

## SAUDI ARABIA (Tier 3)

Saudi Arabia is a destination country for men and women subjected to forced labor and to a 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. Although many migrant workers sign contracts delineating their rights, some report work conditions that are substantially different from those described in the contract. Other migrant workers never see a contract at all, leaving them especially 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, migrant workers report that they are forced to work for months or years beyond their contract term because their employer will not grant them an exit permit.

Women, primarily from Asian and African countries, are believed to be forced into prostitution in Saudi Arabia. Some female domestic workers are reportedly kidnapped and forced into prostitution after running away from abusive employers. Yemeni, Nigerian, Pakistani, Afghan, Chadian, and Sudanese children are subjected to forced labor as beggars and street vendors in Saudi Arabia, facilitated by criminal gangs. A Saudi study conducted in 2011 reported that most beggars in Saudi Arabia are Yemenis between the ages of 16 and 25. 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. The government continued, in a limited fashion, to prosecute and convict trafficking offenders under the 2009 anti-trafficking law. The government made modest efforts to improve its response to the vast human trafficking problem in Saudi Arabia by training government officials on victim identification and prevention, and worked to improve victim protection services. However, 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 preclude significant progress in dealing with human trafficking. The Saudi government did not reform its migrant laborer sponsorship system, though it discussed possible alternatives during the year that would provide protections for foreign workers and increase government oversight. 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, despite this practice being prohibited by a 2000 Council of Ministers' decision.

**Recommendations for Saudi Arabia:** Reform the sponsorship system and enforce existing laws to discourage employers from withholding workers' passports and restricting workers' movements, including arbitrarily denying permission for exit visas, as a means of preventing trafficking abuses; 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; 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 are able to pursue criminal cases against their employers in practice; continue to improve victim protection at government-run shelters by transforming them into open shelters where victims are not locked in; ensure that all victims of trafficking can seek assistance; 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 2009 "Suppression of the Trafficking in Persons Act," promulgated by Royal Decree number M/40, defines and prohibits all forms of human trafficking, prescribing punishments of up to 15 years and fines of up to the equivalent of \$266,667 for violations. 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 practice of withholding workers' passports as a separate, lesser offense. 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 reported that it prosecuted 11 cases of human trafficking, though the government did not report the details of these cases, and it is unclear if these cases occurred during the reporting period. During the reporting period, the government achieved only one conviction under its anti-trafficking law; details of that case were not provided. There were no prosecutions or convictions of cases involving forced begging. The government did not report efforts to enforce the Council of Ministers' decision prohibiting the confiscation of foreign workers' passports; this practice continued to be widespread. During this reporting period, the government reported efforts to track and collect data on trafficking-related investigations, arrests, prosecutions, and convictions, yet the government failed to provide comprehensive law enforcement data. The government also did not report any investigations, arrests, prosecutions, or sentences of government officials for trafficking-related complicity. However, according to media and NGO sources abroad during the reporting period, an Indonesian domestic worker alleged that a Saudi diplomat working in Germany – her employer – had subjected her to forced labor and abuse. The victim alleged that she worked 18-hour days with no holidays, never received wages for her work, did not have access to her passport, and was physically and mentally abused. During the reporting period, the government's inter-ministerial permanent committee to combat trafficking provided training sessions for law enforcement and judicial personnel and completed three "train-the-trainer" courses for investigators and police officers on trafficking indicators.

## **Protection**

Saudi Arabia made limited, although inconsistent, progress in protecting victims, but its overall efforts remained inadequate during the reporting period. The government's annual budget for calendar year 2012 includes the equivalent of \$1 million for the permanent committee to combat trafficking; however, procedures were not fully

implemented to systematically identify victims of trafficking among vulnerable populations, and government officials still lack the necessary training on prevention, identification, and prosecution of trafficking cases. 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 or deported for running away from their employers. Council of Ministers Decision 244 authorizes the permanent committee to combat trafficking to exempt trafficking victims from these punishments, yet 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; there are no legal protections or policy guidelines that shield victims from prosecution. Moreover, at least 25 Indonesian domestic workers remained in judicial proceedings and could be sentenced to death. Some workers have already been sentenced to death and await execution for various crimes, including those committed against their Saudi employers after some of the accused were reportedly subjected to conditions of forced labor.

The 2009 anti-trafficking law affords victims an 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. The Saudi media reported that foreign workers successfully sought help from government authorities after their sponsors failed to pay their wages or prohibited them from leaving the country. In one such case, a Saudi sponsor paid an Indonesian domestic worker the equivalent of \$15,200 in back wages after Riyadh police intervened. In another case, the Hail provincial governor assisted an Indian shepherd to recover more than the equivalent of \$22,500 in unpaid wages from his Saudi sponsor and facilitated the foreign worker's repatriation to India. Despite these positive steps, during the reporting period, many victims still sought refuge at their embassies, and source countries reported handling thousands of complaints of unpaid wages, physical or sexual abuse, or poor working conditions each year. No shelter or services are available to victims of sex trafficking or male victims of trafficking. The government operated a center for female runaway domestic workers in Riyadh, some of whom were likely subjected to physical or sexual abuse by their employers. The Ministry of Social Affairs Anti-Begging Department also operated shelters for child beggars in various cities in the country. In previous years, victims of physical and psychological abuse at these centers reported that they were unlikely to receive assistance, and some reported long waiting periods before the conclusion of their cases. 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; however, during this reporting period, some trafficking victims in smaller cities were reportedly transported to shelters in larger cities. During the reporting period, the government reported providing services and assistance to 1,000 Southeast Asian workers who had been held in conditions of forced labor, including receiving no wages for work and inadequate housing without food. The permanent committee facilitated some of these workers' requests for repatriation and provided shelter for those who chose to stay until the dispute was resolved in hopes that their full salaries would be paid.

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 to permit them to receive exit visas, which 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. In previous reporting periods, some police officers assisted victims by referring them to government shelters. Other police officials, however, returned foreign workers 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 were punished, which discouraged workers from reporting abuse. Few migrants successfully pursued criminal cases against abusive employers due to lengthy delays in the immigration and justice system.

## **Prevention**

The government made some progress in preventing human trafficking during the reporting period, but systemic problems resulting from the sponsorship system regulations remained largely unaddressed. However, the government discussed possible alternatives to the sponsorship system that would provide protections for foreign workers and increase government oversight. In July 2011, the government issued regulations mandating the formation of new "unified recruitment companies" which provide that only specified companies will be able to have visas issued for new expatriate workers and that the companies will be held responsible for the well-being of laborers, including domestic workers for whom they obtain visas, and incur penalties and restrictions on importing labor if workers are abused. At least two unified recruitment companies have been fully licensed and another 13 have been granted preliminary licenses. The Ministry of Labor plans for at least two companies to operate in each of the country's 13 provinces. The companies must begin operations within the next year or risk losing their licenses. These regulations do not prescribe criminal penalties for abuse of foreign workers and do not provide increased protections for foreign trafficking victims. The government also failed in the regulations to address the widespread practice of employers withholding workers' passports and residency permits and the use of exit permits to control workers' movements. Domestic workers remain excluded from general labor law protections.

To increase workers' awareness of their rights, the Ministry of Labor continued to produce a guidebook distributed to all migrant workers entering the country in Arabic, English, and some source country languages; these guidebooks also contain a telephone number for workers to report abuse. Additionally, Saudi police maintained a 24-hour emergency anti-trafficking hotline with operators who speak Arabic and English. The government reportedly broadcast 250 programs and public service announcements on human trafficking issues, including treatment of foreign workers, on television and radio during the reporting period. The government took actions to reduce the demand for prostitution, as Sharia law prohibitions against prostitution are strictly enforced in Saudi Arabia. The Saudi government did not report efforts to reduce the demand for child sex tourism by Saudi nationals abroad.