treatment, and arbitrary detention. Moreover, the labor reforms implemented in Saudi Arabia have proven to be inadequate in addressing the plight of migrant workers.<sup>13</sup> Indeed, Human Rights Watch has highlighted the insufficiency of these reforms, emphasizing the ongoing human rights abuses faced by migrant workers. The reforms have failed to address the systemic issues ingrained in the *kafala* system and do not provide adequate protection against torture and ill-treatment.

These distressing accounts are further supported by the findings of various human rights organizations. ECDHR, the International Organization for Migration, the International Labor Organization, the MENA Rights group, Freedom House, Human Rights Foundation, and Migrant Rights have all documented widespread human rights violations against migrant workers in Saudi Arabia, including torture, ill-treatment, and the denial of fundamental rights.

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<sup>10</sup> Migrant Rights, *If my husband touches you I will kill you: Rape, abuse, neglect, and death threats: the lives of Kenyan women returning from Saudi*, August 8th, 2022, accessed on June 16th, 2023, available on <https://www.migrant-rights.org/2022/08/if-my-husband-touches-you-i-will-kill-you/>

<sup>11</sup> Migrant Rights, *Kafala as a business; kafeel as a career*, June 4th, 2015, accessed on June 16th, 2023, available on <https://www.migrant-rights.org/2015/06/kafala-as-a-business-kafeel-as-a-career/>

<sup>12</sup> Amnesty International, *Saudi Arabia 2022*, 2023, accessed on June 16th, 2023, available on <https://www.amnesty.org/en/location/middle-east-and-north-africa/saudi-arabia/report-saudi-arabia/>

<sup>13</sup> *Op. Cit.*, Human Rights Watch, *Saudi Arabia: Labor Reforms Insufficient*.



This chapter delves into the distressing and pervasive issues of sexual abuse, victims of rape, and the use of *Zina* rules to silence victims in Saudi Arabia. Migrant workers in Saudi Arabia, due to their vulnerable position, are particularly vulnerable to sexual abuse and exploitation, as human rights organizations report numerous cases of migrant workers experiencing sexual abuse, often perpetrated by employers or individuals in positions of power.<sup>14</sup> These victims are facing multiple barriers in seeking justice, such as fear of reprisal, lack of legal protection, and limited access to support services.<sup>15</sup> One particularly disturbing aspect is the misuse of *Zina* rules, which further exacerbates the challenges faced by victims of rape in Saudi Arabia. Human Rights Watch has highlighted cases where victims reported being raped have themselves been charged with extramarital sex or adultery under the *Zina* laws. This practice not only perpetuates a culture of victim-blaming but also silences survivors, discouraging them from seeking justice and perpetuating a cycle of impunity for perpetrators.<sup>16</sup>

For example, the Mena Rights Group has documented several cases where migrant workers, including domestic workers, have been sexually abused and subsequently faced prosecution under the *Zina* laws. These individuals, already victims of heinous crimes, have been further victimized and denied access to justice and support.<sup>17</sup>

The severity of the situation is further underscored by reports from various organizations. The ECDHR, International Organization for Migration, International Labor Organization, MENA Rights group, Freedom House, and Human Rights Foundation have consistently highlighted the widespread nature of sexual abuse, the victimization of survivors of rape, and the misuse of *Zina* rules in Saudi Arabia.

Afterward, migrant workers in Saudi Arabia are subjected to forced labor, highlighting a systemic pattern of exploitation and abuse. ADHRB reports highlight the widespread occurrence of forced labor, with workers facing coercion, debt bondage, and harsh working conditions. These vulnerable individuals often have their passports confiscated, making them even more susceptible to exploitation.<sup>18</sup>, thus going against the 122.128 and 122.257 recommendations.

Compounding the issue is the lack of labor laws specifically applicable to migrant workers. Human Rights Watch emphasizes the absence of adequate legal protections for migrant workers, leaving them without necessary safeguards against abuse and exploitation. The existing legal framework fails to address the unique vulnerabilities faced by migrant workers, perpetuating a cycle of labor rights

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<sup>14</sup> Americans for Democracy and Human Rights in Bahrain, *Human Rights violations of Yemeni migrant workers in Saudi Arabia*, June 6th, 2022, accessed on June 6th, 2022, available on <https://www.adhrb.org/2022/06/human-rights-violations-of-yemeni-migrant-workers-in-saudi-arabia/>

<sup>15</sup> *Op. Cit.*, Human Rights Watch, *Saudi Arabia: Labor Reforms Insufficient*.

<sup>16</sup> *Ibid*

<sup>17</sup> MENA Rights Group, *As a Human Rights Council candidate, Saudi Arabia should make concrete commitments to promote and protect human rights*, July 28, 2020, accessed on June 16th, 2023, available on <https://menarights.org/en/articles/human-rights-council-candidate-saudi-arabia-should-make-concrete-commitments-promote-and>

<sup>18</sup> *Op. Cit.*, Americans for Democracy and Human Rights in Bahrain, *Human Rights violations of Yemeni migrant workers in Saudi Arabia*



violations.<sup>19</sup> As a consequence, migrant workers in Saudi Arabia are left without proper protection, making them highly vulnerable to human rights abuses. They often experience wage theft, non-payment of salaries, and hazardous working conditions. These individuals are frequently denied access to basic labor rights, including the right to organize, collectively bargain, and seek legal recourse for grievances.<sup>20</sup>

The absence of robust labor laws applicable to migrant workers has dire consequences. Amnesty International has documented cases of migrant workers enduring exploitative working conditions, with employers violating their rights with impunity. The lack of accountability for these violations perpetuates a culture of exploitation and fuels the cycle of forced labor.<sup>21</sup> These distressing accounts are further corroborated by the findings of various human rights organizations. ECDHR, International Organization for Migration, International Labor Organization, the MENA Rights group, Freedom House, Human Rights Foundation, and Migrant Rights have all documented the lack of protection and systemic abuses faced by migrant workers in Saudi Arabia.

### ***3) Deprivation of their humanity & Arbitrary detention***

This particular argument analyzes the severe human rights abuses, such as deprivation of humanity, arbitrary imprisonment, and mistreatment, that migrant workers, especially Yemeni nationals, have suffered from their Saudi Arabia experience.

Saudi Arabian employers expose Yemeni laborers to a demeaning work environment that robs them of their fundamental rights and dignity: long working hours, poor living conditions, and exploitation are just a few examples of the difficult circumstances Yemeni laborers must endure. Indeed, these workers are frequently excluded from necessary services and safeguards, which keeps them in a cycle of vulnerability.<sup>22</sup> This goes directly against the previous recommendation, "122.256 Take appropriate and concrete measures to protect the rights of migrant workers from discrimination and exploitation, guarantee fair and equal wages, and improve their working and living conditions" from Thailand.

Furthermore, the arbitrary imprisonment of Yemeni workers is one of the most heinous abuses. Yemeni laborers' extremely poor status is made worse by the widespread practice of arbitrary imprisonment without due process. They have been unlawfully arrested in several instances, frequently on the basis of their national identity, leaving them defenseless and open to abuse.<sup>23</sup> Yemeni laborers are also mistreated in detention facilities, which worsens the deprivation of their humanity. In fact, since 2018, some reports from a number of organizations detail incidents of mistreatment in these detention centers, including physical assault, torture, and denial of medical care. Such actions promote a culture of fear and misery

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<sup>19</sup> Human Rights Watch, *Saudi Arabia: Yemeni Workers at Risk of Mass Forced Returns*, August 31, 2021, accessed on June 16th, 2023, available on <https://www.hrw.org/news/2021/08/31/saudi-arabia-yemeni-workers-risk-mass-forced-returns>

<sup>20</sup> *Ibid*

<sup>21</sup> *Op. Cit.*, Amnesty International, *Saudi Arabia 2022*

<sup>22</sup> *Op. Cit.*, Amnesty International, *Saudi Arabia 2022*

<sup>23</sup> *Op. Cit.*, Americans for Democracy and Human Rights in Bahrain, *Human Rights violations of Yemeni migrant workers in Saudi Arabia*



among Yemeni employees in addition to being in violation of international human rights norms.<sup>24</sup>

Additionally, Amnesty International has documented the frightening detention of Yemeni workers and the appalling conditions they are subjected to. Detainees are frequently housed in filthy, overcrowded facilities where they lack access to basic hygiene facilities, appropriate diet, and healthcare. These circumstances not only infringe upon their fundamental rights but also increase their risk of disease and future decline in health.<sup>25</sup>

The Saudi Arabian government must act quickly and firmly to rectify these serious human rights breaches, as until now, it has clearly dismissed the previous UPR recommendations and is not acting towards the improvement of the current situation, instead worsening the migrant workers' inhuman treatment. Ending arbitrary imprisonment and ensuring that everyone has access to legal protections and due process rights are both essential. Detention facilities need to follow international regulations, including humane conditions, easy access to doctors, and adequate monitoring to stop mistreatment. Additionally, extensive reforms are required to enhance the living and working circumstances of Yemeni employees, guaranteeing their rights to just compensation, respectable housing, and secure workplaces. The Saudi Arabian authorities should endeavor to eliminate structures that support Yemeni laborers' exploitation and vulnerability.

#### **4) Human trafficking**

Human trafficking is a pressing concern in Saudi Arabia that has gained significant attention during the third circle of review by States, international organizations such as the United Nations, and human rights organizations. The gravity of this issue has been underscored through numerous recommendations. Countries like Bangladesh, Djibouti, Belarus, Burundi, Azerbaijan, Nigeria, and Georgia have called upon Saudi Arabia to actively combat human trafficking within its borders. Recommendations 122.128, 122.257, 122.61, 122.122, 122.123, 122.124, 122.125, 122.126, and 122.127 were raised to address this complex problem.

Saudi Arabia serves as a destination market for human trafficking, posing significant challenges in its endeavors to address this issue. The main regions from which individuals are trafficked to Saudi Arabia include Asia and Africa. These vulnerable individuals are subjected to various forms of exploitation, including forced labor, sexual exploitation, organ trafficking, and, to a lesser extent, military service. It is crucial to note that the *kafala* system, as previously mentioned, exacerbates the vulnerability of migrant workers, making them more susceptible to becoming victims of human trafficking.

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<sup>24</sup> Human Rights Watch, *World Report: Saudi Arabia, Events of 2022, 2023*, accessed on June 16th, available on <https://www.hrw.org/world-report/2023/country-chapters/saudi-arabia#2c4b68>

<sup>25</sup> *Op. Cit.*, Amnesty International, *Saudi Arabia 2022*



While the government has taken steps to address human trafficking, it has not yet achieved the necessary standards in effectively tackling the issue.<sup>26</sup> The development of a National Action Plan and the revision of the National Referral Mechanism guidelines are intended to investigate and prosecute labor violations with indicators of trafficking, provide support to anti-trafficking NGOs, and implement reforms in visa sponsorship. However, it remains concerning that domestic workers are still excluded from labor law protection reforms, which puts them at high risk.

Only a few trafficking victims are identified and referred to government institutional care, and there are no government services dedicated to tracking potential cases of human trafficking among vulnerable populations. Some victims face penalties and deportation without their cases being properly addressed. Moreover, there is inconsistency in investigating and convicting alleged traffickers, especially if they are Saudi citizens,<sup>27</sup> and there have been allegations of the involvement of public authorities in these crimes<sup>28</sup>.

Regarding the deportation of migrant workers, a fundamental issue arises from the fact that the employer or sponsor bears full responsibility for the employee/worker due to the *Kafala* system. If an employee quits the job without formal permission, the sponsor can register them as a runaway, subjecting them to imprisonment and deportation. Similarly, workers who are unable to secure another employer to act as their sponsor are compelled to leave the country or face deportation<sup>29</sup>.

It is disturbing that there are numerous cases of migrant workers seeking to escape violence or mistreatment by their employers and being sent to detention and deportation centers without any institutional investigation into the crimes and abuses they have suffered.<sup>30</sup>

Only a few of these mistreated, exploited, violated, and abused workers are provided with mechanisms for the defense or protection of their rights, and there is no possibility for them to access justice.

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<sup>26</sup> International Organization for Migration, *Kingdom of Saudi Arabia Launches New Anti-Human-Trafficking Measures*, March 31st, 2020, accessed on June 21st, 2023, available on <https://www.iom.int/news/kingdom-saudi-arabia-launches-new-anti-human-trafficking-measures>.

<sup>27</sup> United States Department of State, *2022 Trafficking in Persons Report: Saudi Arabia*, 2023, accessed on June 21st, 2023, available on <https://www.state.gov/reports/2022-trafficking-in-persons-report/saudi-arabia/>

<sup>28</sup> United Nations News, *UN experts call for protection of trafficked workers from Viet Nam in Saudi Arabia*, November 4th, 2021, accessed on June 21st, 2023, available on <https://news.un.org/en/story/2021/11/1104872>.

<sup>29</sup> Human Rights Watch, *Saudi Arabia: Yemeni Workers at Risk of Mass Forced Returns: Face Possible Return to Yemen's Humanitarian Crisis, Loss of Critical Remittances*, August 31st, 2021, accessed on June 21st, 2023, available on <https://www.hrw.org/news/2021/08/31/saudi-arabia-yemeni-workers-risk-mass-forced-returns>

<sup>30</sup> Amnesty International, *Saudi Arabia: Dozens of Sri Lankan women wrongfully detained for months due to abusive kafala system*, April 15th, 2021, accessed on June 16th, 2023, available on <https://www.amnesty.org/en/latest/press-release/2021/04/saudi-arabia-dozens-of-sri-lankan-women-wrongfully-detained-for-months-due-to-abusive-kafala-system/>





## 5) *Discrimination*

Migrant workers in the Kingdom of Saudi Arabia frequently encounter various forms of abuse and discriminatory practices. During the latest review of Saudi Arabia, the issue of discrimination against migrant workers was extensively discussed, and recommendations were proposed to address this concern. Particularly noteworthy are recommendations 122.62 from Lebanon and 122.256 from Thailand, which emphasize the urgent need to combat discriminatory practices.

Although the Saudi government announced the Labor Reform Initiative in 2021, which aimed to reduce restrictions and limitations for workers, it fell short of dismantling the exploitative *Kafala* system. Unfortunately, the reform primarily focuses on private sector workers, excluding domestic workers and leaving a significant group of workers unprotected and vulnerable to abuse.

It is important to note that the majority of domestic workers are women, who are at a higher risk of experiencing sexual exploitation and abuse compared to male migrant workers. Due to the nature of their work within private households, domestic workers often face isolation, making it challenging for them to seek help or report instances of abuse. Unfortunately, Saudi Arabia's domestic labor laws offer inadequate protection for these workers, as they primarily focus on imposing stricter standards for employers.<sup>31</sup>

The Kingdom has intensified arrests and forced returns of migrant workers, as seen in the case of Ethiopian workers who faced indefinite arbitrary detention under abusive conditions. Many detained migrants felt they had no choice but to agree to return to Ethiopia due to the lack of legal recourse to contest their detention.<sup>32</sup> This coercive policy deprives them of the opportunity to make a voluntary decision in line with the principle of free and informed consent. Furthermore, the Saudi authorities' failure to ensure access to due legal process for these individuals, as well as the absence of necessary protection for detained migrants, creates the risk of returning individuals facing abuse, thus breaching the principle of *nonrefoulement*.

The exploitation of migrant workers constitutes a serious violation of human rights, particularly when it comes to Yemeni workers, given their extremely vulnerable circumstances. The dire economic situation, lack of basic living conditions, and ongoing war in Yemen contribute to the increased migration of Yemeni citizens to Saudi Arabia. Since 2017, discriminatory policies targeting Yemeni workers have been implemented, including imposing fees on accompanying persons, making it nearly impossible for migrant workers to travel with their families due to low wages.<sup>33</sup> Moreover, regulations introduced in

<sup>31</sup> Americans for Democracy and Human Rights in Bahrain, *Living as Commodities: Human and Sex Trafficking in the GCC*, November 1st, 2016, accessed on June 21st, 2023, available on <https://www.adhrb.org/2016/11/living-commodities-human-sex-trafficking-gcc/>

<sup>32</sup> Amnesty International, *Saudi Arabia: Ethiopian migrants forcibly returned after detention in abhorrent conditions*, December 16th, 2022, accessed on June 16th, 2023, available on <https://www.amnesty.org/en/latest/news/2022/12/saudi-arabia-ethiopian-migrants-forcibly-returned-after-detention-in-abhorrent-conditions/>

<sup>33</sup> *Op. Cit.*, Americans for Democracy and Human Rights in Bahrain, *Human Rights violations of Yemeni migrant workers in Saudi Arabia*



July 2021 limited the percentage of workers from certain nationalities, such as Yemeni nationals, leading to mass job terminations without proper justification.<sup>34</sup>

Besides that, access to legal remedies is exceptionally challenging due to the sponsorship system, which grants sponsors full legal responsibility. Consequently, sponsors hold the power to revoke a migrant worker's visa at will, leaving them in a precarious situation. Additionally, as migrant workers lack citizenship, their legal protection becomes even more complex.<sup>35</sup>

Finally, migrant workers face additional vulnerabilities stemming from institutional corruption, structural injustice, and discrimination. These factors further exacerbate their already precarious circumstances, leaving them exposed to various forms of mistreatment and exploitation.<sup>36</sup>

## ***Conclusion***

To conclude, we have seen that Saudi Arabia made little progress in implementing the third cycle of recommendations, especially concerning the fate of migrant workers in the Kingdom. In fact, the *kafala* system in Saudi Arabia has perpetuated a cycle of exploitation and human rights abuses against migrant workers. Despite international scrutiny and recommendations for reform, the system remains largely unchanged, leaving workers vulnerable to the control and mistreatment of their employers. The limited labor reforms introduced by the Saudi government have failed to address the core issues and have excluded certain categories of workers, exacerbating the inequality and discrimination within the system. Furthermore, the continued violations of workers' rights, including unpaid wages, passport confiscation, physical abuse, arbitrary imprisonment, and mistreatment, have put migrant workers at great risk and hindered their access to justice. The situation further heightens the risk of human trafficking and other forms of exploitation. Finally, we also developed migrant workers' vulnerabilities stemming from institutional corruption, structural injustice, and discrimination. These factors further exacerbate their already precarious circumstances, leaving them exposed to various forms of mistreatment and exploitation.

## ***Recommendations***

Based on the findings and research of this report, ADHRB makes the following recommendations to the Kingdom of Saudi Arabia:

### **Ratification of International Treaties**

- Ratify the International Covenant on Civil and Political Rights;

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<sup>34</sup> *Op. Cit.*, Human Rights Watch, *Saudi Arabia: Yemeni Workers at Risk of Mass Forced Returns: Face Possible Return to Yemen's Humanitarian Crisis, Loss of Critical Remittances*.

<sup>35</sup> Integral Human Development, *Country Profiles: Saudi Arabia*, 2020, accessed on June 21st, 2023, available on <https://migrants-refugees.va/country-profile/saudi-arabia/>.

<sup>36</sup> *Ibid.*



- Become a part of the International Covenant on Economic, Social, and Cultural Rights;
- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance;
- Accede to the International Covenant on the Protection of the Rights of All Migrant Workers and Members of their Families.

### **The visa sponsorship “kafala” system**

- Abolish the visa sponsorship “kafala” system for migrant workers;
- Engage in labor reforms to protect migrant workers’ rights;
- Include all migrant workers in future labor reforms;
- Enhance the rights of migrant workers.

### **Torture and ill-treatment**

- Establish at the highest institutional level that torture will not be tolerated and that perpetrators will be immediately dismissed from their positions if found guilty of this crime;
- Criminalize sexual violence against women and children, including migrants, and ensure all perpetrators are punished accordingly;
- Hold employers accountable for any violations of migrant workers’ rights.

### **Human deprivation and arbitrary detention**

- Take concrete measures to protect migrant workers’ rights from discrimination and exploitation, guarantee fair and equal wages, and improve their working and living condition;
- Ensure that each imprisonment of migrant worker respects due process;
- Take all necessary legal and administrative measures to ensure that prison conditions comply with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);
- Ensure that all detainees and prisoners receive appropriate medical assistance to treat underlying health conditions or injuries sustained during their arrest and detention;
- Ensure that all detainees and prisoners have sufficient space and access to appropriate hygiene, bathing, and toilet facilities;
- Take all necessary legal and administrative measures to address prison overcrowding.

### **Human Trafficking**

- Conduct impartial investigations into allegations of forced labor and ensure that perpetrators are punished with measures appropriate to the severity of their crimes;
- Ensure that every perpetrator involved in human trafficking will be convicted;
- Establish concrete measures to protect migrant workers from being trafficked and provide them with appropriate support and protection;
- Conduct impartial and independent investigations of anyone involved in human trafficking;



- Enhance welfare services and assistance available to victims of human trafficking, ensuring comprehensive support that includes legal aid, medical care, and psychosocial services.
- Track potential cases of human trafficking within vulnerable populations, including individuals who have been arrested for immigration violations or those who have managed to escape from abusive employers;
- Take all necessary legal and administrative measures to eradicate human trafficking.

## **Discrimination**

- Establish a new comprehensive Labor law that would include all migrant workers to protect their rights;
- Establish dedicated legal aid services to ensure that all migrant workers have access to legal advice and representation;
- Enact comprehensive anti-discrimination laws that explicitly prohibit discrimination based on nationality, social status, and origin in all aspects of employment, including recruitment, hiring, promotion, and termination;
- Create a comprehensive system of aid specifically designed to support migrant employees who have been subjected to mistreatment, abuse, or exploitation;
- Conduct regular awareness campaigns targeting both migrant employees and employers to prevent mistreatment and promote a culture of fair treatment;
- Take all the necessary legal, administrative, and judicial measures to ensure that institutions responsible for collecting and investigating complaints of torture and ill-treatment are fully independent and impartial.