Labor in Saudi Arabia:
Between Hammer of Violations and Anvil of Needs

Euro-Mediterranean Human Rights Monitor
January 2019
## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Conditions surrounding foreign Labor</td>
<td>5</td>
</tr>
<tr>
<td>Fees, taxes and insults</td>
<td>6</td>
</tr>
<tr>
<td>Syrians and Yemenis are the most affected</td>
<td>8</td>
</tr>
<tr>
<td>Working women... wholesale violations</td>
<td>9</td>
</tr>
<tr>
<td>Agricultural sector... restrictions and prosecutions</td>
<td>10</td>
</tr>
<tr>
<td>Saudization of the system</td>
<td>11</td>
</tr>
<tr>
<td>The legal system governing foreign labor</td>
<td>12</td>
</tr>
<tr>
<td>Offender workers and conditions of detention</td>
<td>13</td>
</tr>
<tr>
<td>Workers' rights and protection mechanisms in international law</td>
<td>14</td>
</tr>
<tr>
<td>Recommendations</td>
<td>15</td>
</tr>
</tbody>
</table>
Introduction

Foreign labor is an effective engine of the Saudi economy, accounting for more than a third of the Gulf country’s 33 million population and over 80% of private sector employment.

The home countries of foreign workers in Saudi Arabia mainly include; Ethiopia, the Philippines, Pakistan, India and Sri Lanka, in addition to Arab states such as Egypt, Yemen, Syria, Sudan, Jordan and Palestine.

Despite the large numbers of foreign workers inside Saudi Arabia, the legal and humanitarian reality indicates that unfortunately, the human rights situation of these workers continues to deteriorate. The absence of a solid legal system in the Kingdom means that foreign workers are subject to many violations and abuses, whether by Saudi authorities or their direct employers.

Saudi authorities and employers’ violations has pushed hundreds of thousands of workers to flee the country. For instance, Jadwa Investment company said in a report, analyzed by the Euro-Med, that the total number of foreigners who left the Saudi labor market in the past two years was 1.6 million. Especially after the increase in fees for foreign worker’s companions or dependants since July 2017, about a million foreigners left the Saudi market last year alone.

The pace of what can be seen as a Saudization process over the last two years has increased through, for instance, the imposition of fines. This contributes to the departure of more foreign expatriate workers, especially after the Saudi authorities issued a decision last year restricting work in 12 professions and activities to Saudi nationals only.

With the implementation of other measures by next January that ban foreigners from working in five more economic activities in Saudi Arabia, the careers of hundreds of thousands of non-Saudi workers in the kingdom are critically endangered.
Conditions surrounding expatriate labor

The Kafala system (sponsorship system) is one of the most prominent violations by Saudi authorities against expatriate workers. In this system, the expatriate's visa status is tied to their sponsors, which means that they cannot enter or leave the Kingdom or switch between employers without the permission of their initial sponsor – in which case their right to movement is being essentially restricted if not compromised in some cases. Unfortunately, the current sponsorship system in Saudi Arabia enables most abuses against foreign workers in the Kingdom, such as employers imposing harsh and illogical conditions on their employees, which are sometimes found to be in contravention with basic human values, and in violation of international law; enshrined in the Convention on the Rights of Workers.

Until today, International and local human rights organizations continue to document hundreds of violations resulting from the “sponsorship system” of the Saudi Kingdom, most notably in terms of preventing and restricting the movement of workers, where they can only travel or exit their city of residence if the “sponsor” allows it. This has also created a paradigm in which the sponsor can extort large amounts of money from foreign workers; which in some cases exceeds 80% of their salary. Rights organizations also documented that some “sponsors” demand up to a 50% share of the properties or shops of foreign workers they sponsor.

In other cases, “sponsors” pressed false charges against Yemeni workers in 2018, leading to their deportation without any compensation for their lost shops and properties seized by the “sponsors”, according to the Saudi National Society for Human Rights and other local organizations at the time.

This paradigm is perpetuated by the Saudi neglect of fulfilling the rights of foreign workers, and the lack of clear mechanisms through which expatriates could complain or peacefully protest their conditions.
For example, in 2018, some labor demonstrations took place in more than one region in the Kingdom, where workers demanded to receive their dues after some of them had not received their salaries for more than eight months. One of the most prominent of these demonstrations took place in Dhahran in October 2018, where dozens of workers gathered to demand the payment of their late salaries, after laboring for months in a huge housing project. Unfortunately, Saudi security forces intervened to disperse the workers and fired live bullets at protesters, which led to the killing of one worker and the injury of others in a dangerous precedent and unjustified violation of international laws. Until today, there has been no official investigation by the Saudi authorities into the incident.

**Fees, taxes and insults**

Among the increasing burdens, imposed by the Saudi authorities on migrant workers and their families are taxes on services, housing and accompanying individuals, making their living conditions dramatically worse. This has forced tens of thousands of foreign workers to leave the kingdom due to failing to meet those obligations.

On July 1, 2017, Saudi authorities started applying a tax on every dependent or companion of expatriate workers, amounting to one hundred riyals per month (about US $ 27) per accompanying individual, with a total of 1,200 riyals in the first year, which would then double to 200 riyals per month; a total of 2,400 SAR per year for each accompanying individual.

The prohibition on foreign workers from laboring in certain activities, the imposition of burdening fees and new taxes, and the increasing prices coupled with administrative and security measures, including forced displacement, violence and humiliation have led to the departure of tens of thousands foreign workers for the past two years rapidly, which raises concern about the remaining foreign workers in the kingdom. For example,
according to official Saudi data, more than one million foreign workers have lost their jobs in less than two years.

Currently, the average monthly salary of a foreign worker in the Saudi kingdom makes it nearly impossible to cope with the rise in prices in the country. It is also becoming essentially impossible to bear the increasing burden of fees imposed on individuals accompanying a worker, which makes life very difficult for foreign workers who moved to Saudi Arabia to have a better life, save money and support their families. Additionally, it's becoming increasingly difficult for foreign workers in Saudi Arabia to renew their residence permits.

Although such measures are estimated to bring the Kingdom approximately $20 billion in new fees by 2020, yet several important points have essentially been overlooked. For instance, the departure of foreign workers and their families will have a significant negative impact on consumer goods sectors; such as food, retail, services, travel, education and communications. This will reduce the value of the Kingdom's GDP by at least 3% until 2020.

According to Euro-Med's follow-up, the main difficulties facing migrant workers at the present time are the policy of forced deportation followed by Saudi authorities. In addition, these workers' living conditions have deteriorated due to the high fees and they are subjected to exploitation by employers and influential entities within the Kingdom.
Syrians and Yemenis are the most affected

It is becoming increasingly difficult for Syrians and Yemenis residing in the Kingdom to renew their residency permits because of the cumulative fees they have to pay for their accompanying families while Syrian and Yemini workers’ wages do not exceed 3,500 riyals per month ($933.33). Hence, they are caught between the hammer of fees and their families’ needs, and the anvil of returning to their war-torn countries. Their inability to renew their residency permits will deprive them and their children of health and education services, as well as the right to travel and leave the kingdom. Hence, these fees for dependents or companions have become a nightmare for Syrian and Yemeni workers in the Kingdom.

The imposition of such high fees makes it nearly impossible for workers of Syrian and Yemeni nationalities to continue to send remittances to their families. This arises a serious concern about their fate and the future of their families, especially given their limited options to migrate to another country.
Working women… wholesale violations

Although there are no accurate statistics on the number of working women in Saudi Arabia, however, some reports have estimated their number to be about 618,000 women who work in different sectors, such as food factories and private companies, and in the housework industry; which has the largest percentage of working women in Saudi Arabia.

Foreign women workers in the Saudi economy share the highest rate of abuse by Saudi employers, as local and international human rights institutions documented egregious violations against them, especially domestic workers. In 2018 several reports revealed inhumane practices against women workers especially workers who come from Bangladesh and work for Saudi employers.

The violations suffered by domestic workers go against the most basic human values, where they are often subjected to various types of torture, such as beatings, humiliation and physical assault. In many cases, this torture happens for no reason other than satisfying the desire of employers who exploit these women’s need to money.

In addition to the practices of torture suffered by foreign women workers in the housework industry in Saudi Arabia, Saudi employers often deny their women workers the right to receive their salaries for months amidst their inability to file complaints or receive legal support to protect them from abuse.

To this day, Saudi authorities have not found formal legal methods through which migrant workers can file their grievances and regain the rights violated by their Saudi employers. This gave space for many employers to violate their workers’ rights, knowing there will be no penalty to deter them from any practices that violate the most basic rules and legal values that guarantee everyone the right to work in a safe environment without attack, deprivation or prosecution.
The agricultural sector in Saudi Arabia is one of the largest productive sectors in which more than 600 thousand expatriate laborers work.

Unfortunately, the agricultural sector is where foreign workers rights are most violated due to several reasons; the most significant of which is that the Saudi labor system, which was adopted in 2015, excluded shepherds and farm workers from all kinds of protection granted under the labor system, which increased the seriousness of this group's exposure to violations that already exist within the Kingdom.

The agricultural sector also has the largest number of illegal labor due to several reasons. First, it is difficult for the “sponsor” to maintain employees, as many find themselves forced to flee from such jobs, either because they have been deceived and forced to undertake a work they did not approve of, or because of their isolation and inhuman working conditions. Second, the agricultural sector is different in obtaining the needed official papers from the relevant authorities inside Saudi Arabia; the farm owner needs several documentations, such as health certificates and an authorization from a legal and medical committee to practice agricultural work. Hence, many farm owners resort to defrauding the law and recruit workers illegally, taking advantage of the urgent needs of those workers.

According to Saudi human rights reports, lots of “sponsors” do not issue residence documents for their farm workers in isolated areas as a way to exploit their difficult situations while preventing them from escaping; as workers cannot move inside the kingdom without a valid residency permit, even if s/he enters the country legally with a valid visa. Saudi authorities have the right to deport any worker who does not have a valid work visa immediately. In addition, the worker would have to pay a large fine without the legal papers, accounting between 500 - 3000 Saudi riyals (135 - 760$). In some instances, a worker would have to pay such fine repeatedly for each time s/he is arrested by Saudi Authorities.
Saudization of the system

Although the first serious Saudization attempts began around 1975, however, such process regained ground during the last two years and has increased in its frequency and amount of regulations updated and implemented, along with the imposition of new fines in the event of failure to comply. The latest of such regulations in the Kingdom was the Saudization of 12 professions and activities in early 2018, including; garment stores, children’s clothing stores, and men’s accessories shops, in addition to stores that sell cars, motorcycles, home and office furniture, household utensils, sweets, auto parts, construction and building materials, or carpets. A penalty was set of 20,000 riyals ($ 5,400) for anyone who hired a migrant worker in professions restricted to Saudis. With the beginning of the implementation of Saudizing five new economic activities in the Kingdom since last January, hundreds of thousands of non-Saudi workers are now in critical danger of rapid and forced deportation before the end of this year. The 2030 vision announced by the Saudi Crown Prince Mohammed bin Salman, which outlines the non-oil Saudi economy, proved the failure of the previous attempts to implement the Saudization system. Although the policy of imposing fees on families of expatriate workers has led to an unprecedented departure of foreign workers from the Kingdom, however, it did not lead to the role that it was originally designed to achieve; namely providing jobs for Saudis. While the kingdom has been experiencing severe fleeing of expatriate labor, it has not yet experienced an increase in the employment rate of Saudis.
The legal system governing foreign labor

Saudi Arabia has three basic regulations and laws that regulate the foreign labor within the Kingdom; namely the Saudi Labor Law, the Residence Law and the Border Security Law, in addition to some orders and royal decrees that set out the mechanisms for bringing foreign workers, how they reside, and the rights and duties imposed on them. However, the practical reality and many reports from local and international rights organizations show that Saudi authorities apply penalties and punishments against foreign migrant workers without fairness or respecting their rights stipulated in said rules and international covenants that guarantee the rights of workers in salary, good treatment, non-prosecution, the right to a fair trial and to hire a lawyer.

In many cases, the worker gets unintentionally in an unlawful situation as the sponsorship system gave the sponsor control on many aspects of the worker’s living conditions and thus increasing burdens on him. For example, the sponsor’s neglect to renew a sponsored worker’s residence or forgetting to issue a sponsored worker a residence permit would automatically put the worker in an unlawful situation.

Saudi law also allows sponsors to file an escape report against their sponsored workers, without the need to provide evidence, which turns them into illegal laborers. The sponsors exploit the sponsorship system through what is commonly known as the “free visa”, though which workers pay their sponsors to renew their documents to be left to work freely. This puts these workers in an unlawful position.
Offender workers and conditions of detention

Saudi authorities usually put illegal laborers in criminal prisons in the Kingdom, but the vast majority are sent to the detention centers of the General Directorate of Expatriates Affairs, which are located in different areas around the Kingdom. It’s supervised by the General Directorate of Prisons, in cooperation with the Passports Directorate at the Ministry of Interior.

In most cases, detainees are unaware of the reason for their detention in these centers, where their proceedings are sometimes delayed for months. Detainees are not tried in the courts of the Ministry of Justice but are interrogated by the investigative divisions in enforcement agencies, where their initial statement is taken. After investigation, the violators are referred to the committees of the General Administration for Expatriates Affairs for further investigation. The committee, which acts as an administrative court, can issue legal administrative decisions against detainees, to either release or punish them in accordance with the relevant regulations. Those who receive an order of deportation are referred to the travel division of the General Administration for Expatriates Affairs to complete their travel procedures and take their fingerprints to be blacklisted and prevented from returning to Saudi Arabia.

As for the conditions of detention within detention centers, several local human rights organizations have observed difficult conditions and human rights violations against foreign workers detained in these centers. For example, the reports of the Saudi National Society for Human Rights, highlights abuses against detained workers from overcrowding in detention centers to poor sanitary and hygienic conditions to poor health and humanitarian services provided to these workers. The association said it has observed in one detention center there were more than 1,200 workers lacking basic services, such as toilets and medicines. The report also observes that the administration of detention
center separated mothers from their children and did not provide medicines for patients with high blood pressure and diabetes despite the repeated request of these patients for treatment.

According to some human rights organizations and testimonies of some of the workers who were in those centers, they were beaten, insulted, and humiliated by Saudis. One worker stated, “In the detention center... the food was very little, so we fought over it, and the strong ate more than the others.” He added, “The guards used to ask us to face the wall and beat us on our backs with metal bars. Then we were taken to a prison called al-Shmaisi in Riyadh, which had [only] two toilets used by 1,200 people, including dozens of children.”

It is noteworthy that in 2017, Saudi authorities launched a campaign entitled “A Country Without Offenders,” during which security authorities carried out large-scale arrest campaigns of “illegal residents” – as Saudi authorities put it – and continued until it reached its peak in 2018. Back then, Saudi authorities recorded that about two million foreign workers were illegal. More than 500,000 illegal residents were deported, while many are still awaiting deportation, according to statistics published by the Saudi Interior Ministry at the time.

**Workers’ Rights and protection mechanisms in International Law**

Many international conventions and treaties discussed the rights that an organization or an employer must respect, such as the 1970 Minimum Wage-Fixing Convention, Article 12, the 1975 Migrants’ Rights Convention, Article 22, the 1982 Maintenance of Social Security Rights Convention, Article 26, the 1990 Night Work Convention, Article 17, and the 1999 Worst Forms of Child Labor Convention, Article 14.

The Euro-Med sees that those conventions are not binding enough to put any labor or operational institution that violates them under persecution and impose sanctions on them. This is because the mechanisms used to protect workers’ rights are weak as these conventions and treaties lack effective enforcement mechanisms such as having their (own) court that enacts binding decisions for member states. Therefore, the conventions and recommendations of the International Labor Organization can be regarded as rules that are not binding.
Recommendations

- The Euro-Mediterranean Human Rights Monitor believes that Saudi authorities have been and are still violating the rights of foreign workers in Saudi Arabia in a clear unjustified way that violates the most basic rights recognized and guaranteed by the international law and labor conventions.

- The organization stresses that the practices of Saudi authorities contradict the Universal Declaration of Human Rights, the International Covenant on Economic and Social Rights and the International Labor Convention, which guarantees all rights for workers, including working in a safe environment without harm or prosecution, and enjoying the right to receive hourly, daily and monthly vacations. In addition, workers should enjoy the right to legal protection, access to the judiciary, and the right to appoint a lawyer.

- The Euro-Med also calls on Saudi authorities to work towards amending the unfair sponsorship system, which gives the absolute powers to the sponsors to control their restricted workers as they prevent them from traveling or changing their jobs, and in some cases sponsors extort large amounts of money to register their sponsored workers in official government records.

- The Euro-Med also urges the International Labor Organization (ILO) to urgently intervene and form a committee to evaluate the conditions of work and workers inside the Kingdom of Saudi Arabia. The organization hopes the ILO will also set real mechanisms that Saudi authorities should abide by while dealing with foreign workers in a way that guarantees their basic rights recognized by international law.