

THIS REPORT CONTAINS TWO JOINT SUBMISSION REPORTS FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ABOUT THE HUMAN RIGHTS SITUATION OF MIGRANT DOMESTIC WORKERS IN SAUDI ARABIA

**PART 1 is a submission by Sema Nami and the Global Alliance against Traffic in Women, and
PART 2 is a submission by Tarangini Foundation and the Global Alliance against Traffic in Women**

PART 1: Information for the Committee on the Elimination of Discrimination against Women about the human rights situation of migrant domestic workers in Saudi Arabia

89th Session (October 2024)

Submitted by: Sema Nami and the Global Alliance against Traffic in Women

Consent to publish on CEDAW Website: Yes

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About Sema Nami and GAATW

Sema Nami is a non-governmental organisation that aims to combat all forms of human trafficking and gender-based violence. It achieves this through public awareness initiatives, human rights advocacy, capacity building for victims of trafficking and at-risk groups, and cooperation with relevant government and non-governmental organisations.

GAATW is an alliance of non-governmental organisations from Africa, Asia, Europe, Latin America and the Caribbean, and North America. Member organisations include migrant rights organisations, anti-trafficking organisations and self-organised groups of migrant workers. Many of GAATW's members and partners (including Sema Nami) aim to create a supportive space for women survivors of trafficking and labour exploitation so that women can set their own agendas and articulate their own visions for change.

Unless otherwise indicated, this submission is based on the direct testimony of 20 Kenyan women who had previously worked in Saudi Arabia. This testimony was shared in a focus group discussion on 17 April 2024 in Nairobi.

Background and Context

Saudi Arabia employs over 10.9 million migrant workers, who account for over 75% of the labour force.¹ Saudi Arabia has the largest number of domestic workers in the world - there are over 3.5 million documented domestic workers in the country, representing around 28% of total employment.² The majority of domestic workers are women, though the category also includes drivers, gardeners and security guards who tend to be men.³

¹ "Number of employees in Saudi Arabia hits 14.59 mln in Q3 2022."
<https://www.argaam.com/en/article/articledetail/id/1613855>. Accessed 12 Jul. 2023.

² "Making decent work a reality for domestic workers in the Middle East:."
https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_831916.pdf. Accessed 12 Jul. 2023.

³ Domestic workers include house managers, drivers, servants, house cleaners, cooks and caterers, house guards, buildings and rest houses, home farmers, private tutor, housekeepers, personal care workers, coffee makers,

Virtually all non-nationals are governed by the kafala, or sponsorship system. The Government of Saudi Arabia made several reforms to the employer-tied visa system in 2021, but none of these reforms extend to domestic workers.⁴ In October 2023, the Government announced a new law for domestic workers, which will come into effect on 21 September 2024.⁵ The ineffectiveness of these proposals is discussed below.

Article 5: Sex roles and stereotyping

Whilst all domestic workers in Saudi Arabia experience discrimination and mistreatment on the basis of racist and gendered stereotypes, in our experience African domestic workers face more discrimination and prejudice in Saudi Arabia compared with workers from other regions. For example, as Kenyan women, we were paid less than other nationalities doing the same work, such as Filipina women. The majority of us were paid around 900 SAR per month whereas a Filipina domestic worker working in the same household was paid 1500 SAR. We also noticed that Filipina workers were given a day off by the employer but most of us were not given the same right. Many of us were also made to sleep in the kitchen or on the rooftop, whereas workers of other nationalities in the household were given accommodation in proper rooms in designated “servant quarters.” We also observed that whilst we would be given only leftovers and scraps, the non-African workers in the household would be allowed to eat the same food as the family.

Outside of domestic work, we have observed similar forms of discrimination against African women workers. In restaurants, African workers are made to work in the kitchens, cooking and cleaning, and only Asian workers, particularly people who are lighter-skinned, are allowed to work “front of house.”

Article 11: Employment

Lack of labour rights protections for domestic workers

The conditions of work for most of us were extremely hard to the extent that we found the conditions in the deportation centres more humane than in our employers’ houses. We know of workers who surrendered themselves to the deportation centres just so they could receive medication and food.

Domestic workers frequently experience violence, harassment and abuse at work and the response from the authorities has often been inadequate. Many victims are afraid to report what is happening for fear of stigma or retaliation by the employer. The only way that many of us have been able to get help is by going online and publicising our situation with the media back home.

travel assistants, home farmers, private speech and hearing specialist, personal assistants, supports workers, among others.

⁴ "Saudi labour reforms to come into force - Migrant Rights." 13 Mar. 2021, <https://www.migrant-rights.org/2021/03/saudi-labour-reforms-to-come-into-force-tomorrow/>. Accessed 12 Jul. 2023.

⁵ <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

Whilst we were supposed to have health coverage when we were working in Saudi Arabia, most of the employers refused to take us to the hospital when we were sick. In one case last year, a Kenyan woman was starved by her employer and denied access to medicine. The employer had confiscated the woman's passport and mobile phone, so she was unable to call for help or try to escape. Eventually she became very weak, and it became apparent that she needed to see a doctor. To "test" whether the woman was pretending to be unwell, the employer poured boiling water over her, severely burning her. The employer continued to refuse to take her to hospital, and the woman only received healthcare when a Kenyan NGO became aware of her case and helped her return to Kenya. She did not set foot in a hospital or medical centre for the duration of her time in Saudi Arabia.

We were also given very little information about our labour rights when we were in Saudi Arabia. We are not sure if there is a legal minimum wage in Saudi Arabia - all we knew was that the standard salary for Kenyan domestic workers is around 800-900 SAR per month (around \$210 USD). Similarly we did not know if there was any legal limit on the hours we worked. Most of us were made to work very long hours, sometimes up to 21 hours a day. The working hours seemed to be at the complete discretion of the employer.⁶

Some of our employers would also not let us visit a bank, which meant there was no way for us to send money home. We would just have to wait and hope that our employers would take us to the bank at some point. This could be after two months, after six months or sometimes never and we would just be paid in cash with no way to send the money home. One woman amongst us had her phone confiscated by her employer so even when money was deposited to her bank account, she had no way to send it to her children.

Restrictions on the freedom of movement for domestic workers

We did not know that employers are not supposed to confiscate our passports. All our passports were confiscated immediately as soon as we arrived. The employers did not even try and do this discretely or hide the fact that they were doing it from the authorities. This made us believe that there was no rule against it. We did notice however that workers of other nationalities were sometimes allowed to keep their passports, which made it easier for them to change employers or go to the hospital when they were sick.

Domestic workers are also still legally required to obtain exit permits, i.e. permission to leave the country, from their employers. If we left our employer's house without permission we could be criminalised for "absconding". At the deportation centre we met with women who had been through horrific experiences who had had to run away from abusive employers. Rather than being helped they were arrested and put in a deportation centre. Kenyan people are very hardworking. If a worker had absconded from her duties, she must have been in a very extreme situation to take that risk.

⁶ At the time that the women were in Saudi Arabia there was a legal limit of 15 hours of work per day. For all other works, the limit was 10 hours per day.

Ban on workers' collectives

Migrant domestic workers are not permitted to join unions or organise collectively in Saudi Arabia. Any attempts by us to organise or advocate for our rights are met with repression. Basically, we have no rights as workers. Some Asian workers have formed informal organisations though, and they were able to help us when we were in situations of exploitation and to assist us to be repatriated.

Article 15: Equality before the law

Discrimination between nationalities

Some of the difference in treatment between workers of different nationalities is due to the Bilateral Labour Agreements (BLA) that the Government of Saudi Arabia signs with individual countries. For example, we know that the BLA that exists between the Philippines and Saudi Arabia insists that Filipina domestic workers must be paid a minimum of 1500 SAR. No such agreement exists between Kenya and Saudi Arabia and so we are given less rights than women of other nationalities.

Laws and policies which restrict migrant domestic workers from accessing justice

There is no access to justice for us in Saudi Arabia. More often than not, when we reported abuse, the police would beat us and return us to the employer's house. Communication with the police was also very difficult as it was always in Arabic and interpreters are rarely provided.

There was also no proper mechanism for rescuing domestic workers and in our experience, victims of trafficking and labour exploitation are often deported rather than being allowed to remain in the country and find new employment. One woman who ran away was caught by the authorities and put in prison for nine months after her employer had accused her of stealing money from the safe. When we looked at her hands and her ankles we could see the scars from the chains that she was kept in. After many months in prison, the woman managed to convince the judge that if she had stolen the money from the safe she would of course have also taken back her passport too. Eventually this persuaded the judge but her only remedy was to be transferred from prison to a deportation centre.

We understand that in 2023, the Saudi Arabian government detained and deported over 300,000 migrants with irregular status, with no assessment as to whether any of these people may be victims of trafficking.⁷ Migrants have no opportunity to contest their deportation order, and the Saudi Arabian government does not consistently and systematically screen detained migrants to identify potential trafficking indicators.⁸

⁷ "Thousands of migrants detained and deported across GCC, with no regards to their rights" 31 May 2023, <https://www.migrant-rights.org/2023/05/thousands-of-migrants-detained-and-deported-across-gcc-with-no-regards-to-their-rights/>. Accessed 12 Jul. 2023

⁸ United States State Department Trafficking in Persons Report 2023. Country Profile: Saudi Arabia. 15 Jun. 2023, <https://www.state.gov/reports/2023-trafficking-in-persons-report/saudi-arabia/> Accessed 12 Jul. 2023

A note about the new domestic workers law

Since the women who contributed to this report returned from Saudi Arabia, the Government has announced a new law for domestic workers, which will come into effect on 21 September 2024.⁹ Whilst this has been touted by the Government as a law to protect the rights of domestic workers, it perpetuates the unfair treatment of domestic workers, affording them less labour rights than all other workers.

Under the new law, domestic workers will still be required to work longer hours than all other workers. For all other workers, the Labour Law prescribes a maximum working hours of eight hours per day, yet the new domestic workers law sets the maximum at 10 hours per day for domestic workers.

There continues to be no provision for overtime for domestic workers whereas all other workers are entitled to 100% of their normal wage plus 50% of their basic wage for any overtime worked. Domestic workers also continue to face greater restrictions on changing employers, and still require an exit permit to leave the country.

Whilst the new law now lists for the first time the abuses against domestic workers that are prohibited (such as passport confiscation, sexual harassment and assault), the true test will be in its implementation. Provisions of the old domestic work law were rarely enforced, and in some cases, amended regulations, including domestic workers' right to change employers when they are not paid, were not put into practice at all.

Recommendations

1. End discrimination between different nationalities of workers. Access to labour rights and decent work should not depend on whether a worker's government has signed a BLA with the Saudi Arabian government or not.
2. Abolish the absconding/huroob laws and remove all restrictions on exit permits to enable migrants to freely return to their countries without requiring permission.
3. Incorporate domestic workers into the labour law.
4. Establish a non-discriminatory minimum wage for all migrant workers.
5. Provide interpreters and legal aid to all migrant workers who lodge complaints and potential victims of trafficking.
6. Enforce the prohibition against employers confiscating workers' passports and from charging recruitment fees. Ensure that employers who do so are investigated and appropriately sanctioned.
7. Ensure all people in shelters and detention centres are screened for potential trafficking indicators.
8. Strengthen accountability among agents and government-affiliated recruitment agencies to ensure safe migration processes are practised upon recruitment, during pre-departure processes and on the deployment of migrant workers.

⁹ <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

PART 2: Information for the Committee on the Elimination of Discrimination against Women about the human rights situation of migrant domestic workers in Saudi Arabia

89th Session (October 2024)

Submitted by: Tarangini Foundation and the Global Alliance against Traffic in Women

Consent to publish on CEDAW Website: Yes

Contact details: gaatw@gaatw.org

About Tarangini Foundation and GAATW

Tarangini Foundation is a feminist non-governmental organisation based in Nepal that is working to document and advocate for women's right to work, bodily autonomy and identity. Tarangini Foundation works closely with women who have returned from migrating overseas, and advocates for their equal participation in public life and access to decent work at home.

The Global Alliance against Traffic in Women (GAATW) is an alliance of non-governmental organisations from Africa, Asia, Europe, Latin America and the Caribbean, and North America. Member organisations include migrant rights organisations, anti-trafficking organisations and self-organised groups of migrant workers. Tarangini Foundation is a partner of GAATW under GAATW's "Women Workers Forum" programme. The Women Workers Forum creates a supportive space for workers' political education through peer-learning processes. It is premised on the belief that women workers can set their own learning agendas and articulate their own visions for change. GAATW supports workers' groups in several countries across Southeast and South Asia and Africa.

Unless otherwise indicated, this submission is based on the direct testimony of 17 Nepali women who had previously worked in Saudi Arabia. This testimony was shared in two focus group discussions on 29 April 2024 and 15 May 2024 in Letang and Kavre districts.

Background and Context

Saudi Arabia employs over 10.9 million migrant workers, who account for over 75% of the labour force.¹⁰ Saudi Arabia has the largest number of domestic workers in the world - there are over 3.5 million documented domestic workers in the country, representing around 28% of total employment.¹¹ The majority of domestic workers are women, though the category also includes drivers, gardeners and security guards who tend to be men.¹²

¹⁰ "Number of employees in Saudi Arabia hits 14.59 mln in Q3 2022."

<https://www.argaam.com/en/article/articledetail/id/1613855>. Accessed 12 Jul. 2023.

¹¹ "Making decent work a reality for domestic workers in the Middle East:."

https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_831916.pdf. Accessed 12 Jul. 2023.

¹² Domestic workers include house managers, drivers, servants, house cleaners, cooks and caterers, house guards, buildings and rest houses, home farmers, private tutor, housekeepers, personal care workers, coffee makers, travel assistants, home farmers, private speech and hearing specialist, personal assistants, supports workers, among others.

Virtually all non-nationals are governed by the kafala, or sponsorship system. The Government of Saudi Arabia made several reforms to the employer-tied visa system in 2021, but none of these reforms extend to domestic workers.¹³ In October 2023, the Government announced a new law for domestic workers, which will come into effect on 21 September 2024.¹⁴ The ineffectiveness of these proposals is discussed below.

Testimony from Nepali women workers on the human rights situation in Saudi Arabia

Article 11: Employment

I. Lack of labour rights protections for domestic workers

We were not treated well by our employers. We would be punished for the slightest mistake. Punishments included being deprived of food.

Domestic workers are not treated equally to other migrant workers. There were no fixed working hours, no holidays or sick leave for us as domestic workers. We did not have the freedom to go out and were confined within the walls of the house. Other workers would get paid leave and a day off once a week, but we did not even get time to rest during the day. One of us shared that when she was sick her employer would inject her with a syringe with a substance that would “remove her pain and make her even stronger.” Our colleague does not know what the “medicine” was as her employer never told her.

We do not know if there are any laws that protect the rights of migrant workers in Saudi Arabia. If there are, we were not told about them by either our employers or the recruitment agencies. As we do not read Arabic it was difficult for us to read any official documents and most of us were not allowed to go outside of the house so it was difficult to find out information from others. Most of us were not allowed to watch television either.

Therefore we do not know if there is a minimum wage for domestic workers, we just agreed to whatever salary the agent had allocated us. Amongst us there was a wide variance in the salaries that we received.

Similarly we do not know if there is any legal maximum number of working hours. We assume not, as almost all of us worked for more than 18 hours every day.¹⁵ One of us shared how at the end of the day, her body would be totally numb and a friend would have to massage her legs to get the feeling back in them. We also had limited time to eat. We were never given a proper break to eat - we would be expected to be watching the children at all times, so we had to be very careful while eating.

II. Restrictions on the freedom of movement for domestic workers

¹³ "Saudi labour reforms to come into force - Migrant Rights." 13 Mar. 2021, <https://www.migrant-rights.org/2021/03/saudi-labour-reforms-to-come-into-force-tomorrow/>. Accessed 12 Jul. 2023.

¹⁴ <https://www.migrant-rights.org/2023/10/an-overview-of-saudis-new-domestic-workers-law/>

¹⁵ At the time that the women were in Saudi Arabia there was a legal limit of 15 hours of work per day. For all other workers, the limit was 10 hours per day.

We were not allowed to choose to change our employer. The only times that our employers changed were if the employers and the agents agreed it amongst themselves. We had no say over who our employer was.

If we left our place of employment we were punished and taken back to the agent.

Our passports were taken from us as soon as we arrived at the airport in Saudi Arabia. We only saw our passports again on the day we each returned back home.

III. Ban on workers' collectives

We were not allowed to organise or form unions. It was also difficult for us to make friends with other Nepalis. When we were working at our employers' parties and we would see another Nepali, we would feel very overwhelmed. Some of us were not allowed to talk to other people, and most of us were in constant fear of our employers. We also had to always be alert if we were taking care of a child and did not feel we could talk to other people whilst doing this work.

Article 15: Equality before the law

It was impossible for us to access justice for rights violations we experienced as migrant domestic workers. As we were not allowed to leave our employer's house, we did not know where we could go to complain or seek help. The language barrier also made it difficult for us.

We also heard about other migrant women being sentenced to death, and hearing about those incidents would affect our mental health. We did not feel safe and were worried our employers could falsely accuse us of something as a punishment. We never complained about our mistreatment because we were afraid.

Article 5: Sex roles and stereotyping

As migrant women, we experienced specific discrimination on the basis of our gender and our nationality. Our employers believed as migrant women we did not need to wear good clothes or eat good food so we were given lower quality clothes, shampoo and other items for our daily use.

Article 6: Trafficking

Several of us experienced trafficking. One of us was trafficked and sold to various places. In her words, *"I was taken through an agent to another country and after 21 days I was again sold to Saudi Arabia from this other country. When I reached Saudi Arabia, I was taken to the agent's office and was asked to stand in line with other women and the employers would come and choose. As I was smaller in height and not so good looking I was only chosen after a week or so. When I reached the house of this employer, I was again sold to many different places but did not receive any of the money that the employer was paid for contracting out my services."*

This experience was not uncommon. Many of us experienced being asked to work in other locations for a few days and were not paid anything for it. We assume that our employers were profiting from the exploitation of our labour.

A note about the new domestic workers law

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Whilst the new law now lists for the first time the abuses against domestic workers that are prohibited (such as passport confiscation, sexual harassment and assault), the true test will be in its implementation. Provisions of the old domestic work law were rarely enforced, and in some cases, amended regulations, including domestic workers' right to change employers when they are not paid, were not put into practice at all.

Recommendations

1. Abolish the absconding/huroob laws and remove all restrictions on exit permits to enable migrants to freely return to their countries without requiring permission.
2. Incorporate domestic workers into the labour law.
3. Establish a non-discriminatory minimum wage for all migrant workers.
4. Provide interpreters and legal aid to all migrant workers who lodge complaints and potential victims of trafficking.
5. Enforce the prohibition against employers confiscating workers' passports and from charging recruitment fees. Ensure that employers who do so are investigated and appropriately sanctioned.
6. Ensure all people in shelters and detention centres are screened for potential trafficking indicators.
7. Strengthen accountability among agents and government-affiliated recruitment agencies to ensure safe migration processes are practised upon recruitment, during pre-departure processes and on the deployment of migrant workers.

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