

I. Summary

Initially I got 400 riyals as my monthly salary. Every two years they increased it by 100 or 200 riyals. By the end I earned 700 riyals [\$182]¹ per month.... On top of my salary they gave me some extra money when I left for the last time. I used to save money and send the amount of 200 riyals, 500 riyals, or 700 riyals to my house.... My husband spent the money very carefully, used it to build this house, educate and feed my children, and pay their medical expenses.

—Fathima F., returned domestic worker, Gampaha, Sri Lanka, November 8, 2006

If I tell my whole story it will not be finished even in a day and a night. When I return home, I will maybe bring nothing.... From 12 midnight to 2:30 a.m. my employer beat me with an electric cable. In the end, she said, “Other madams [employers] would send you home but I won’t. You have only two choices: either you work without a salary, or you will die here. If you die, I will tell the police that you committed suicide.”

Even if I worked without a salary, it did not guarantee that I would not be beaten. That is why I escaped. All the doors were locked so there was no way out, the windows had iron bars, but there was a hole for ventilation in the bathroom from which I escaped. Before I escaped, I prayed and asked Allah for help although my body was very dirty since she did not allow me to take a bath for a month. I prayed.

—Mina S., Indonesian domestic worker, Riyadh, Saudi Arabia, March 12, 2008

Migration offers both opportunity and risk. Perhaps nowhere is this more apparent than in the tremendous flows of contract labor between Asia and the Middle East. On the positive side, workers send home billions of dollars in remittances, which in the

¹ Except where otherwise noted, this report uses the exchange rate between the US dollar and the Saudi riyal in December 2006. At the time, the exchange rate for one riyal was US\$0.26.

best cases help to pull their families out of poverty, fund the building of homes, finance education, and pay for medical care while contributing to the economy of their host country. In the worst cases, workers lose their lives, or are subject to forced labor and trafficking. Most migrants' experiences fall somewhere in between.

Approximately 1.5 million women domestic workers, primarily from Indonesia, Sri Lanka, and the Philippines, work in Saudi Arabia. These workers, viewed at home as “modern-day heroes” for the foreign exchange they earn, receive less protection in Saudi Arabia than other categories of workers, exposing them to egregious abuses with little or no hope of redress. Domestic workers comprise less than a quarter of the eight million foreign workers in Saudi Arabia, but embassies from the labor-sending countries report that abuses against domestic workers account for the vast majority of the complaints they receive.

While many domestic workers enjoy decent work conditions, others endure a range of abuses including non-payment of salaries, forced confinement, food deprivation, excessive workload, and instances of severe psychological, physical, and sexual abuse. Human Rights Watch documented dozens of cases where the combination of these conditions amounted to forced labor, trafficking, or slavery-like conditions.

Saudi labor and social affairs officials interviewed by Human Rights Watch acknowledged the problem of domestic worker abuse, but emphasized that the majority of domestic workers in the country are treated well. No data exists to calculate accurately the number of women migrant domestic workers who confront violations of labor rights and other human rights. However, gaps in the labor code and restrictive immigration practices heighten domestic workers' risk of abuse. Overall practices of strict sex segregation and discrimination against women in Saudi Arabia also contribute to domestic workers' isolation. Those who experience abuse have little hope of full redress.

Legal Framework and Recruitment Practices

The Saudi Labor Law, amended through Royal Decree No. M/51 on September 27, 2005, excludes all domestic workers, denying them protections guaranteed to other workers, such as a day off once a week, limits on working hours, and access to new

labor courts to be established according to court system reforms announced in October 2007. The government has repeatedly announced that it will develop an annex to the labor law that would cover domestic workers, but as of June 2008, the annex was not yet finalized.

Human Rights Watch believes that the adoption and implementation of such an annex could represent a significant step forward. However, in order for the reform to be truly effective, the Saudi authorities would need to introduce protections for domestic workers that are equal to those provided to other workers and that have adequate mechanisms for their enforcement. If not, the annex will be only a cosmetic change that fails to address legal discrimination against domestic workers.

Saudi Arabia's restrictive *kafala* (sponsorship) system, which ties migrant workers' employment visas to their employers, also fuels exploitation and abuse. Under this system, an employer assumes responsibility for a hired migrant worker and must grant explicit permission before the worker can enter Saudi Arabia, transfer employment, or leave the country. The *kafala* system gives the employer immense control over the worker. Human Rights Watch documented numerous cases where workers were unable to escape from abusive conditions or even to return home upon completion of their contracts because their employer denied them permission to leave the country.

Domestic workers suffer from shortcomings not only in the labor and immigration laws, but also a vast, profit-minded, and poorly monitored labor recruitment industry in both the labor-sending countries and Saudi Arabia. The business of recruiting workers in Asia and placing them with employers in the Middle East has thrived as migration flows grew exponentially in the past few decades. In labor-sending countries, recruiters may charge exorbitant fees, provide incomplete or misleading information about working conditions, and, in Indonesia, subject women and girls to forced confinement for months and other pre-departure abuses in training centers. In Saudi Arabia, Human Rights Watch documented cases where labor agents ignored or rejected domestic workers' pleas for help, and in cases where the domestic worker wished to return home, instead transferred them to other employers to avoid repatriation costs.

The Saudi government is considering reforming the *kafala* system by replacing it with three or four large recruitment agencies that would serve as foreign workers' sponsors. This option resolves some of the problems inherent in an employer-based sponsorship system, yet presents new challenges by concentrating a lucrative industry under the control of a few large agencies that would still exercise enormous control over the lives of migrant workers. In order to prevent corruption and abuse of migrant workers by recruitment agents, any such reform should include checks and balances to protect the rights of migrant workers, including mechanisms for rigorous and independent monitoring.

Abuses against Domestic Workers

Many domestic workers may find responsible employers who treat them well, pay them regularly, and ensure appropriate working conditions. These workers' experiences often form the basis of the widespread perceptions in their home countries of lucrative and exciting jobs abroad. Unfortunately, finding a situation that meets minimum standards of decent work is often a matter of luck and not a guarantee. And those who are not so lucky may become trapped in highly exploitative situations with few exit options.

Some employers exploit their control over migrant domestic workers' legal status and their own freedom from obligations under Saudi labor laws. Interviews with domestic workers, diplomats from labor-sending countries, and Saudi officials underlined non-payment and underpayment of wages as the most common complaint. In addition, many women reported the wages they received were lower than the amount promised in contracts signed in their home countries.

We documented several cases of physical and psychological abuse by employers, and in some cases by agents. Examples of abuse included beatings, deliberate burnings with hot irons, threats, insults, and forms of humiliation such as shaving a domestic worker's head. Food deprivation was a common abuse. We interviewed women who reported rape, attempted rape, and sexual harassment, typically by male employers or their sons, and in some instances, by other foreign workers whom they had approached for assistance. Embassies reported that few women approach

Saudi authorities with these complaints due to the risk of being prosecuted themselves for adultery, fornication, or other moral “misconduct.”

“Overwork” was one of the most common complaints received by embassies and the Saudi Ministry of Social Affairs. Most domestic workers reported working 15-20 hours a day, typically with one hour of rest or no rest at all. None of the interviewees had a day off or paid leave. Workload and hours typically increased during Ramadan. Domestic workers reported having to work even when ill or injured and had little access to health care. Furthermore, many domestic workers were employed in large houses but reported inadequate living accommodations, including having to sleep in areas such as storage closets, and in one case, a bathroom.

Saudi immigration policy requires that employers sign an “exit visa” for migrant workers wishing to return home. Many employers refuse to sign these exit visas, forcing domestic workers to continue working against their will for months or years. In other cases, former employers’ refusal to sign prolonged migrants’ departure for months if they had escaped and were waiting in a shelter. When employers force workers to continue their employment against their will, subject them to exploitative work conditions, abuse them physically or sexually, withhold their wages, and confine them to the workplace, these women are in situations of forced labor and often servitude.

Several factors contribute to migrant domestic workers’ isolation, financial stress, and limited access to assistance. Domestic workers may see no way out of abusive situations. Because work permits are tied to the individual employer, leaving or losing one’s job typically means immediate repatriation. Many employers confiscate their domestic workers’ passports and work permits, meaning women and girls fleeing abusive situations can face arrest and immigration detention. Employers held the passports of every domestic worker we interviewed, and in many cases refused to produce them even after interventions by Saudi authorities or embassy officials. Some employers also restrict domestic workers from making or receiving phone calls, talking to neighbors, or leaving the place of employment independently. The majority of domestic workers interviewed by Human Rights Watch reported that if their

employers were not at home, they were locked in the workplace from the outside; several reported being locked in bedrooms or bathrooms for days at a time.

Poor Redress Mechanisms

The Saudi government and the foreign missions of labor-sending countries receive thousands of complaints from domestic workers each year. Our research indicates that many domestic workers' problems may remain unreported given isolation in private homes, employers' ability to repatriate workers at will, and poorly functioning redress mechanisms that provide little incentive to seek official help.

For those complaints reaching Saudi authorities or foreign embassies, the response to labor exploitation and criminal abuses against domestic workers remains ad hoc and may compound the abuse. While Saudi authorities are able to assist some domestic workers to claim their wages and return home, in other instances they return domestic workers to abusive situations, prosecute workers on the basis of counter-complaints made by employers, or negotiate unfair settlements between employers and workers. Given the difference in bargaining power, in negotiated settlements domestic workers often return home without their full salaries or redress for other abuses.

The Ministry of Social Affairs runs a center in Riyadh for domestic workers who require exit visas, return tickets, identity documents, and who have ongoing wage disputes with their employers. This center represents a significant step forward in providing domestic workers with a mechanism to resolve immigration and labor problems. However, several aspects of its operations raise concern. Domestic workers must often settle for unfair financial settlements and wait for months in the overcrowded shelter with little information about their cases.

Migrant domestic workers face several problems should they come into conflict with Saudi Arabia's criminal justice system: uneven or severely delayed access to interpretation, legal aid, and access to their consulates; spurious countercharges of theft or witchcraft from their employers in efforts to mask mistreatment; and discriminatory and harsh morality laws that criminalize mingling with unrelated men and engaging in consensual sexual relationships. Domestic workers who have been

victims of rape or sexual harassment but who cannot prove it in accordance with strict Sharia evidential standards may also be subject to prosecution for immoral conduct or adultery. Punishment for this range of crimes includes imprisonment, whippings, and in some cases, the death penalty.

Embassy officials complain that there is no set procedure or system in Saudi Arabia for handling cases of abuse against domestic workers. One embassy official, requesting anonymity, said, “There is no standard, we can’t tell you this is the procedure for women out of Riyadh, because each is a unique case, there is a different solution each time because there is no procedure.”²

In the absence of effective local redress mechanisms for victims of abuse, the foreign missions of labor-sending countries play a critical role in advocating for their nationals’ rights and providing services such as shelter, legal aid, and assistance in claiming unpaid wages from employers. The capacity and support offered by the missions of Indonesia, Sri Lanka, the Philippines, Nepal, and other labor-sending countries vary widely. Most struggle to handle the high volume of complaints given insufficient financial resources and staff. Although these missions are able to provide key support in many instances, domestic workers approaching them for help complain of long waiting periods with little information about their cases. The shelters operated by the Indonesian and Sri Lankan embassies are grossly overcrowded with unhygienic conditions, and the embassy of Nepal has no shelter despite dealing with a significant number of complaints.

In response to the types of abuses documented in this report, some labor-sending countries have experimented with or called for bans on women’s migration to Saudi Arabia. However, experience shows that such bans often result only in women migrating through less secure, illegal channels that may put them at greater risk. In turn, Saudi Arabia and other countries of employment have tried to reduce their dependence on migrant labor or introduced restrictive immigration policies in an attempt to control the flow.

² Human Rights Watch interview with embassy official J from a labor-sending country, Riyadh, Saudi Arabia, December 13, 2006.

Greater multilateral and regional cooperation is essential for developing and enforcing sound, rights-based migration policy. Given uneven bargaining power, bilateral labor agreements between labor-sending and labor-receiving countries tend to be weak. Emerging initiatives that bring governments together to discuss migration such as the Colombo Process, the Abu Dhabi Dialogue, and the Global Forum on Migration and Development have the potential to serve as important vehicles for addressing migrant domestic workers' rights. These meetings should develop stronger links with United Nations processes, and incorporate and build upon existing human rights treaties and guidelines on migrants.

Key Recommendations to the Government of Saudi Arabia

The key to ending abuse against migrants is not by ending migration, but in providing adequate protections so that domestic workers migrate on the basis of an informed choice, and with guarantees for their rights. Many of the abuses against domestic workers are preventable, and when they do occur, there are clear steps governments can take to hold perpetrators accountable.

Human Rights Watch recommends that the government of Saudi Arabia:

- Reform the visa sponsorship system so that workers' visas are no longer tied to individual sponsors, and they are able to transfer employment or leave the country at will;
- Adopt the proposed annex to the 2005 Labor Code extending labor protections to domestic workers, ensure these equal those provided other workers, and create a timeline and tools for implementation;
- Cooperate with labor-sending countries to monitor domestic workers' working conditions, facilitate rescues, ensure recovery of unpaid wages, and to arrange for timely repatriation;
- Improve the facilities and protocols for the centers for domestic workers operated by the Ministry of Social Affairs;
- Cooperate with labor-sending countries to notify them about detained nationals and to create shelters for survivors of abuse, including medical care, counseling, and legal aid; and

- Establish mechanisms for regular and independent monitoring of labor agencies and recruitment practices, including through unannounced inspections.

Key Recommendations to the Governments of Migrants' Countries of Origin (including Indonesia, Sri Lanka, the Philippines, and Nepal)

- Improve services, including quality of shelters, availability of counseling, and numbers of trained staff, for migrant domestic workers at embassies and consular offices in Saudi Arabia.
- Strengthen the regulation and monitoring of recruitment agents, including through unannounced inspections and effective complaints mechanisms.
- Expand public awareness-raising programs for prospective migrant domestic workers and enhance pre-departure training programs.

A full list of detailed recommendations is at the end of this report.