

# Trafficking in Persons Report 2011

## **SAUDI ARABIA (Tier 3)**

Saudi Arabia is a destination country for men and women subjected to forced labor and to a much lesser extent, forced prostitution. Men and women from Bangladesh, India, Sri Lanka, Nepal, Pakistan, the Philippines, Indonesia, Sudan, Ethiopia, Kenya, and many other countries voluntarily travel to Saudi Arabia as domestic servants or other low-skilled laborers, but some subsequently face conditions indicative of involuntary servitude, including nonpayment of wages, long working hours without rest, deprivation of food, threats, physical or sexual abuse, and restrictions on movement, such as the withholding of passports or confinement to the workplace. Recent reports of abuse include the driving of nails into a domestic worker's body. Although many migrant workers sign contracts delineating their rights, some report work conditions that are substantially different from those described in the contract while others never see the contract at all, leaving them vulnerable to forced labor, including debt bondage. Due to Saudi Arabia's requirement that foreign workers receive permission from their employer to get an "exit visa" before they are able to leave the country, some migrant workers report that they were forced to work for months or years beyond their contract term because their employer would not grant them the exit permit. Local and international media reported in May and June that some Nepalese domestic workers had been recruited to work in Kuwait and then illegally transported to work in Saudi Arabia against their will.

Women, primarily from Asian and African countries, were believed to have been forced into prostitution in Saudi Arabia; others were reportedly kidnapped and forced into prostitution after running away from abusive employers. Yemeni, Nigerian, Pakistani, Afghan, Chadian, and Sudanese children were subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. Saudi authorities reported fewer Yemeni children may have been forced to work in Saudi Arabia during the reporting period. Some Saudi nationals travel to destinations including Morocco, Egypt, Yemen, Afghanistan, Pakistan, India, and Bangladesh to solicit prostitution. Some Saudi men used legally contracted "temporary marriages" in countries such as Egypt, India, Mauritania, Yemen, and Indonesia as a means by which to sexually exploit young girls and women overseas.

The Government of Saudi Arabia does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. In a positive development, the government undertook some efforts to improve its response to the vast human trafficking problem in Saudi Arabia, including training government officials on its 2009 anti-trafficking law and conducting surprise visits to places where victims may be found. The government also achieved its first conviction under its human trafficking law. Nonetheless, the government did not prosecute and punish a significant number of trafficking offenders or significantly improve victim protection services during the year. The government's policy of allowing Saudi citizens and residents to sponsor migrant workers and restrict their freedoms, including exit from the country, continued to obstruct significant progress in dealing with human trafficking. While Saudi Arabia continued to discuss alternatives to

its sponsorship law, the government did not implement any new system. Domestic workers – the population most vulnerable to forced labor – remained excluded from general labor law protections, and employers continued to regularly withhold workers' passports as a means of keeping them in forced labor.

**Recommendations for Saudi Arabia:** Significantly increase efforts to prosecute, punish, and stringently sentence traffickers, including abusive employers and those culpable of trafficking for commercial sexual exploitation, under the 2009 anti-trafficking law; enforce laws prohibiting employers from withholding migrants' passports and arbitrarily denying permission for exit visas as a means of preventing trafficking abuses; reform the structure of the sponsorship system to discourage employers from withholding workers' passports and restricting workers' movements; institute a formal victim identification mechanism to distinguish trafficking victims among the thousands of workers deported each year for immigration violations and other crimes; ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as running away from abusive employers; ensure trafficking victims in practice are able to pursue criminal cases against their employers; improve victim protection at the Riyadh shelter by transforming it into an open shelter where victims are not locked in; enforce labor laws and expand full labor protections to domestic workers; and continue and expand judicial training and public awareness campaigns on recognizing cases of human trafficking.

### **Prosecution**

The Government of Saudi Arabia made limited law enforcement efforts against human trafficking during the reporting period. The "Suppression of the Trafficking in Persons Act," promulgated by Royal Decree number M/40 of 2009 defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years and fines of up to \$266,667. Penalties may be increased under certain circumstances, including trafficking committed by an organized criminal group or committed against a woman, child, or person with special needs. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes. Since the law includes some concepts unrelated to human trafficking, the government must disaggregate law enforcement activity under this law to indicate which prosecutions and convictions are for trafficking. Although the 2009 anti-trafficking law does not address withholding passports and exit visas as a means of obtaining or maintaining a person's forced labor or service, Council of Ministers decision 166 of 2000 prohibits the common practice of withholding workers' passports. The Council of Ministers statement accompanying the 2009 anti-trafficking law secures the right of victims to remain in Saudi Arabia during the investigation and court proceedings, incentivizing their assistance in prosecutions. The government's Permanent Committee on Trafficking funded and organized regional trainings for 48 judges, lawyers, recruitment officers, social workers, and police officers on the 2009 anti-trafficking law and the definition of trafficking. During the reporting period, the government reported receiving 23 accusations of trafficking, resulting in 13 ongoing investigations and 10 prosecutions. One of these cases resulted in a successful conviction. On January 9, 2011, the Medina Summary Court sentenced a 54-year old Saudi woman accused of abusing and severely injuring her Indonesian maid to three years in prison, but denied the victim any monetary compensation associated with the criminal case. The victim is, however, entitled to monetary compensation in the ongoing civil trial. According to the Permanent Committee on Trafficking, government authorities also arrested individuals in at least nine other

trafficking cases. The government neither reported any arrests, prosecutions, convictions, or sentences for forced prostitution, nor did it report efforts to enforce the Council of Ministers decision prohibiting the confiscation of foreign workers' passports; this practice continued to be widespread. The government also did not report any investigations, arrests, prosecutions, or sentences of government officials for trafficking-related complicity.

## **Protection**

Saudi Arabia made limited progress in protecting victims, but its overall efforts remained inadequate during the reporting period. Despite unannounced visits by the Permanent Committee on Trafficking to deportation centers, prisons, shelters, juvenile detention centers, equestrian clubs, and camel races to identify victims, procedures were not implemented to systematically identify victims of trafficking among vulnerable populations and the Committee did not report any victims identified during their visits. As a result, many victims of trafficking are likely punished for acts committed as a result of being trafficked. Under Saudi law, foreign workers may be detained, deported, or in some cases, corporally punished for running away from their employers. Council of Ministers decision 244 authorizes the Permanent Committee on Trafficking to exempt trafficking victims from these punishments, but victims are often detained or deported without being identified. Women arrested for prostitution offenses face prosecution and, if convicted, imprisonment or corporal punishment, even if they are victims of trafficking.

The 2009 anti-trafficking law affords victims explanation of their legal rights in a language they understand, physical and psychological care, shelter, security, and the ability to stay in Saudi Arabia to testify in court proceedings. However, many victims sought refuge at their embassies instead; source countries report handling thousands of complaints of unpaid wages, physical or sexual abuse, or poor working conditions each year. One victim received medical and legal assistance from the Government of Saudi Arabia for injuries inflicted by her trafficker, including services for reconstructive surgery. It remains unclear, however, whether these rights are afforded in regular practice. No shelter or services are available to victims of sex trafficking. The government operated a short-term shelter for female runaway domestic workers in Riyadh, some of whom were likely subjected to physical or sexual abuse by their employers. In previous years, victims of physical and psychological abuse at these shelters reported that they were unlikely to receive assistance and some reported long waiting periods before the conclusion of their cases. The women were not free to leave and experienced restrictions on communication with family or consular contacts. In smaller cities in Saudi Arabia with poor access to the government shelter, victims of trafficking were kept in jails until their cases were resolved. Updated information on the conditions at these shelters was not available at the end of the reporting period. The government did not operate any long-term shelters or facilities to assist male victims of trafficking.

Saudi Arabia offered temporary relief from deportation to two victims who identified themselves to authorities. However, victims who have run away from their employers, overstayed their visas, or otherwise violated the legal terms of their visas were frequently jailed without being identified as victims. Some Saudi employers prevented foreign workers from leaving the country by refusing permission for them to get exit visas; this resulted in workers working beyond their contract terms against their will, languishing in detention centers

indefinitely, or paying money to their employers or immigration officials to let them leave. Some police officers assisted victims by referring them to the government shelter. Other police officials, however, returned foreigners to their employers, pressured them to drop cases, or persuaded victims to take monetary compensation in lieu of filing criminal charges against their employers. Some employers file false counter-claims against foreign workers for theft, witchcraft, and adultery in retaliation for workers' claims of abuse; as a result, in many cases, the workers rather than the employers are punished, which discourages workers from reporting abuse. The government provided some legal assistance to victims of trafficking, including the victim whose employer was sentenced under the 2009 anti-trafficking law. Nonetheless, few migrants successfully pursue criminal cases against abusive employers due to lengthy delays in the immigration and justice system.

## **Prevention**

The government has made nominal progress in preventing human trafficking during the reporting period, but systemic problems resulting from sponsorship system regulations persisted. The Ministry of Islamic Affairs continued to encourage imams to regularly include anti-trafficking messages in their Friday sermons. To increase workers' awareness of their rights, the Ministry of Labor continued to produce a guidebook for migrant workers in Arabic, English, and some source country languages. The government failed, however, to significantly reform the sponsorship structure to discourage employers from withholding workers' passports and restricting workers' movements. The structure of the sponsorship system, which holds employers responsible for the foreign workers they employ, enables employers to withhold foreign workers' passports and restrict workers' movements. Saudi Arabian law enforcement authorities had previously taken an administrative or civil approach in addressing cases of exploitation of workers, such as assessing fines, blacklisting or shutting down employment firms, issuing orders for employers to return withheld passports, or requiring employers to pay back wages. Despite efforts by the Permanent Committee on Trafficking to train law enforcement officials on the criminal punishments that can be levied in worker abuse cases, these punishments are not yet widely applied. In addition, domestic workers remain excluded from general labor law protections. In the reporting period, Saudi Arabia did not take actions to reduce the demand for prostitution or child sex tourism by Saudi nationals or acknowledge that trafficking for commercial sexual exploitation was a problem affecting the Kingdom.