

# Egypt Peace for Development and Human Rights



Contribution Submitted by “Egypt Peace for Development and Human Rights Association” to the Committee on the Elimination of Racial Discrimination Regarding Racial Discrimination in Saudi Arabia

August 2024

Egypt Peace for Development and Human Rights Association is a non-partisan, non-profit human rights organization founded in 2017. The Association is in special consultative status with the Economic and Social Council since 2023. Egypt Peace Association works to promote a culture of human rights, support democracy and the rule of law, enhance individual freedoms, and combat all forms of discrimination, aiming for justice and the protection of human dignity, which is the essence of rights according to the preamble of the Universal Declaration of Human Rights.

## Introduction

Saudi Arabia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1997. According to paragraph 1 of Article 9 of the Convention, States Parties agree to submit a report for consideration by the Committee on the Elimination of Racial Discrimination within one year of accession and then every two years thereafter. However, Saudi Arabia’s combined 10th and 11th periodic report, which was due in 2020, was significantly delayed and was submitted in January 2023.

Despite the delay, "Egypt Peace for Development and Human Rights Association" welcomes Saudi Arabia’s submission of its report to the Committee. The Association also notes that, although there are legal provisions in Saudi Arabia aimed at reducing racial discrimination, these efforts remain insufficient, as the implementation of the legal framework is still largely ineffective.

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In this report, Egypt Peace Association highlights Saudi Arabia's shortcomings in fulfilling its obligations to the Committee on the Elimination of Racial Discrimination, particularly concerning the conditions of migrant workers and women.

## **The right to work**

Migrant workers in Saudi Arabia face various forms of abuse and discriminatory practices. Although the Saudi government announced the Labor Reform Initiative in 2021, aimed at reducing the restrictions and limitations imposed on workers, it has not fully dismantled the exploitative kafala (sponsorship) system. The reform primarily focuses on workers in the private sector and excludes domestic workers, leaving them vulnerable to various forms of abuse. Women, who make up the majority of domestic workers, are particularly susceptible to sexual exploitation and abuse compared to men. Due to the nature of their work within private households, it is difficult for them to seek help or report cases of abuse. Overall, there is inadequate legal protection for domestic workers in Saudi Arabia<sup>1</sup>.

Saudi Arabia issued a new domestic labor law in October 2023, set to come into effect in September 2024. This law introduces several improvements and protections for domestic workers, particularly with a clear prohibition on confiscating passports and setting a maximum limit on working hours, these negative practices have affected thousands of domestic workers of all genders. However, the new law fails to address the issue of a minimum wage for domestic workers. The real test for these protective measures will be when they are implemented, as the provisions of the previous domestic workers' law were rarely enforced. Therefore, it is crucial to have oversight to

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

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ensure compliance with the law and to provide mechanisms for complaints and accountability<sup>2</sup>.

The Kenyan domestic worker, Joy Simiyu, is one of a growing number of Kenyans traveling to Gulf countries, including Saudi Arabia, in search of decent work. However, within months, Joy returned to Kenya after being abused by her employer and warned others against traveling to Saudi Arabia for work. Joy reported facing numerous abuses during her time in Saudi Arabia, where she was forced to work in multiple households and was deprived of adequate food and rest. According to a report by the Kenyan Ministry of Foreign Affairs, at least 89 Kenyans, most of whom were domestic workers, died in Saudi Arabia between 2020 and 2021. Saudi Arabia attributed these deaths to "heart attacks".<sup>3</sup>

According to some statistics, around 13 million foreign workers make up approximately 75% of the total workforce in Saudi Arabia, most of whom are from countries such as Bangladesh, Egypt, Ethiopia, Eritrea, India, Indonesia, Kenya, Pakistan, the Philippines, Somalia, Sri Lanka, Sudan, and Yemen. Reports indicate that 4.4 million foreign workers are employed as domestic workers, drivers, gardeners, and nannies. Numerous cases of racial discrimination have been reported against African migrants, particularly domestic workers<sup>4</sup>.

There is no law prohibiting the imposition of recruitment fees on employers who hire domestic workers. Although employers are legally prohibited from deducting these

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<sup>2</sup> Migrants Rights, An overview of Saudi's new Domestic Workers Law, October 2023, available at: <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

<sup>3</sup> The Guardian, 'Modern-day slavery': Kenyan domestic workers tell of abuse in Saudi Arabia, Sep 2022, available at: <https://www.theguardian.com/global-development/2022/sep/27/modern-day-slavery-kenyan-domestic-workers-tell-of-abuse-in-saudi-arabia>

<sup>4</sup> US Department of States, 2024 Trafficking in Persons Report: Saudi Arabia, available: <https://www.state.gov/reports/2024-trafficking-in-persons-report/saudi-arabia/>



fees from workers' wages, there is no effective oversight of domestic workers' wages, nor are there effective mechanisms to ensure the enforcement of these regulations<sup>5</sup>.

Many migrant women have reported earning far less than what they were promised before their migration. Migrant workers in Saudi Arabia continue to suffer from discrimination and wage inequality based on their nationalities, even though they perform the same tasks as workers from other nationalities. According to a statement by the Saudi Ministry of Human Resources and Social Development in January 2023, "discrimination between citizens and nationals of other countries is not considered discrimination".<sup>6</sup>

## **Discrimination Against Women**

In March 2022, Saudi Arabia enacted its first Personal Status Law (Family Law). While this law introduced some positive reforms, such as setting a minimum marriage age of 18, it continues to reinforce gender-based discrimination in most aspects of family life. Under the Personal Status Law, women still require the approval of their legal guardian (a male) to marry. Additionally, only men can initiate divorce without conditions, whereas women face legal, financial, and procedural barriers when seeking to dissolve their marriages. In the case of separation, mothers do not have equal rights concerning matters related to their children<sup>7</sup>.

Although the Family Law claims to provide some safeguards to protect women from forced marriage by requiring proof of consent, it does not sufficiently clarify what constitutes consent. Additionally, the law stipulates that a woman's legal guardian in marriage must be a male relative in a specific order. If this guardian refuses to approve

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<sup>5</sup> Alkhaleej online, Rights group: Saudi authorities are crushing migrant workers, 19 August 2019, available at: <http://khaleej.online/6QZ9j1>

<sup>6</sup> Saudi Ministry of Labor, Ministry of Human Resources and Social Development, Jan 2023, available at: [https://x.com/HRSD\\_SA/status/1614889309403840513](https://x.com/HRSD_SA/status/1614889309403840513)

<sup>7</sup> Amnesty International, Saudi Arabia: New Personal Status Law Codifies Discrimination Against Women: <https://www.amnesty.org/en/documents/mde23/6431/2023/en/>



the marriage despite the woman's consent, the court, which is also male-dominated, takes responsibility for arranging the marriage. This transfer of guardianship diminishes women's autonomy, reinforces power imbalances, and prevents them from giving their full, free consent to marriage, as required by international law<sup>8</sup>.

In January 2023, a royal decree was issued approving an amendment to Article 8 of the Saudi Nationality System. The article originally stated that "Saudi nationality may be granted by a decision of the Minister of Interior to a child born in the Kingdom to a foreign father and a Saudi mother if certain conditions are met." However, the amendment replaced the phrase "by a decision of the Minister of Interior" with "by a decree from the Prime Minister based on the proposal of the Minister of Interior." This change means that the decision is now at the discretion of the Prime Minister rather than the Minister of Interior, indicating that the application of the law is subject to discretionary authority<sup>9</sup>.

Saudi women face discrimination both legally and culturally. Although Saudi authorities have lifted several restrictions imposed on women under the guardianship system and granted women many rights on par with men in areas such as travel, employment, and civil status, these reforms have not been fully implemented in some rural areas. In these regions, government and non-governmental institutions continue to require women to obtain permission from a male guardian before providing government services<sup>10</sup>.

Saudi authorities also continue to impose travel restrictions on some women for reasons deemed justified by the government. One such case is human rights advocate

<sup>8</sup> Mena Rights Group, Saudi Arabia: End Male Guardianship, 8 March 2023. Available at <https://menarights.org/en/articles/joint-statement-end-male-guardianship-saudi-arabia>

<sup>9</sup> BBC Arabic, The new Saudi nationality law: What does the amendment include? And why has it sparked controversy in the Kingdom? Available at: <https://qrcd.org/6Hyz>

<sup>10</sup> Equality Now, Ending Male Guardianship in Saudi Arabia, available: <https://equalitynow.org/ending-male-guardianship-in-saudi-arabia/>



Loujain al-Hathloul, who was prohibited from traveling by court order. Despite the expiration of this ruling, the travel ban has been extended arbitrarily, constituting a violation of Saudi legislation and international standards related to combating discrimination<sup>11</sup>.

In January 2024, Manahil al-Otaibi, a fitness trainer and women's rights activist, was sentenced to 11 years in prison for her choice of clothing and her support for women's rights. The verdict was issued in a secret hearing before a counter-terrorism court. The charges also relate to her online activities, including her calls on social media to end the male guardianship system in Saudi Arabia. Her sister, Fawzia al-Otaibi, faces similar charges, prompting her to flee Saudi Arabia after being summoned for investigation in 2022<sup>12</sup>.

## Recommendations

- Include domestic workers within the scope of labor laws.
- Ensure that all migrant workers, including domestic workers, receive adequate protection against abuses by employers, especially in the private sector.
- Set a minimum wage for all migrant workers.
- Ensure that all migrants, regardless of their legal status, have access to healthcare.
- Enact comprehensive anti-discrimination laws that explicitly prohibit discrimination based on nationality, social status, and origin in all aspects of employment, including hiring, promotion, and termination.
- Eliminate discriminatory practices and local provisions related to legal capacity, divorce, and guardianship systems.

<sup>11</sup> The Guardian, Saudi Arabia is rebranding itself as a moderate country, but what's the truth? Just ask our female activists, available: <https://qrcd.org/6JDS>

<sup>12</sup> BBC Arabic, Manal Al-Otaibi: What are the details of the 11-year prison sentence against the Saudi human rights activist, available: <https://www.bbc.com/arabic/articles/c140mpev4j6o>