



**Human Rights Watch Submission to the Committee on the
Elimination of Racial Discrimination on Saudi Arabia**

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Introduction

This Human Rights Watch submission to the Committee on the Elimination of All Forms of Racial Discrimination (the "Committee") highlights three areas of Saudi authorities' discrimination 1) against migrants and asylum seekers, mainly from Ethiopia; 2) Saudi citizens who are members the Shi'a religious faith community; and 3) migrant workers. The Committee on the Elimination

of Racial Discrimination has previously addressed discrimination against the Shia religious minority as well migrant workers.

Human Rights Watch has documented the deplorable detention conditions that Ethiopian workers have experienced in Saudi Arabian detention centers, as well as the killings, rapes, and assaults at the Yemen-Saudi border. These border killings increased dramatically from an apparent practice of occasional shootings and mass detentions in February 2020 to widespread and systematic killings that, if conducted as part of a Saudi state policy to kill migrants, would amount to crimes against humanity.

Human Rights Watch also documented systematic discrimination and hate speech against Saudi Arabia's Shi'a community. Saudi Shi'a citizens are serving lengthy sentences, are on death row, or have been executed for protest-related charges following unfair trials.

Migrant workers in Saudi Arabia continue to face a wide range of labor abuses under the country's exploitative *kafala* (sponsorship) system that ties all aspects of workers' legal status in Saudi to their employers. Workers routinely experience wage theft, indebtedness from illegal recruitment fees, contract substitution, and passport confiscation, and in the case of domestic workers, forced confinement to the employers' home, and physical, verbal, and sexual abuse.

Possible Crimes Against Humanity Against Ethiopian Migrants on the Saudi-Yemen Border

Human Rights Watch has documented torture and ill-treatment against mostly Ethiopian migrants in Saudi detention centers, and killings on the Yemeni-Saudi border which, if committed as part of a Saudi government policy to murder migrants, would amount to a crime against humanity. Ethiopians travel to Saudi Arabia for economic reasons and to flee serious human rights abuses back home.

Detentions and Deportations

The detention of migrants in deplorable facilities in Saudi Arabia is a longstanding problem. Human Rights Watch documented detention of Ethiopian migrants in Saudi detention facilities without adequate food and shelter prior to deportation in 2014, 2019, and 2020.¹

In 2020, Human Rights Watch documented the arrest and detention of mostly Ethiopian migrant workers in extremely overcrowded rooms during the COVID-19 pandemic for extended periods while being subjected to degrading conditions that amount to ill-treatment.²

¹ Human Rights Watch, *Yemen's Torture Camps: Abuse of Migrants by Human Traffickers in a Climate of Impunity* (New York: Human Rights Watch, 2014) https://www.hrw.org/report/2014/05/25/yemens-torture-camps/abuse-migrants-human-traffickers-climate-impunity#_ftn187; "Ethiopians Abused on Gulf Migration Route," Human Rights Watch news release, August 15, 2019,

<https://www.hrw.org/news/2019/08/15/ethiopians-abused-gulf-migration-route>; "Yemen: Houthis Kill, Expel Ethiopian Migrants," Human Rights Watch news release, August 13, 2020, <https://www.hrw.org/news/2020/08/13/yemen-houthis-kill-expel-ethiopian-migrants>

² "Saudi Arabia: Migrants Held in Inhuman, Degrading Conditions," Human Rights Watch news release, December 15, 2020, [https://www.hrw.org/news/2020/12/15/saudi-arabia-migrants-held-inhuman-degrading-conditions#:~:text=\(Beirut\)%20E2%80%93%20A%20deportation%20center%20in%20Riyadh%20is%20holding%20hundreds](https://www.hrw.org/news/2020/12/15/saudi-arabia-migrants-held-inhuman-degrading-conditions#:~:text=(Beirut)%20E2%80%93%20A%20deportation%20center%20in%20Riyadh%20is%20holding%20hundreds)

Migrants told Human Rights Watch that guards subjected them to beatings and verbal abuse, and they witnessed guards assault other detainees with rubber-coated metal rods. Six migrants in 2020 said that they witnessed guards beat other detainees so severely that they were taken from the detention cell and never returned.³ One migrant said that he witnessed the unlawful killing of three detainees, and another was beaten so badly by guards that they died immediately of the injuries.⁴

Interviewees described being held in cramped, unsanitary rooms with up to 350 other migrants for months on end. They explained that they did not have enough room to all lie down, so some slept during the day and others at night, without mattresses and clean blankets. Human Rights Watch verified two videos showing hundreds of men either standing or lying on top of each other in a crowded room with piles of rubbish and debris in the corner.⁵

Migration detention should only be used as an exceptional measure of last resort. Every detainee should be physically brought before a judge for judicial review of the legality and necessity of their detention within 48 hours of being detained, and detainees should be released, as a rule, unless authorities can show a clear legal and factual necessity on an individual bases for their detention to verify identity or pending trial or imminent deportation.⁶

Between December 2020 and September 2021, Saudi Arabia deported ethnic Tigrayan Ethiopians previously held in abhorrent conditions to Ethiopia.⁷ Ethiopian authorities have arbitrarily detained, mistreated, and forcibly disappeared thousands of those Tigrayans recently deported from Saudi Arabia.⁸ Tigrayans face a risk of persecution in Ethiopia and the customary international law principle of nonrefoulement prohibits sending people to a country where they face a real risk of persecution or torture.

Mass Killings of Migrants and Asylum Seekers

In August 2023, Human Rights Watch released a report documenting systematic abuses against Ethiopian migrants on Saudi Arabia's border with Yemen that may amount to crimes against humanity. The report covered the period from March 2022 to June 2023, and documented that during that time Saudi border guards killed at least hundreds of Ethiopian migrants and asylum seekers who tried to cross the border from Yemen to Saudi Arabia.⁹

Migrants crossed from Yemen into Saudi Arabia at many points along a 100-kilometers-long mountainous stretch of the border, depending on the migrant camp of departure, either Al

³ Ibid.

⁴ Ibid.

⁵ Ibid.

⁶ Executive Committee of the High Commissioner's Programme, *Conclusion No. 44 (XXXVII): Detention of Refugees and Asylum-Seekers – Adopted by the Executive Committee (1986)*, No. 44 (XXXVII) 1986, 13 October 1986, <https://www.refworld.org/policy/exconc/excom/1986/en/41745>

⁷ "Ethiopia: Returned Tigrayans Detained, Abused," Human Rights Watch news release, January 5, 2022, <https://www.hrw.org/news/2022/01/05/ethiopia-returned-tigrayans-detained-abused>

⁸ Ibid.

⁹ Human Rights Watch, *"They Fired on Us Like Rain": Saudi Arabian Mass Killing of Ethiopian Migrants at the Yeme-Saudi Border* (New York: Human Rights Watch, 2023) <https://www.hrw.org/report/2023/08/21/they-fired-us-rain/saudi-arabian-mass-killings-ethiopian-migrants-yemen-saudi>

Thabit or Al Raqw. Journeys from Al Thabit to the border took between five and seven hours to several days, according to migrants interviewed by Human Rights Watch. Al Raqw informal migrant camp settlement is next to the border, with only a river separating it from Saudi Arabia.

Saudi border guards used explosive weapons to kill migrants and shoot others at close range, including women and children, in a widespread and systematic manner. In some instances, border guards asked migrants which limb to shoot, and then shot them at close range, and fired explosive weapons at those attempting to flee back to Yemen.¹⁰ Those killings appear to be a deliberate escalation in both number and manner of targeted killing since Human Rights Watch's 2014 documentation of migrant killings at the same border.¹¹

Survivors interviewed by Human Rights Watch described being attacked by mortar projectiles and other explosive weapons from the direction of Saudi border guards once they had crossed the border. They described women, men, and children's bodies strewn across the mountains severely injured, already dead, and dismembered.¹²

Human Rights Watch verified and geolocated videos posted on social media or sent directly to Human Rights Watch that showed dead and wounded migrants on the trails, in camps, and in medical facilities. Geospatial analysis showed growing burial sites near the migrant camps and expanding border security infrastructure.¹³

The largest burial site identified by Human Rights Watch is located across the river from Al Raqw in Saudi Arabia. This burial site grew significantly between February 2022 and June 2023 from 12 to 72 graves.¹⁴

A 17-year-old boy said Saudi border guards forced him and other survivors to remove their clothes and rape two 15-year-old girl survivors after the guards had executed another migrant who refused to rape others.¹⁵

The marked change in pattern of abuse documented in the August 2023 report surpasses all those documented previously by Human Rights Watch. Abuses documented at the border changed significantly from an apparent practice of occasional shootings and mass detentions to widespread and systematic killings that indicate that the abuses may qualify as crimes against humanity if part of a state policy of deliberate murder of a civilian population.

Recommendations

- Immediately and urgently revoke any policy, whether explicit or de facto, targeting migrants with explosive weapons and close-range attacks on civilian migrants on the border with Yemen.
- Respect the principle of nonrefoulement, end pushbacks, and collective expulsions.
- Investigate and hold accountable security personnel responsible for firing explosive weapons and shooting at close range of migrants at the Yemen border.

¹⁰ Ibid.

¹¹ Human Rights Watch, *Yemen's Torture Camps*.

¹² Human Rights Watch, *"They Fired on Us Like Rain"*.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

- Set up a fair, accessible, and independent mechanism to provide compensation for crimes against humanity committed against Ethiopian migrants and asylum seekers. Investigate allegations of abuse at migrant detention centers and hold those responsible accountable.
- Investigate allegations of abuse at formal and informal detention centers, and appropriately discipline or prosecute those found responsible.
- Investigate allegations of inhuman and degrading conditions of detention in formal and informal detention centers, including overcrowding, poor sanitation, inadequate bedding, food, water, and medical care, and commingling of unrelated men, women, and children.
- Engage with Ethiopian authorities, the International Organization for Migration, and the UN Refugee Agency (UNHCR), to arrange for the voluntary return of Ethiopian migrants who remain in detention and assist with their reintegration support in Ethiopia.
- Grant UNHCR complete access to assess any claim for refugee status and whether any organized return was voluntary.
- In the interim, transfer migrant detainees to centers that meet international standards and work with international agencies to bring other migrant detention centers in line with international standards under the UN Standard Minimum Rules for the Treatment of Prisoners (“Mandela Rules”).
- Urgently identify and release children along with their family members, and pregnant and nursing women, and provide safe alternatives to detention.
- Sign and ratify the 1951 Refugee Convention and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
- Ratify the Rome Statute of the International Criminal Court.
- Enact refugee law and establish asylum procedures consistent with international standards.
- Offer protection to at-risk Tigrayans who enter Saudi Arabia.

Discrimination Against Saudi Shi’a

The Saudi Shi’a community in Saudi Arabia, who make up 15 percent of the population and mostly live in the country’s Eastern Province, have long suffered from systemic discrimination and hate speech by the government.¹⁶ Human Rights Watch has documented anti-Shi’a rhetoric by government affiliated religious scholars that is instrumental in Saudi Arabia’s enforcement of a system of discrimination against Shi’a citizens.¹⁷

In addition to the clerics’ statements, anti-Shi’a bias extends to the judicial system that often subjects members of the Saudi Shi’a community to discriminatory treatment or arbitrary

¹⁶ Human Rights Watch, “*The Are Not Our Brothers*” *Hate Speech by Saudi Officials* (New York: Human Rights Watch, 2017), <https://www.hrw.org/report/2017/09/26/they-are-not-our-brothers/hate-speech-saudi-officials>; Human Rights Watch, *Denied Dignity: Systematic Discrimination and Hostility toward Saudi Shia Citizens*, (New York: Human Rights Watch, 2009) <https://www.hrw.org/report/2009/09/03/denied-dignity/systematic-discrimination-and-hostility-toward-saudi-shia-citizens#:~:text=This%2032-page%20report%20documents%20the%20sharpest%20sectarian%20tensions%20in%20the>.

¹⁷ Human Rights Watch, “*The Are Not Our Brothers*”.

criminalization of Shia religious practices.¹⁸ Many members of Saudi’s Shi’a community are serving lengthy sentences, are on death row, or have been executed for protest-related charges following unfair trials.¹⁹

Death Penalty

In 2022, the Saudi authorities executed 81 men in the country’s largest mass execution in years.²⁰ Forty-one of those executed were from the Saudi Shi’a community, according to Saudi activists that spoke to Human Rights Watch. Only three of the 41 Shi’a men had been convicted on murder charges. Human Rights Watch analyzed courts documents for five of the 41 Shia men and found that their trials were marred with due process violations. The court sentenced them to death despite allegations of torture and ill-treatment during interrogation and that their confessions were extracted by force.²¹

A year later, Saudi authorities executed two Shi’a Bahrainis under the overly broad and vague provisions of the country’s notorious counter terrorism law following what Amnesty International described as a “grossly unfair trial.”²²

More recently, the Specialized Appellate Court in Saudi Arabia upheld the death sentences for two men for alleged protest-related crimes they committed as children. Both Yousif al-Manasif and Ali al-Mabyook are from Shia majority Eastern Province.²³

Arbitrary Arrests and Detention

In March 2024, the Saudi Criminal Court in Dammam, capital of the Eastern Province, handed down sentences of six months up to a year in prison and fines to 12 football fans.²⁴ The fans

¹⁸ Ibid.

¹⁹ “Saudi Arabia: Mass Execution Largest Since 1980,” Human Rights Watch news release, January 4, 2016, <https://www.hrw.org/news/2016/01/04/saudi-arabia-mass-execution-largest-1980>; “UN Committee against Torture: Review of Saudi Arabia,” Human Rights Watch news release, April 26, 2016, <https://www.hrw.org/news/2016/04/26/un-committee-against-torture-review-saudi-arabia>; “Saudi Arabia: 14 Shia at Risk of Imminent Execution,” Human Rights Watch news release, August 10, 2017, [https://www.hrw.org/news/2017/08/10/saudi-arabia-14-shia-risk-imminent-execution#:~:text=\(Beirut\)%20%E2%80%93%20Fourteen%20members%20of%20the%20Saudi%20Shia%20community%20are](https://www.hrw.org/news/2017/08/10/saudi-arabia-14-shia-risk-imminent-execution#:~:text=(Beirut)%20%E2%80%93%20Fourteen%20members%20of%20the%20Saudi%20Shia%20community%20are).

²⁰ “Saudi Arabia: Mass Execution of 81 Men,” Human Rights Watch news release, March 15, 2022,

<https://www.hrw.org/news/2022/03/15/saudi-arabia-mass-execution-81-men#:~:text=Saudi%20authorities%E2%80%99%20execution%20of%2081%20men%20on%20March%202012,%202022>.

²¹ Ibid.

²² Leila Saad, “Saudi Arabia Executed Two Shi’a Bahrainis on Terrorism Charges,” Human Rights Watch dispatch, June 2, 2023,

<https://www.hrw.org/news/2023/06/02/saudi-arabia-executes-two-shia-bahrainis-terrorism-charges#:~:text=On%20March%202012,%202022,%20Saudi%20Arabian%20authorities%20executed%2081%20men>; “Saudi Arabia: Halt imminent execution of Bahraini men sentenced after flawed trial,” Amnesty International news release, May 24, 2022, <https://www.amnesty.org/en/latest/news/2022/05/saudi-arabia-halt-imminent-execution-of-bahraini-men-sentenced-after-flawed-trial/> (accessed October 8, 2024); Sarah Dadouch and Annabelle Timsit, “Female Saudi activist gets record 34 years in prison for critical tweets,” The Washington Post, August 17, 2022, <https://www.washingtonpost.com/world/2022/08/17/saudi-salma-shehab-activist/> (accessed October 24, 2024).

²³ “Saudi Arabia: Halt Executions of Child Offenders,” Human Rights Watch news release, April 29, 2024,

<https://www.hrw.org/news/2024/04/29/saudi-arabia-halt-executions-child-offenders#:~:text=Saudi%20authorities%20should%20immediately%20halt%20executions%20for%20child%20offenders.%20Saudi>; “Escalating Concerns Over the Lives of Minors Threatened With Death in Saudi Arabia,” Human Rights Watch news release, April 29, 2024, <https://www.hrw.org/news/2024/04/29/escalating-concerns-over-lives-minors-threatened-death-saudi-arabia>.

²⁴ “Saudi Arabia: Football Fans Imprisoned for Chant,” Human Rights Watch news release, March 28, 2024,

<https://www.hrw.org/news/2024/03/28/saudi-arabia-football-fans-imprisoned-chant>.

were arrested after a video of them chanting a peaceful Shi'a religious song celebrating the birth of Imam Ali, Shi'a Muslim's first Imam, was circulated on social media.

In January 2023, Saudi Arabia sought to extradite Hassan al-Rabea, a Saudi citizen belonging to the Shi'a minority, from Morocco.²⁵ Saudi authorities have previously executed two of al-Rabea's cousins in 2019 for alleged protest-related offenses while his brother remains on death row.²⁶

Salma al-Shehab, a mother of two, from the Saudi Shi'a community, and a University of Leeds PhD student, was arrested and detained in January 2021 and later sentenced to 34 years in prison.²⁷ Al-Shehab was convicted and sentenced under Saudi Arabia's counterterrorism law for peaceful social media activity about women's rights in the country.²⁸

Recommendations

- Immediately and unconditionally release all those detained for exercising their right to freedom of expression, including members of the Shi'a community.
- Engage in broad efforts to combat negative stereotypes of, and discrimination against, Saudi Shi'a citizens and promote intercultural understanding.
- Publicly condemn anti-Shi'a statements if they rise to advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence.
- Provide anti-discrimination training to Saudi judges and justice officials and prohibit criminalization of normal Shi'a religious practices.
- Protect freedom of worship for the Shi'a, especially in areas with a Shi'a majority population.
- Allow international monitors to conduct country visits to Saudi Arabia.

Migrant Workers' Rights

Migrant workers represent 42 percent of Saudi Arabia's population.²⁹ Despite their indispensable contributions to the economy, Human Rights Watch found that migrant workers face widespread labor abuses across employment sectors in Saudi Arabia, and Saudi authorities systematically fail to protect them or provide remedy.

²⁵ "Morocco: Saudi Man at Risk of Forced Return," Human Rights Watch news release, January 26, 2023, <https://www.hrw.org/news/2023/01/26/morocco-saudi-man-risk-forced-return>.

²⁶ "Saudi Arabia: Mass Execution of 37 Men," Human Rights Watch news release, April 24, 2019, <https://www.hrw.org/news/2019/04/24/saudi-arabia-mass-execution-37-men>.

²⁷ "Saudi Arabia: Woman Sentenced to 34 Years for Tweets," Human Rights Watch news release, August 19, 2022, <https://www.hrw.org/news/2022/08/19/saudi-arabia-woman-sentenced-34-years-tweets#:~:text=In%20late%202021,%20the%20Special%20Criminal%20Court,%20the%20country%E2%80%99s%20counterterrorism> ; Sarah

Dadouch and Annabelle Timsit, "Female Saudi activist gets record 34 years in prison for critical tweets," *The Washington Post*, August 17, 2022, <https://www.washingtonpost.com/world/2022/08/17/saudi-salma-shehab-activist/> (accessed October 9, 2024)

²⁸ *ibid*

²⁹ "التركيبة السكانية حسب الجنسية و النوع" Saudi Census, <https://portal.saudicensus.sa/portal/public/1/18/41> (accessed October 7, 2024).

Kafala (Sponsorship) System

In Saudi Arabia, migrant workers continue to be governed by the exploitative *kafala* (sponsorship) system despite Saudi authorities removing the term from the law.³⁰ The kafala system ties migrant workers to their employer, giving them excessive power over workers' mobility and legal status.³¹ Despite reforms, employers still hold disproportionate control over migrant workers and continue to restrict their ability to change jobs and leave the country.³²

Migrant workers are vulnerable to widespread abuses, including wage theft, indebtedness due to illegal exorbitant recruitment fees, contract substitution, confiscation of identity documents by employers, and situations that amount to forced labor.³³

Absconding, under which employers can report migrant workers as missing is still criminalized, even when workers are escaping abuse, and can lead to arrest, imprisonment, or deportation.³⁴ Migrant workers face barriers to accessing information on their legal status, filing labor disputes or complains, and appealing an absconding case in Saudi's new digitized courts.³⁵

Human Rights Watch documented the failure of several companies to pay hundreds of thousands of migrant workers their wages and benefits in 2016 after a period of low oil prices in Saudi Arabia.³⁶ While repayment began almost a decade later by two of the now-liquidated companies, Human Rights Watch research showed that the process has been rife with problems.

The cost of non-payment of wages for extended periods can be catastrophic financially and mentally for migrant workers and their families. Workers told Human Rights Watch that they had to rely on their savings or their families back home for food and repatriation. Some workers said that they had been trapped in Saudi Arabia as they were neither paid nor able to leave the country because their employer had not renewed their residency permit.³⁷

In June 2024, The Building and Wood Workers' International Union (BWI) filed a forced labor complaint under article 24 of the International Labour Organization (ILO) constitution to highlight the exploitative working and living conditions as well as wage theft that migrant workers in Saudi Arabia are subject to.³⁸ The evidence on which this complaint was based includes over a hundred testimonies by migrant workers who faces intimidation, threats,

³⁰ "Saudi Arabia: Labor Reforms Insufficient," Human Rights Watch news release, March 25, 2021, <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.

³¹ Ibid.

³² Ibid.

³³ "Saudi Arabia Falls Short of Respecting Migrants' Rights," Human Rights Watch news release, June 26, 2024, <https://www.hrw.org/news/2024/06/26/saudi-arabia-falls-short-respecting-migrants-rights#:~:text=The%20situation%20of%20migrant%20workers%20in%20the%20kingdom,%20particularly%20those>.

³⁴ Residency Regulations issued by the Supreme Royal Order No. 17/2/25/1337 dated 11/9/1371.

³⁵ Anna Shaker, "New Reforms and Ongoing Challenges in Saudi's Labour Justice System," Migrant Rights news release, August 13, 2020, <https://www.migrant-rights.org/2020/08/new-reforms-and-ongoing-challenges-in-saudis-labour-justice-system/> (accessed October 7, 2024).

³⁶ Human Rights Watch, *World Report 2017* (New York: Human Rights Watch 2017) Saudi chapter, <https://www.hrw.org/world-report/2017/country-chapters/saudi-arabia>.

³⁷ "Saudi Arabia: Migrant Workers; Long Overdue Wages at Risk," Human Rights Watch news release, February 29, 2024, <https://www.hrw.org/news/2024/02/29/saudi-arabia-migrant-workers-long-overdue-wages-risk>.

³⁸ "Saudi Arabia: ILO Forced Labor Complain a Wake-Up Call," Human Rights Watch news release, June 5, 2024, [https://www.hrw.org/news/2024/06/05/saudi-arabia-ilo-forced-labor-complaint-wake-call#:~:text=Saudi%20Arabia%E2%80%99s%20abusive%20kafala%20\(labor%20sponsorship\)%20system%20for%20foreign%20workers](https://www.hrw.org/news/2024/06/05/saudi-arabia-ilo-forced-labor-complaint-wake-call#:~:text=Saudi%20Arabia%E2%80%99s%20abusive%20kafala%20(labor%20sponsorship)%20system%20for%20foreign%20workers).

restriction of movement, retention of identity documents, debt bondage, abusing working and living conditions, and excessive overtime.³⁹ Migrant workers in Saudi Arabia also cannot form unions to demand better protections.

Lack of Protection from Extreme Heat

The Saudi government is failing to protect outdoor migrant workers from extreme heat, a serious health hazard. Human Rights Watch interviewed migrant workers in Saudi Arabia who described symptoms of heat-related illnesses, including fainting, vomiting, and feeling suffocated by the heat.⁴⁰ Many of the hottest days on record since 1940 were recorded in the Gulf region in the third week of July 2024.⁴¹ Yet Saudi Arabia continues to apply the inadequate midday work ban that only prohibit outdoor work from 12 pm to 3 pm during June 15 – September 15 instead of the wet bulb globe temperature (WBGT) index that measures occupational heat stress based on air temperature and relative humidity.⁴²

Research has shown that midday work bans are ineffective in protecting workers as extreme heat conditions also occur outside the ban months and hours.⁴³ A Saudi-based worker told Human Rights Watch: “Every day, one or two workers faint, including during mornings and evenings. Sometimes on the way to work. Sometimes while working.”⁴⁴

Abuses Against Domestic Workers

Domestic workers and farmers are excluded from protection and rights afforded to other migrant workers under Saudi Arabia’s labor law despite multiple rounds of reform, leaving them among the most vulnerable to abuse.⁴⁵ While a new Domestic Worker law came into effect in October 2024, as with the previous regulation that is poorly enforced, its impact will boil down to implementation. Domestic workers in Saudi Arabia have long been subjected to grave labor abuses enabled by the *kafala* system like non-payment of wages, confinement in the employer’s home, excessive workloads and long working hours without breaks or days off, food deprivation, as well as psychological, physical, and sexual abuse.⁴⁶

³⁹ Ibid.

⁴⁰ “Gulf States: Inadequate Heat Protection Putting Workers in Peril,” Human Rights Watch news release, August 8, 2024, <https://www.hrw.org/news/2024/08/08/gulf-states-inadequate-heat-protection-putting-workers-peril#:~:text=Yet%20Gulf%20states%20apply%20inadequate%20midday%20work%20bans%20that%20only>.

⁴¹ “New record daily global average temperature reached in July 2024,” Copernicus news release, July 25, 2024, <https://climate.copernicus.eu/new-record-daily-global-average-temperature-reached-july-2024> (accessed October 7, 2024).

⁴² “Gulf States: Migrant Workers at Serious Risk from Dangerous Heat,” Human Rights Watch news release, May 31, 2023, <https://www.hrw.org/news/2023/05/31/gulf-states-migrant-workers-serious-risk-dangerous-heat#:~:text=All%20Gulf%20states%20apply%20a%20summer%20midday%20work%20ban%20that>.

⁴³ Mohammed Al-Bouwarthan et al, “Assessment of Heat Stress Exposure among Construction Workers in the Hot Desert Climate of Saudi Arabia,” *Annals of Work Exposures and Health*, 63(1) 2029, 505-520;

⁴⁴ Human Rights Watch interview, (name withheld), Month xx, Year

⁴⁵ “Saudi Arabia: Labor Reforms Insufficient,” Human Rights Watch news release, March 25, 2021, <https://www.hrw.org/news/2021/03/25/saudi-arabia-labor-reforms-insufficient>.

⁴⁶ Human Rights Watch, “As If I Am Not Human”: *Abuses against Asian Domestic Workers in Saudi Arabia*, (New York: Human Rights Watch, 2008) <https://www.hrw.org/report/2008/07/07/if-i-am-not-human/abuses-against-asian-domestic-workers-saudi-arabia>; “Saudi Arabia: Dozens of Sri Lankan women wrongfully detained for months due to abusive kafala system,” Amnesty International news release, April 15, 2021, <https://www.amnesty.org/en/latest/news/2021/04/saudi-arabia-dozens-of-sri-lankan-women-wrongfully-detained-for-months-due-to-abusive-kafala-system-2/> (accessed October 10, 2024).

Domestic workers working as personal drivers interviewed by Human Rights Watch in 2020 all said their wages had been delayed, unpaid, or paid with unexpected deductions.⁴⁷ One Indian driver told Human Rights Watch: “When they no longer need me to run their own errands, they send me to the madam’s sister’s house to run her errands,” he said. “It’s like they own me, so they must use me every moment. Most days I do not have time to eat a proper lunch.”⁴⁸

Recommendations

- Dismantle the *kafala* system in full, making the state the sponsor for migrant workers, and ensuring that migrant workers’ entry, residence, and work visas are not tied to employers.
- Decriminalize the criminal charge of “absconding,” under which employers can report migrant workers as missing and which can lead to arrest, imprisonment, or deportation.
- Remove all requirements for migrant workers to obtain employers’ consent to transfer sponsors.
- Introduce and implement a non-discriminatory minimum wage for migrant workers, including calculating an hourly minimum wage, that equals a living wage that allows workers a decent standard of living for themselves and their families. Saudi authorities should also set up a committee that periodically reviews the minimum wage levels so that it guarantees a living wage.
- Prosecute employers, Saudi-based recruiting agencies, and subcontractors that violate the law requiring employers to cover all costs associated with a migrant workers’ recruitment and ensure that violators face appropriate penalties.
- Ensure adequate heat protection for workers, including adopting the Wet-Bulb Globe Temperature index and enforcing guidelines that impose work stoppages during extreme heat.

⁴⁷ “Saudi Arabia: Personal Drivers Face Abuse,” Human Rights Watch news release, December 23, 2020, <https://www.hrw.org/news/2020/12/23/saudi-arabia-personal-drivers-face-abuse>.

⁴⁸ Ibid.