



**GLOBAL
DETENTION
PROJECT**

**MIGRANT-
RIGHTS.ORG**

SAUDI ARABIA

SUBMISSION TO THE COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN (CEDAW)
89th SESSION, OCTOBER 2024

ISSUES RELATING TO THE RIGHTS OF MIGRANT WORKERS,
ARBITRARY IMMIGRATION DETENTION, AND DEPORTATION

6 SEPTEMBER 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

Submission to the Committee on the Elimination of Discrimination against Women (CEDAW)

89th Session, October 2024

Issues Relating to the Rights of Migrant Workers and Arbitrary Immigration Detention

Context

1. Migrant women and girls in Saudi Arabia face deeply engrained challenges to enjoying their fundamental rights as a result of being both women and non-citizens. These intersecting sources of vulnerabilities were clearly noted and critiqued in the CEDAW's previous review of Saudi Arabia in 2018.¹ Amongst its recommendations and Concluding Observations, the Committee highlighted the Kingdom's inappropriate understanding of the "principle of equality," which fails to recognise equal rights for women, as well as the country's failure to "adopt and effectively implement comprehensive anti-discrimination legislation that includes a definition of discrimination against women." The Committee likewise highlighted the continuing abuses, including sexual violence, that women migrant workers are systematically subjected to, including the "de facto persistence of the kafala system, which further increases their risk of exploitation and makes it difficult for them to change employers, even in cases of abuse." Unfortunately, this Submission clearly demonstrates that while Saudi Arabia has adopted some important laws aimed at bolstering migrant workers rights since 2018, the situation of migrant women in Saudi Arabia remains inherently at odds with key provisions of the Convention on the Elimination of all Forms of Discrimination against Women, which Saudi Arabia ratified in 2000.
2. When Saudi Arabia ratified the Convention on the Elimination of all Forms of Discrimination against Women in 2000, it made significant reservations that undermine the country's commitment to advancing the rights of all women, citizens and non-citizens alike, which the CEDAW noted in several recommendations in its 2018 Concluding Observations. These include reservations to Article 9, paragraph 2, which grants women the same rights as men to confer citizenship to their children; and Article 29, paragraph 1, which pertains to disputes between state parties. Additionally, Saudi Arabia issued a general reservation, stating: "In case of contradiction between any term of the Convention and the norms of Islamic law, the kingdom is not under obligation to observe the contradictory terms of the Convention." This reservation allows Saudi

¹ Committee on the Elimination of Discrimination against Women (CEDAW), "Concluding observations on the combined third and fourth periodic reports of Saudi Arabia," United Nations, 2018, <https://uhri.ohchr.org/en/document/02d81b71-b0c3-43b0-852a-6936472ee131>

Arabia to discriminate—based on religious grounds—against women with respect to key areas of the treaty. Saudi Arabia has also not ratified the optional protocol on preventing violence against women.

3. Despite recent initiatives to improve women's rights, women in Saudi Arabia continue to face widespread discrimination in both society and the economy.² While all women are affected, the level of vulnerability varies depending on intersecting factors such as nationality, race, immigration status, and social class.³ Low-income migrant women with irregular immigration status and domestic workers are particularly vulnerable and among the least protected.⁴
4. Non-citizens in Saudi Arabia make up approximately 41.6% of the overall population. Although Saudi Arabia is the largest economy in the Gulf region, its labour force is predominantly male, with female workers accounting for only about 20% of the total workforce. Female domestic workers make up nearly 37% of the female workforce in Saudi Arabia. According to Saudi's General Authority for Statistics, as of the first quarter of 2024, there are 1,181,581 female migrant domestic workers in the country, making up nearly 30% of all domestic workers in Saudi.⁵ This figure does not account for the significant number of female migrant domestic workers living and working irregularly in Saudi Arabia.
5. Saudi Arabia's personal status law, which went into effect on 18 June 2022, for the first time codifies aspects of family matters. While it introduces some positive reforms, such as establishing a minimum age for marriage, it continues to uphold discriminatory practices and has provisions such as granting only men the unconditional right to initiate divorce that may abet domestic violence and marital rape. Further, the law's ambiguous language allows judges significant leeway in their decisions, leading to inconsistent interpretations.⁶ Meanwhile, the Saudi government continues to jail women for expressing support for women's rights in the Kingdom.⁷
6. 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 a year has passed, and they still require exit permits to leave the country—

² Amnesty International (2022) Saudi Arabia codifies male guardianship and gender discrimination. <https://www.amnesty.org/en/latest/research/2022/12/saudi-arabia-codifies-male-guardianship-and-gender-discrimination/>

³ Bina Fernandez (2021) Racialised institutional humiliation through the Kafala, *Journal of Ethnic and Migration Studies*, 47:19, 4344-4361, DOI: 10.1080/1369183X.2021.1876555

⁴ United States Department of State (2024) 2023 Country Reports on Human Rights Practices: Saudi Arabia. <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/saudi-arabia/>

⁵ General Authority for Statistics (2024) Labor Force Survey, Register-Based Labour Market Statistics Q1/2024. <https://www.stats.gov.sa/en/814>

⁶ Human Rights Watch (2023) Saudi Arabia: Law Enshrines Male Guardianship.

<https://www.hrw.org/news/2023/03/08/saudi-arabia-law-enshrines-male-guardianship>

⁷ Amnesty International (2024) Saudi Arabia: Woman jailed for 11 years for online expression supporting women's rights. <https://www.amnesty.org/en/latest/news/2024/04/saudi-arabia-woman-jailed-for-11-years-for-online-expression-supporting-womens-rights/>

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.

7. Though Saudi Arabia has implemented important labour market reforms, the majority of these reforms exclude domestic workers, and by extension most female migrants in the country. Saudi Arabia will implement a new domestic worker law in 2024 that advances workers' rights in some realms, but still falls short of equality with the labour law and international standards for domestic work as established by ILO Convention 189.
8. The Kingdom holds one of the lowest levels of ratification of core international human rights treaties and has not ratified the main instruments relevant to immigration detention and protection against arbitrary detention, including the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture (which provides for national prevention mechanisms and detention monitoring visits), the Migrant Workers Convention, the Refugee Convention, or the Convention on Statelessness.

Detention and Deportation

9. Saudi Arabia has a significant undocumented migrant population that faces administrative detention and deportation. 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.⁸ From the start of 2023 until July 2024, Saudi Arabia detained over one million migrants, including those with irregular immigration status, expired work permits, or those who entered the country irregularly.⁹ According to statistics developed by the Global Detention Project, Saudi Arabia may have detained more migrants than any other country in the world during that period.¹⁰
10. Saudi Arabia detains many migrants, including women and children, in inhumane conditions solely due to their lack of valid immigration status. Recent human rights and media reports have documented instances of torture and beatings, along with inadequate food, water, and bedding.¹¹ Detainees, including children,

⁸ 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

⁹This 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. <https://x.com/MOISaudiArabia/status/1822211290192060445/photo/1>

¹⁰ Global Detention Project, www.globaldetentionproject.org

¹¹ Addis Standard (2024) In-depth: Trapped and Forgotten: Ethiopian migrants share plight from Saudi detention centers, yearning for swift response. <https://addisstandard.com/in-depth-trapped-and-forgotten-ethiopian-migrants-share-plight-from-saudi-detention-centers-yearning-for-swift-response/>

pregnant women, and the severely ill, are often denied access to proper medical care.¹²

11. Detention for immigration status and poor detention conditions continued 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 prisons in Jizan, Mecca, and Jeddah. Interviewees reported cramped, squalid conditions that AI was able to confirm through video. Despite the clear risks of Covid-19 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.¹³
12. 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.¹⁴
13. The administrative detention and deportation of migrants without review also heightens 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.
14. 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

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

¹³ "Ethiopian migrants describe "hell" of detention | Amnesty" 2 Oct. 2020, <https://www.amnesty.org/en/latest/news/2020/10/ethiopian-migrants-hellish-detention-in-saudi-arabia/>. Accessed 27 Jan. 2021.

¹⁴ United States' State Department (2024) 2024 Trafficking in Persons Report: Saudi Arabia. <https://www.state.gov/reports/2024-trafficking-in-persons-report/saudi-arabia/>

any comprehensive asylum policy nor grounded in international refugee law.¹⁵ 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.¹⁶ In 2019, roughly 650 Rohingya detained for years for their immigration status staged a hunger strike in a Saudi detention centre.¹⁷

15. The lack of protective status for migrants escaping conflict and persecution puts them at greater risk of trafficking and forced labour. According to Fortify Rights and YPSA, Rohingya women have been trafficked for housework in Saudi due to their precarious status.¹⁸ ¹⁹ According to the US State Department Trafficking in Persons (TIP) report, Yemeni women have also been trafficked for housework.²⁰
16. 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, violent pushbacks by border guards who shoot at them as they attempt to cross into the country, or they may be captured and indefinitely detained until they are deported. 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. 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. These particular centres mostly held migrant men, but there are other centres for women as well. According to the Saudi embassy in London, there were at least 20,000 Ethiopians in these border detention centres.

Legal Framework and Discriminatory Policies

¹⁵ 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.

¹⁶ 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 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.

¹⁷ <https://www.aljazeera.com/news/2019/4/17/were-broken-rohingya-on-hunger-strike-in-saudi-detention>

¹⁸ Al Jazeera (2019) ‘We’re broken’: Rohingya on hunger strike in Saudi detention. <https://www.aljazeera.com/news/2019/4/17/were-broken-rohingya-on-hunger-strike-in-saudi-detention>

¹⁹ YPSA (2021) Factors behind Human Trafficking in Host and Rohingya Communities in Cox’s Bazar: An Overview. <https://ypsa.org/ypsa/wp-content/uploads/2022/04/Factors-behind-Human-Trafficking-in-Host-and.pdf>

²⁰ US Department of State (2024) 2024 Trafficking in Persons Report: Saudi Arabia <https://www.state.gov/reports/2024-trafficking-in-persons-report/saudi-arabia/>

17. Saudi Arabia's Basic Law, which serves as the country's de facto constitution, explicitly discriminates against non-citizens, who comprise over 40% of the population. For instance, 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.
18. 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.²¹
19. Saudi Arabia's amended labour law addressing discrimination applies exclusively to citizens, ignoring the rights of migrant women to work without discrimination. Article 3 of the labour law states that "All citizens are equal in the right to work without discrimination on the 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."²²
20. Migrant women in Saudi Arabia face widespread discrimination and unequal pay based on their nationality, despite performing the same task as workers from other nationalities. In 2023, Saudi Arabia's Ministry of Human Resources and Social Development stated that "discrimination between nationals and citizens of other countries" is "not considered discrimination".²³ 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 vs 39); this number likely underestimates the working hours of migrant domestic workers, who report working upwards of 10 to 12 hours a day.²⁴
21. The State party's report (CEDAW/C/SAU/5, para 27) claims that Saudi Arabia's Social Insurance Law ensures equality between men and women in the retirement age and includes sections on living allowances and occupational hazards. However, the retirement provisions of this law exclude migrant workers, and its occupational hazards provisions do not apply to migrant domestic workers. This is particularly concerning for migrant women domestic workers, who face

²¹ ALQST (2024) The Soaring Fantasy, The Harsh Reality: Human Rights in Saudi Arabia in 2023. Annual Report. <https://alqst.org/uploads/the-soaring-fantasy-the-harsh-reality-human-rights-in-saudi-arabia-en.pdf>

²² 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>

²³ Saudi Ministry of Labour Ministry of Human Resources and Social Development (2023) https://x.com/HRSD_SA/status/1614889309403840513/photo/1

²⁴ General Authority for Statistics (2024) Labor Force Survey, Register-Based Labour Market Statistics Q1/2024. <https://www.stats.gov.sa/en/814>

significant risks from occupational hazards. With no inspection mechanisms in place for the domestic sector, there is no assurance that their work environment is safe and free from hazards.

22. The State party's report (CEDAW/C/SAU/5, paras 74 and 132) highlights specific provisions on maternity rights in employment. However, despite labour law protections that prohibit employers from dismissing or issuing warnings to women during pregnancy or maternity leave, 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.²⁵ 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.²⁶
23. The State party's report (CEDAW/C/SAU/5, para 21) claims that the government protects the rights of individuals living with Acquired Immunodeficiency Syndrome (AIDS), 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 have AIDS are immediately detained and deported.²⁷

Migrant Domestic Workers

24. The State party's report (CEDAW/C/SAU/5, para 106) mentions that various measures have been taken to strengthen and protect the rights of female domestic workers. However, several issues persist regarding working hours and conditions, wages, mobility, and access to justice. Further, Saudi Arabia has yet to ratify the International Labour Organisation's C189, which sets international labour standards for domestic workers.
25. 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 to leave the country.

²⁵ Migrant-rights.org (2020) Born into uncertainty: Pandemic aggravates the woes of migrant mothers and their newborns. <https://www.migrant-rights.org/2020/08/born-into-uncertainty-pandemic-aggravates-the-woes-of-migrant-mothers-and-their-newborns/>

²⁶ See Components of Expatriate Medical Examinations guidelines by Gulf Health Council. https://jed-s3.blumalt.com/media/guidelines/Components_of_Expatriate_Medical_Examinations.pdf?AWSAccessKeyId=CLCUUWP4KEP8IO8YZLKR&Signature=Lr4TdERHJyoqp72ZyGMCwrOnd84%3D&Expires=1724586442

²⁷ 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.

26. While Saudi Arabia's new domestic workers law introduces protections against passport confiscation and long working hours, 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.²⁸ 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.²⁹
27. 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 safeguard 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 detail 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 Organization's (ILO) 2019 Convention on Violence and Harassment in the Workplace (C190).
28. The State party's report (CEDAW/C/SAU/5, paras 98, 99, and 102) highlights the national referral mechanism for victims of trafficking and training programs that "address best practices in detecting and monitoring cases of trafficking in persons, including prosecuting the perpetrators and assisting trafficking victims." Despite these efforts, Saudi Arabia's anti-trafficking policies fall short of protecting vulnerable victims, particularly migrant domestic women. The Kingdom's National Committee to Combat Human Trafficking's hotline and the Saudi Human Rights Commission's hotlines are available only in English and Arabic, making them inaccessible to the majority of low-income migrant residents in Saudi Arabia.
29. The State party's report (CEDAW/C/SAU/5, para 106) also claims that mechanisms have been developed to support and protect female domestic workers, including avenues to file complaints, access legal aid, and obtain translation services. However, these mechanisms are virtually non-existent 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

²⁸ Migrant-Rights.Org (2023) An overview of Saudi's new Domestic Workers Law. <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

²⁹ Migrant-Rights.Org (2023) "If my husband touches you I will kill you". <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>.

employers, detained, or eventually deported, with employers not held accountable in any instance.³⁰

30. According to Migrant-Right.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 have to communication devices. Women domestic workers in particular may have to exit their households to file a complaint. Given the size of the country and the unclear mechanism 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. There are also not enough diplomatic missions across the Kingdom for all nationalities, which makes it difficult for workers in distress to access support.
31. A private company, Sakan, runs shelters in partnership with the government for domestic workers across the Kingdom. Migrant workers have reported the shelters provide poor living conditions and prevent women from leaving without permission.³¹
32. Saudi Arabia's 'Musaned' platform, intended to streamline domestic worker recruitment and protect the rights of all involved, now allows both employers and domestic workers to file complaints. However, the platform is only available in English and Arabic, making it inaccessible to many domestic workers in Saudi Arabia. Moreover, it lacks transparency in the recruitment process, leaving foreign governments and recruitment agents at origin without clear oversight when their nationals use the system.³²
33. 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.³³

³⁰ Migrant-Rights.Org (2023) "If my husband touches you I will kill you". <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>.

³¹ Office of the High Commissioner for Human Rights (OHCHR). (2021). Mandates of the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences (UA VNM 5/2021) <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?glid=26748>

³² United States' State Department (2024) 2024 Trafficking in Persons Report: Saudi Arabia. <https://www.state.gov/reports/2024-trafficking-in-persons-report/saudi-arabia/>

³³ Migrant-rights.org (2023) Saudi's new process for transferring domestic workers' sponsorship is rife with problems. <https://www.migrant-rights.org/2023/08/saudis-new-process-for-transferring-domestic-workers-sponsorship-is-rife-with-problems/>

34. The State party's report (CEDAW/C/SAU/5, paras 74 and 132) 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.
35. While Saudi Arabia has reformed some aspects of its absconding regime, the reforms apply to workers under the labour law and domestic worker law differentially. 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 also face challenges using the Absher app which centralises services for all residents, including absconding notifications. The app is only available in English and Arabic and its performance is unreliable. Women migrant domestic workers, in particular, do not always have access to communication devices and are dependent on their employers to even speak to their families.³⁴
36. 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.
37. 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.³⁵ Additional requirements for sponsorship transfers with employers' consent have also been established.
38. Saudi does not have a non-discriminatory minimum wage for any migrant workers. Minimum wages for domestic workers are established through bilateral agreements with countries of origin, which reinforces a racialized 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 work as a deterrent to challenging exploitative working conditions.

³⁴<https://www.migrant-rights.org/2024/04/saudi-arabia-revises-its-regulations-for-absconding-domestic-workers/>

³⁵ Migrant-Rights.org. (2022). Saudi amends regulations that allow domestic workers to change employers. <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

39. While the wage protection system has very recently been extended to domestic workers,³⁶ 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.
40. Lower-income migrant workers are denied family unification. Saudi Arabia’s basic wage requirement to be able to sponsor a family (SAR3500) together with yearly dependent’s tax makes it untenable for many workers to live with their families.³⁷ 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 destination.
41. 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 Convention.

Recommendations

42. End the administrative detention of migrant workers based on their immigration status and stop using migrant shelters, like those operated by Sakan, as de facto detention sites.
43. End mass deportations.
44. Ensure all detained workers are provided with due process, in particular screening for trafficking and risk of refoulement.
45. Ensure all detained and deported workers receive due wages and all financial entitlements.
46. End the detention and criminalization of migrant women who become pregnant and ensure they are provided with the same level of maternity care extended to national women.
47. Fully incorporate domestic workers in the labour law and in the meantime, ensure that the labour reform initiative extends to domestic workers. Ratify the Domestic Workers Convention 2011 (No. 189) of the International Labour Organization.
48. Introduce appropriate labour inspection system for the domestic work sector.
49. Abolish the absconding regime in full.

³⁶ The Wage Protection System is being extended to domestic workers in phases, beginning in 2024, hence evidence of its implementation is limited. <https://www.migrant-rights.org/2024/05/saudi-arabia-extends-wage-protection-system-to-domestic-workers/>

³⁷ <https://www.migrant-rights.org/2021/12/saudi-private-schools-exploit-migrant-women-on-dependent-visas/>

50. Make mandatory gender-responsive training on trafficking and forced labour for first respondents, police and immigration officials, in order to reduce vulnerability of women migrants who access justice.
51. Improve the wage protection system to detect non-payment and initiate action against defaulting employers.
52. Establish a minimum non-discriminatory wage for all workers in the country.
53. Ensure that the Musaned system is accessible to domestic workers by providing it in the languages most commonly used by workers.
54. Establish alternative employment models for domestic workers that do not require them to live with their employers, and introduce labour inspections into the sector.
55. Disallow employers and households that have a history of complaints of abuse and exploitation against them from employing domestic workers.
56. Improve justice mechanisms by expediting processes, providing workers with translation support, and enforcing penalties against erring employers and recruitment agencies.